

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

**DATE:** August 20, 2015

**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 15,457 sq. ft. parcel into two new parcels (7,948 sq. ft. and 7,509 sq. ft.) located at 361 Vine Street in the unincorporated West Menlo Park area of San Mateo County.

File Number: PLN 2015-00218 (Huo)

**PROPOSAL**

The applicant proposes to subdivide an existing legal parcel of 15,457 sq. ft. into two parcels. Parcel 1 would be approximately 7,948 sq. ft. in size and Parcel 2 would be approximately 7,509 sq. ft. in size. Existing structures are to be demolished prior to recordation of the parcel map. No significant trees are proposed for removal.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Minor Subdivision (PLN 2015-00218) by making the required findings and adopting the conditions of approval listed in Attachment A.

**BACKGROUND**

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

Applicant: Rico Huo

Owner: Mary Ruth Utzinger Tr.

Location: 361 Vine Street, Menlo Park

APN: 074-101-050

Size: 15,457 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: Lots 23 and 24, Block 7, "University Park RSM 4/28." Legality of these lots to be established via the two-lot subdivision as proposed.

Sphere of Influence: Menlo Park

Existing Land Use: Single-Family Residence

Water Service: California Water District Company

Sanitary Service: West Bay Sanitary District

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

Environmental Evaluation: Exempt from CEQA, Class 15, Section 15315; Division of four or fewer parcels in an urban area.

Setting: The 15,457 sq. ft. (0.355 acre) site is developed with one large single-family residence which currently sits on portions of the entire parcel proposed for subdivision. The entire residence will be demolished and removed from the site prior to recordation of the Parcel Map. The applicant intends to build a single-family residence on each of the newly created parcels that comply with current R-1/S-72 development requirements. The site is nearly flat, has numerous trees (none of which are currently shown "to be removed" on the tentative map), and is surrounded by other existing single-family homes.

## **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 7.14 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.

The subdivision complies with General Plan (GP) Policy 8.13 (*Appropriate Land Use Designations and Locational Criteria for Urban Unincorporated Areas*) in that this portion of unincorporated West Menlo Park has a GP Land Use Designation of Medium Density Residential (6.1 to 8.7 dwelling units/net acre). The proposed residential subdivision does not exceed this density and this area is correspondingly zoned "Single-Family Residential/5,000 sq. ft.

Minimum Lot Size” (R-1/S-72), with which the proposed project is in compliance relative to lot size (the proposed lots exceed 5,000 sq. ft.).

General Plan Policy 8.29 (*Infilling*) encourages the infilling of urban areas where infrastructure and services are available. Both the applicable water provider and sanitary district, whose service lines are located within the adjacent roadways, have adequate capacity to provide respective service to the additional parcel proposed via this subdivision and any subsequent development. Additionally, Vine Street is an existing improved street, 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. The project also conforms with Policy 8.37 (*Parcel Sizes*).

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 residence is to be demolished as part of the proposed subdivision. Any future development on the newly created parcels must meet all other R-1/S-72 development requirements.

3. Findings of Compliance with Subdivision Regulations

As a result of recent court case decisions, the subject parcels’ legality must be confirmed because they are existing lots of an antiquated subdivision, in this case, Lots 23 and 24 of that certain Map entitled “University Park” recorded in 1906. The County Subdivision Regulations, Section 7134, allow for either a Type A or Type B Certificate of Compliance (CoC) to resolve and confirm a parcel’s legality. As such, to qualify for a Type A CoC (pursuant to Section 7134.1), relative to the cited court cases, it must be confirmed that the lots comprising the subject project parcel were conveyed separately from any surrounding lots prior to the County’s adoption of its first Subdivision Ordinance in July 1946. If such conveyance is confirmed to have occurred after that date, a Type B CoC (pursuant to Section 7134.2) shall be required. However, in this case, the two lots have continued to be conveyed together since they were first purchased until the present day. As a result, the only way to “resurrect” the original two lots of record is through the subject subdivision application.

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

- a. **In accordance with Section 66473.5 of the Subdivision Map Act, 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.**

This 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 within which 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 or 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.

**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 existing County-maintained roadways. All necessary utilities, required for development, exist within the above roadway right-of-way. Thus, no utility easements are required. Future improvements and development will not conflict with existing easements as none exist on the proposed parcels.

**e. 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 northeasterly, allowing the morning sun to passively or actively, with the use of rooftop solar panels, heat the new homes.

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 purposes 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 \$1,034.01 for in-lieu park fees. A worksheet showing the computation methodology is included in Attachment E. The fee is relatively low, as the property has not been sold for many years. 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

This 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 to local standards available, have not been involved in a subdivision in the last two years, and have an average slope less than 20 percent. This project is within the urban zone, would create two parcels and is relatively flat. A notice of exemption will be filed and posted by this office after a final decision has been made at the public hearing.

C. REVIEWING AGENCIES

Department of Public Works  
Building Inspection Section  
Menlo Park Fire Protection District  
Environmental Health Division  
Geotechnical Section  
West Bay Sanitary District

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map/APN Map
- C. 1906 University Park Subdivision 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: PLN 2015-00218          Hearing Date: August 20, 2015

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 in accordance with Section 66473.5 of the Subdivision Map Act, 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 applicant must document that the new parcel can be served by water and sewer facilities prior to having the Parcel Map recorded; 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 injure fish or wildlife or their habitat. No trees are shown to be removed as part of the demolition of the existing structures. 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. 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 residence could be located on each of the new parcels to face northeasterly, allowing the morning sun to passively or actively, with the use of rooftop solar panels, heat the new homes.

## **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 houses and sheds. 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 in the estimated amount of \$1,034.01, as required by County Subdivision Regulations, Section 7055.3, based upon the assessed value of the project parcel at the time of recordation of the parcel map.
4. Prior to the issuance of a building permit for any future demolition or construction, the applicant shall provide an erosion and sediment control plan, which demonstrates how erosion will be mitigated during the construction period. This mitigation will be in place at all times during construction.
5. During any future project construction, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of storm water runoff from the construction site into storm drain systems and water bodies by:
  - 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 application of pesticides and fertilizers to avoid polluting runoff.
6. All new utilities for the proposed subdivision shall be installed underground from the nearest existing utility pole. No new utility poles shall be installed. Permits for all future structures will require that utilities shall be installed underground to comply with this condition.
7. No trees are to be removed as part of this application. Any future tree removal related to this subdivision shall require that the applicant submit a separate tree removal permit application. A tree protection plan shall be shown on the development plans. The applicant shall establish and maintain tree protection zones throughout the entire length of the project. Tree protection zones shall be delineated using 4-foot tall orange plastic fencing supported by poles pounded into the ground, located as close to the driplines as possible while still allowing room for construction/grading to safely continue.
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 to both the Planning Department and the Department of Public Works 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, sand 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 construction areas.
  - e. Install sandbags or other erosion control measures to prevent silt runoff to public roadways and/or the adjacent waterway.
  - f. 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.

#### Environmental Health Division

11. Prior to recordation of the parcel map, the applicant shall provide payment of the outstanding Environmental Health Division fee of \$765.00.

#### Department of Public Works

12. Prior to the issuance of the building permit, 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 Standards 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.
13. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed subdivision 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 being subdivided 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 street improvement plans and submitted to the Department of Public Works for review and approval prior to recordation of the parcel map.
14. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
15. Prior to the issuance of the Building Permit for the 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.

16. The applicant shall submit written certification from the appropriate utilities to the Department of Public Works and the Planning and Building Department stating that they will provide utility (e.g., sewer, water, energy, communication, etc.) services to the proposed parcels of this subdivision.
17. The applicant shall submit a Parcel Map to the Department of Public Works for review to satisfy the State of California Subdivision Map Act. The final map will be recorded only after all Department conditions have been met.

West Bay Sanitary District (District)

18. A conforming property line cleanout within 5 feet of the property line on Vine Street will be required for both 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.
19. If the existing lateral(s) is/are to be reused, then the existing lateral(s) must be televised and the tape submitted to the District for review and approval prior to any reuse. A Class 1A permit will be required for the installation of the cleanout and the review of the television tape.
20. The developer must obtain a Class 4 permit to disconnect the existing lateral from the District's system at the property line prior to demolition.
21. Both laterals must be 4-inch in diameter and must maintain a minimum 2% slope from the conforming cleanout to the sewer main.
22. The building laterals from the residence to the property line cleanout must meet the requirements of the San Mateo County Building Inspection Section.
23. No pool drains, roof gutters, surface drainage, and groundwater sump pumps are allowed to connect to the sanitary sewer.
24. The developer/contractor must comply with all current District regulations and standards.
25. The developer must submit a copy of the final recorded map to the District with associated assessor parcel numbers and maps.

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