

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** April 6, 2017

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Minor Subdivision, pursuant to Section 7010 of the County Subdivision Regulations to subdivide an existing approximately 11,960 sq. ft. parcel into two parcels (5,983 sq. ft. and 5,977 sq. ft.) located at 2157 Gordon Avenue in the unincorporated West Menlo Park area of San Mateo County.

County File Number: PLN 2016-00529

**PROPOSAL**

The applicant proposes to subdivide an existing legal parcel of approximately 11,960 sq. ft. into two parcels. Lot A would be approximately 5,983 sq. ft. in size and Lot B would be approximately 5,977 sq. ft. in size. No other development is proposed under this application.

**RECOMMENDATION**

That the Zoning Hearing Officer approve PLN 2016-00529 by making the required findings and adopting the conditions of approval listed in Attachment A.

**BACKGROUND**

Report Prepared By: Pete Bentley, Project Planner 650/363-1821

Applicant/Owner: Chris Romero/James and Linda McGrever Trust

Location: 2157 Gordon Avenue

APN: 074-076-180

Size: 11,960 sq. ft.

Existing Zoning: R-1/S-72 (Single Family Residential/5,000 sq. ft. minimum lot size)

General Plan Designation: Medium Density Residential (6.1 to 8.7 dwelling units/acre)

Parcel Legality: Lot 23 and Lot 24, Block 2, "University Heights Subdivision" recorded in Records of San Mateo County on August 28, 1889, Page 52 of Book D. Legality of the proposed lots is to be accomplished via the proposed subdivision.

Sphere-of-Influence: Menlo Park

Existing Land Use: One single-family residence

Water Service: California Water Service Company

Sewage Disposal: West Bay Sanitary District

Flood Zone: FEMA Designation: Flood Zone X (Areas of Minimal Flooding), FEMA Panel No. 06081C0312E, effective date October 16, 2012.

Environmental Evaluation: Categorically exempt under Section 15315 of the California Environmental Quality Act Guidelines. Class 15 consists of the division of property in urbanized areas zoned for residential use into four or fewer parcels.

Setting: This 11,960 sq. ft. site includes a single-family residence and detached garage (both of which are to be demolished prior to recordation of the parcel map). No development is currently proposed on either parcel. The site is nearly flat, is surrounded by existing single-family homes, and it located adjacent to the City of Menlo Park to the east and the Town of Atherton to the west.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Compliance with General Plan**

The County General Plan designates this area as Medium Density Residential, 6.1 to 8.7 dwelling units per acre. The proposed density, after subdivision, would be approximately 7.72 dwelling units per acre, which is less than the maximum density allowed. The specific density standards for the site are applied through the Zoning Regulations and the subject property is consistent with those standards as discussed below.

General Plan Policy 8.29 (*Infilling*) encourages the infilling of urban areas where infrastructure and services are available. Both the applicable water and sanitary districts have adequate capacity to provide respective service to the additional parcel proposed via the subdivision and any subsequent development. Additionally, both Alameda de las Pulgas and Gordon Avenue are existing improved streets, including drainage, under maintenance by the County Department of Public Works. The proposed subdivision represents infill of an urban area, and the proposed parcel sizes

are in compliance with the minimum parcel size (5,000 sq. ft.) required in this Zoning District.

2. Compliance with Zoning Regulations

The proposed parcels exceed the minimum lot size requirements (5,000 sq. ft.) of the R-1/S-72 Zoning District. The existing house and detached garage are to be demolished as part of the proposed subdivision and prior to recordation of the Parcel Map. Any future development on the newly created parcel must meet all R-1/S-72 development requirements.,

3 Findings of Compliance with Subdivision Regulations

This application and ultimate approval for a two-lot subdivision is required as both Lots 23 and 24 have continued to be conveyed together since they were first purchased until the present day, which has included the existing structures built in 1948. As a result, the only way to “resurrect” the original two lots of record is through this subject subdivision application.

In order to approve this application for a subdivision, the Zoning Hearing Officer must make the following findings:

- a. **This map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan.**

The overall project is consistent with the County’s General Plan as described in Section A.1 of this report.

- b. **The site is physically suitable for the type of development and for the proposed density of development.**

The site is physically suited for single-family residential development for the following reasons: (1) the proposed parcels conform to the minimum parcel size requirements of the R-1/S-72 Zoning District; (2) both proposed parcels include ample building envelopes wherein a residence could be constructed; (3) the County has received documentation that the new parcel can be served by water and sewer facilities, and (4) access to both parcels can be easily provided.

- c. **The design of the subdivision and proposed improvements are not likely to cause serious public health problems, to cause substantial environmental damage, or substantially and avoidably injure fish and wildlife of their habitat.**

There is no evidence to suggest that the project will create a public health problem or cause substantial environmental damage. While the demolition of the existing structures may result in temporary air quality impacts to the site and surrounding neighborhood, conditions of approval have been included in Attachment A of this report to substantially mitigate these impacts.

The design of the subdivision and the proposed improvements will not substantially injure fish or wildlife or their habitat, as the site is not located within 100 feet of a creek or stream. Additionally, Planning staff has included conditions of approval in Attachment A to require that the project minimize the transport and discharge of pollutants from the project site into local storm drain systems and water bodies by adhering to the San Mateo Countywide stormwater Prevention Programs and General Construction and Site Supervision Guidelines.

- d. The design of the subdivision or the type of the improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

There are no easements located on either of the proposed parcels. Individual driveway access to each parcel will be from the existing County-maintained roadway (Gordon Avenue). All necessary utilities, required for development, exist within the roadway right of way. Thus, no utility easements are required. The County Department of Public Works will not require existing utilities to be “stubbed” out from the main trunk lines in the street to the property line prior to recordation of the parcel map. Therefore, future improvements and development will not conflict with existing easements as none exist on the proposed parcels.

- e. The discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a State Regional Water quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code. West Bay Sanitary has the capacity to serve future development**
- f. The land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (“The Williamson Act”).**



- g. The design of the subdivision provides, to the extent feasible, for future passive natural heating or cooling opportunities.**

The proposed subdivision, as designed, can make use of passive heating and cooling; a residence could be located on the proposed new parcel to face westerly, allowing the afternoon sun to passively or actively, with the use of rooftop solar panels, heat the new homes.

- h. The benefits of additional housing are greater than any negative effects the subdivision would have on fiscal and environmental resources.**

The proposal would contribute to additional housing in the County. No negative effects on fiscal or environmental resources have been identified and this project will be processed with an exemption from the California Environmental quality Act (CEQA).

4. Compliance with In-Lieu Fees

Section 7055.3 requires that, as a condition of approval of the tentative map or tentative parcel map, the subdivider will be required to dedicate land or pay a fee in lieu of dedication for the purpose of acquiring, developing or rehabilitating County park and recreation facilities and/or assisting other providers of park and recreation facilities in acquiring, developing or rehabilitating facilities that will serve the proposed subdivision. The section further defines the formula for calculating this fee. The anticipated fee for this subdivision is \$7,196.48 for in-lieu park fees. A worksheet showing the computation methodology is included in Attachment E. However, the final fee shall be based upon the assessed value of the project parcel at the time of recordation of the parcel map.

B. ENVIRONMENTAL REVIEW

The proposed minor subdivision is categorically exempt from CEQA environmental review procedures, pursuant to Class 15, Section 15315 of the California Environmental Quality Act. The exemption applies to land divisions which are located in urbanized areas, propose less than four parcels, conform to the General Plan, require no variances, have all services and access meeting local standards available, have not been involved in a subdivision in the last two years, and have an average slope less than 20%. The project is within the urban zone, would create two parcels and is relatively flat.

C. REVIEWING AGENCIES

Department of Public works  
Building Inspection Section  
Menlo Park Fire Protection District  
Water District  
Sewer District  
Geotechnical Consultant

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map/Assessor's Map
- C. Original tract Map
- D. Tentative Subdivision Map
- E. In-Lieu Park Fee Worksheet

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN2016-00529

Hearing Date: April 6, 2017

Prepared By: Pete Bentley,  
Project Planner

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

For the Environmental Review, Find:

1. That this project is exempt from CEQA, Class 15, Section 15315, regarding division of four or fewer parcels in an urban zone.

For the Minor Subdivision, Find:

2. That this map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan as described in Section A.1 of the staff report.
3. That the site is physically suitable for the type of residential development and for the proposed density of development because: (1) the proposed parcels conform to the minimum parcel size requirements of the R-1/S-72 Zoning District; (2) both proposed parcels include ample building envelopes within which a residence would be constructed; (3) the new parcel can be served by water and sewer facilities; and (4) access to both parcels can be easily provided.
4. That the design of the subdivision and proposed improvements are not likely to cause serious public health problems, to cause substantial environmental damage, or substantially and avoidably injures fish or wildlife or their habitat. The project will have no significantly adverse environmental impacts.
5. That the design of the subdivision or the type of the improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision because no easements exist on the parcels and none are needed. Driveway access and all utilities exist in the road right-of-way allowing for development without easement conflicts.
6. The discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a

State Regional Water quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code. West Bay Sanitary has the capacity to serve future development

7. The land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 ("The Williamson Act").
8. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities because the proposed subdivision, as designed, can make use of passive heating and cooling; a new residence could be located on the new parcel to face westerly, allowing the afternoon sun to passively or actively, with the use of rooftop solar panels, heat the new homes.
9. That the benefits of additional housing are greater than any negative effects the subdivision would have on fiscal and environmental resources because of this proposal would contribute to additional housing in the County. No negative effects on physical or environmental resources have been identified and this project will be processed with an exemption from the California Environmental Quality Act (CEQA).

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Current Planning Section**

1. This subdivision approval is valid for two years, during which time a parcel map shall be recorded. An extension to the time period, pursuant to Section 7013.5 of the County Subdivision Regulations, may be issued by the Planning Department upon written request and payment of any applicable extension fees.
2. A building permit shall be applied for and obtained from the Building Inspection Section prior to demolishing the existing on-site structures. These structures shall be demolished prior to recordation of the parcel map.
3. Prior to recordation of the parcel map, the applicant shall pay to the San Mateo County Planning and Building Department in-lieu park fees as required by County Subdivision Regulations, Section 7055.3. The fees shall be based upon the assessed value of the project parcel at the time of recordation and calculated as shown on the attached worksheet (Attachment E).
4. Prior to the issuance of a building permit for any demolition or future construction, the applicant shall provide an erosion and sediment control plan, which demonstrates how erosion will be mitigated during the construction period. The mitigation will be in place at all times during construction.

5. During any demolition or future project construction, the applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into water bodies by adhering to the San Mateo Countwide Storm water Pollution Prevention Program “General Construction and Site Supervision Guidelines” below.
  - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
  - b. Removing spoils promptly and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled spoils and other materials shall be covered with a tarp or other waterproof material
  - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - d. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - e. Limiting and timing applications of pesticides and fertilizer to avoid polluting runoff.
6. All new utilities for the proposed subdivision shall be installed underground from the nearest existing utility. No new utility poles shall be installed. All future structures will require that utilities shall be installed underground to comply with this condition.
7. No trees shall be removed as part of this subdivision approval. Any tree removal related to this subdivision shall require that the applicant submit a separate tree removal permit application. Unless such removal is specially required to complete improvements conditions by this approval, any such tree removal shall be delayed until such time as a building permit has been issued for a single-family residence.
8. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 5:00 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo Ordinance Code Section 4.88.360).
9. The applicant shall submit a dust control plan for the Planning Department for review and approval prior to the issuance of a building permit associated with any proposed demolition or construction activities. The plan shall include the following control measures:
  - a. Water all active construction areas at least twice daily.

- b. Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- c. Cover all trucks hauling soil and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- d. Apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking, and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive constructive areas.
- e. Sweep (preferably with water sweepers) all paved access roads, parking, and staging areas at construction sites on an “as needed” basis.
- f. Sweep adjacent public streets (preferably with water sweepers) if visible soil material is carried onto them.
- g. Enclose, cover, water or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) on an “as needed” basis.
- h. Limit traffic speeds on unpaved roads within the project parcel to 15 m.p.h.
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways and/or the adjacent waterway.
- j. Replant vegetation in disturbed areas as quickly as possible.

The approved plan shall be implemented for the duration of any demolition or construction activities that generate dust and other airborne particles.

- 10. The applicant shall ensure that if during demolition or construction, any evidence of archaeological traces (human remains, artifacts, concentration of shale, bone, rock, ash) is uncovered then all construction and grading within a 30-foot radius shall be halted, the Planning Department shall be notified, and the applicant shall hire a qualified archaeologist to assess the situation and recommend appropriate measures. Upon review of the archaeologist’s report, the Community Development Director, in consultation with the applicant and archaeologist, will determine steps to be taken before demolition or construction may continue.

Department of Public Works

- 11. Prior to the issuance of a building permit for a new residence, the applicant will be required to provide payment of “roadway mitigation fees” based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
- 12. The applicant shall apply separately for an encroachment permit from the Department of Public Works for all proposed work, including landscaping and

signs, within the County right-of-way prior to commencing any work. The applicant shall be accompanied by plans specific to work in the public right of way, and shall conform to County standards and special provisions. No work shall commence until the encroachment permit has been issued. Applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.

13. Prior to the issuance of future Building permits (or Planning permits, if applicable), the applicant shall submit a driveway "Plan and Profile" to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standard for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
14. Prior to the issuance of the Building permit or Planning permit (for Provision C3 Regulated Projects), the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.
15. The applicant shall prepare a plan indicating the proposed method of sewerage these properties. This plan should be included on the improvement plans and submitted to the Department of Public Works for review. Upon completion of this review, the applicant or his engineer shall have these approved plans signed by the appropriate Sewer District and a copy provided to the Department of Public works, prior to recordation of the parcel map.
16. The applicant shall submit written certification from the appropriate energy and communication utilities to the Department of Public Works and the Planning Department stating that they will provide energy and communication services to the proposed parcels of this subdivision.
17. The applicant shall submit a Parcel Map to the Department of Public Works County Surveyor for review, to satisfy the state of California Subdivision Map Act. The parcel map will be recorded only after all Inter-Department conditions have been met.

### Building Inspection Section

18. A separate demotion permit must be obtained for the existing structures to be removed. Buildings must be demolished before recording of the parcel map.

### Menlo Park Fire Protection District

19. The applicant shall install an Automatic Fire Extinguishing System (AFE) in all proposed future structures. The AFES shall be supplied by a dual domestic and fire water meter. The water meter shall be at least 1-inch with a 1 1/2-inch lateral from the POC or be large enough to supply four sprinkler heads flowing, with 5 gpm additional and a 10% safety factor and the domestic demand whichever is greater (Ordinance No, 30, Section 903.1 of the County of San Mateo Ordinance Code, Division VII, Chapter 3, Article 1, Section 9114).
20. The applicant shall provide an address sign on the front/street side of all dwellings. The numbers shall be visible from the public street. The address numbers shall be at least **4 inches** in height and have a 1/2-inch stroke (CFC 505.1, Ordinance #30, Section 505.1). This shall be required and confirmed by the Fire District prior to the final approval for the building permits for the residences to be built on the two lots.
21. The applicant shall submit, for approval, all construction documents for building permits and fire sprinklers to the Menlo Park Fire District for approval.

### West Bay Sanitary District

22. A conforming property line cleanout within 5 feet of the property line on Gordon Avenue will be required upon development of the proposed parcels. A Class 1A Permit will be required for any work done from the property line to the main sewer connection including the installation of a property line cleanout.
23. The lateral must be 4 inches in diameter and must maintain a minimum 2% slope from the conforming cleanout to the sewer main. If the applicant cannot obtain gravity then an ejector pump must be installed on the property. Please note that a grinder-type pump shall not be used.
24. No pool drains, roof gutters, surface draining, and groundwater sump pumps are allowed to connect to the sanitary sewer.
25. The developer must submit a copy of the recorded parcel map to the District with associated Assessor's parcel number prior to the development of the parcels.

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**San Mateo County Zoning Hearing Officer Meeting**

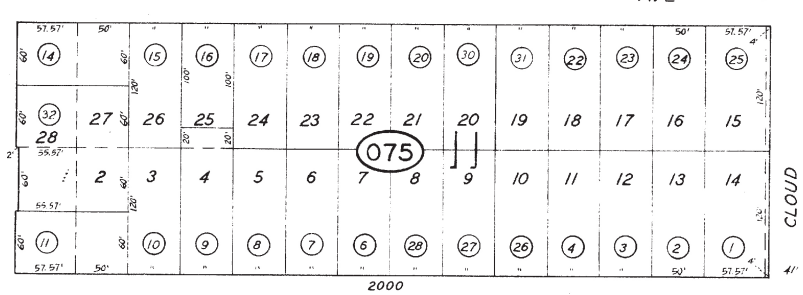
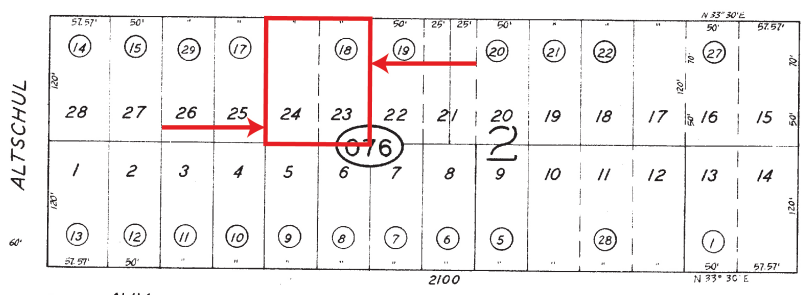
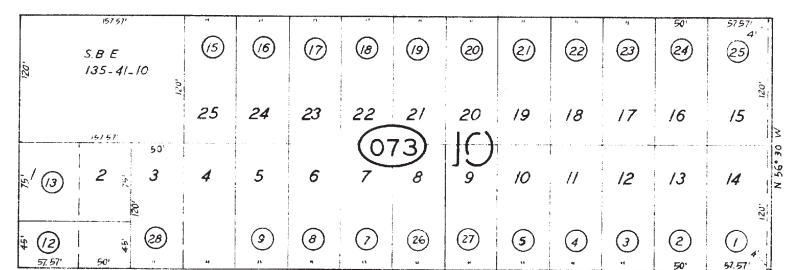
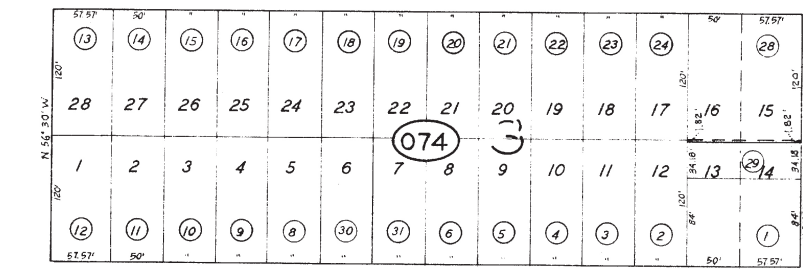
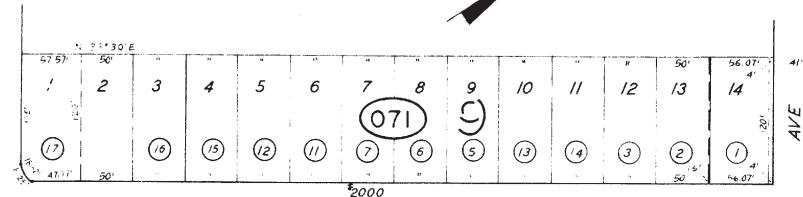
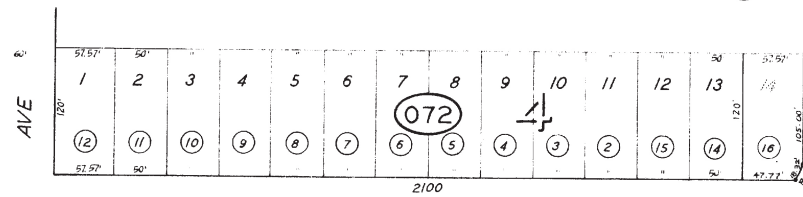
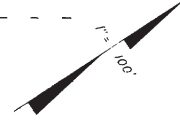
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TAX CODE AREA

74-7



UNIVERSITY HEIGHTS PTN. OF RSM 1/96

ASSESSOR'S MAP, COUNTY OF SAN MATEO, CALIF.

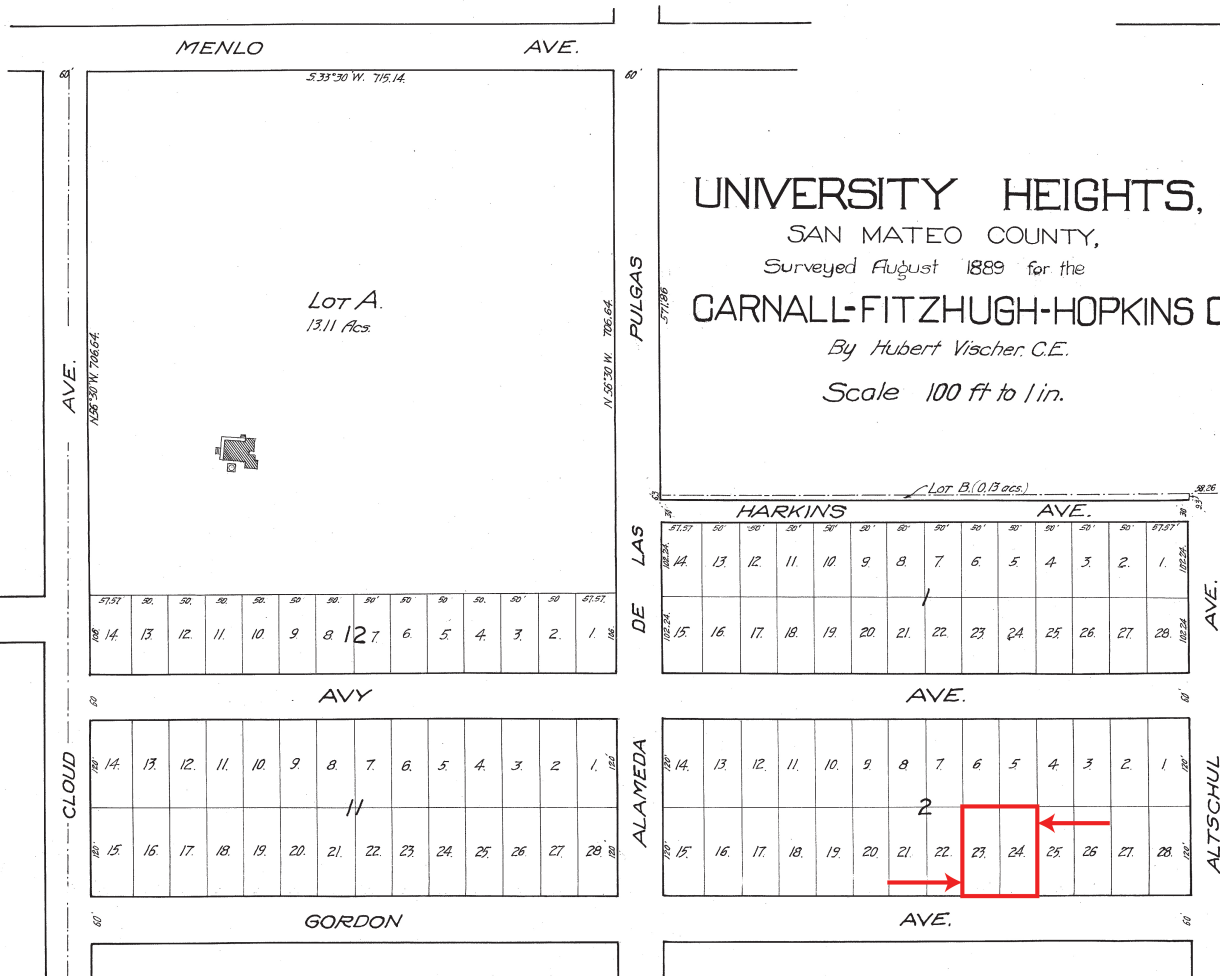
# San Mateo County Zoning Hearing Officer Meeting

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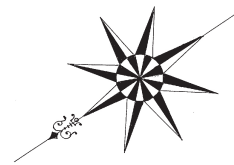
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UNIVERSITY HEIGHTS,  
 SAN MATEO COUNTY,  
 Surveyed August 1889 for the  
**GARNALL-FITZHUGH-HOPKINS Co.**  
 By Hubert Vischer, C.E.  
 Scale 100 ft to 1 in.



Filed August 28th 1889 at 8:45 A.M.  
 J. F. Johnston  
 County Recorder  
 By E. Eitkenkoller, Deputy Recorder.

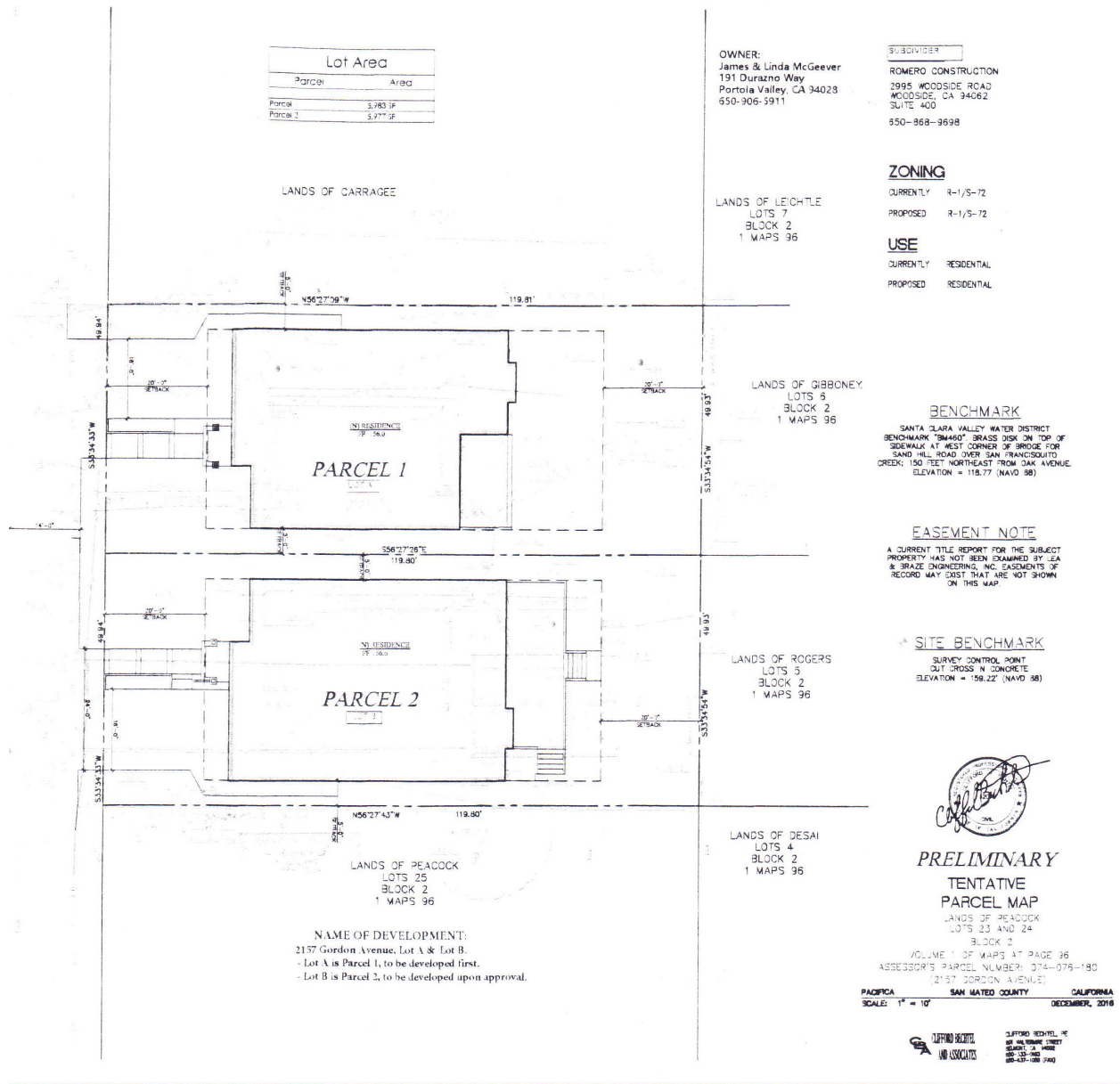
I hereby certify this to be a true copy  
 of an original map recorded in Map Book  
 D at page 52  
 Geo. A. House  
 County Surveyor and Escribano  
 Deputy County Recorder of Maps

**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: \_\_\_\_\_

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## San Mateo County Zoning Hearing Officer Meeting

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