




**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**  
**Planning and Building Department**



**DATE:** September 28, 2011  
**BOARD MEETING DATE:** October 4, 2011  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Four-Fifths

**TO:** Honorable Board of Supervisors

**FROM:** Jim Eggemeyer, Community Development Director 

**SUBJECT:** Adoption of an Urgency Ordinance amending, on an interim basis, Division VII, Chapter 2, Section 9025 of the San Mateo County Building Regulations to prohibit the issuance of permits for the construction of new or major remodel single-family residences in the Weekend Acres area of unincorporated San Mateo County

**RECOMMENDATION:**

Adopt an Urgency Ordinance amending, on an interim basis, Division VII, Chapter 2, Section 9025 of the San Mateo County Building Regulations to prohibit the issuance of permits for the construction of new or major remodel single-family residences in the Weekend Acres area of unincorporated San Mateo County.

**BACKGROUND AND DISCUSSION:**

At its July 12, 2011 hearing, your Board considered the adoption of the Urgency Ordinance referenced above. The Board voted to continue the item to the August 9, 2011 Board meeting. At the July 12, 2011 hearing, 11 people spoke, with the vast majority speaking in support of the Urgency Ordinance. Those speaking in favor of the Ordinance mentioned a number of issues regarding perceived over-development in the area, including but not limited to, perceived threats to public safety from possible flooding of San Francisquito Creek, threats to neighborhood character, intrusion of rental units into a single-family residential neighborhood, lack of parking, and restricted roadway capacity on Bishop Lane. One speaker, who had a pending building permit with the County, spoke against the adoption of the Urgency Ordinance and requested that her permit be grandfathered and allowed to proceed.

At its August 9, 2011 hearing, your Board again considered the matter referenced above. After meeting in closed session, your Board continued the item indefinitely. Members of the public did not speak on the item at the August 9, 2011 hearing.

On September 27, 2011, your Board then directed staff to prepare the necessary documents to adopt an Urgency Ordinance. This directive was a result of public testimony during reconsideration of the Shahidi Subdivision, Exception, and Variance

project at 21 Bishop Lane. A number of people spoke requesting the Board take action to prohibit the issuance of building permits because of the urgency of preserving the neighborhood's safety as well as its character.

Members of the public and County staff have previously identified a gap in the R-1/S-7 zoning district regulations that allows for a type and intensity of development in a single-family residential area that is inconsistent with the intent of the General Plan and the existing character of the Weekend Acres neighborhood. This inconsistency presents a current and immediate threat to the welfare and safety of residents living in the Weekend Acres area by allowing development that is incompatible with the character and public service capacities of this neighborhood. Specifically, the S-7 combining district regulations have no limit on the maximum floor area of a single-family residence. Allowing homes that are unlimited in floor area results in homes out of scale with the surrounding development in the neighborhood, and which will adversely affect privacy and available sunlight. The existing zoning regulations allow large homes that conflict with the scale of the community and its available public facilities and services, all contrary to the General Plan requiring that development in urban areas be designed to contribute to the orderly and harmonious community growth of the locality. The regulations also allow homes of large size while the General Plan, in contrast, instructs the County to regulate bulk in zoning districts in order to ensure that the size and scale of development is compatible with parcel size.

In 1988, the Board of Supervisors adopted Resolution 50893 that required a 30-foot front setback on Bishop Lane and the provision of four off-street parking spaces for new construction along this roadway, rather than the two spaces that are required in other single-family residential areas. Part of the basis for this resolution was the limited width and roadway capacity constraints of Bishop Lane, as well as an attempt to preserve the existing neighborhood character along this street. However, the absence of zoning regulations for the floor area of single-family residences in this zoning district and neighborhood presents a current and immediate threat from the construction of homes with dense residential uses that, practically speaking, require the use of on-street parking to effectively accommodate the residents. Your Board should consider whether a restriction on house size is also necessary to obtain the policy objectives of safe streets and access for emergency vehicles. The absence of such regulation could allow the construction of residences that make on-street parking a matter of course.

In response to public comments at the July 12, 2011 Board of Supervisors hearing, staff has revised the Urgency Ordinance to include consideration of a setback and/or buffer zone from San Francisquito Creek. Currently, some, but not all, portions of the Creek have been identified as a riparian corridor. For those sections of the Creek not identified as a riparian corridor, there is no required setback or buffer zone from the Creek. At the July 12, 2011 public hearing, several speakers requested that any change to zoning regulations include a required setback from the Creek. Several members of the public have asserted that the lack of a setback requirement impairs visual quality, and could contribute to flooding. Staff has noted that although in the Coastal Zone there is a requirement for a buffer zone from a stream without riparian vegetation, the same protection does not apply outside of the Coastal Zone. In addition, in its consideration

of a proposed subdivision for 21 Bishop Lane, the Planning Commission directed the applicant to set his building back at least 15 feet from the top of bank (top of slope) of the San Francisquito Creek. This is not presently required by zoning, and making it merely a condition of individual permit approvals leads to a potential inconsistency in application of the rule. The lack of a setback or buffer requirement from San Francisquito Creek in the zoning regulations therefore presents a current and immediate threat to public safety and welfare.

County staff is currently considering the adoption of a zoning text amendment that would introduce a Floor Area Ratio (FAR), building setback and/or buffer zone requirements from San Francisquito Creek, a reduced maximum building height, a limit on the number of stories, and other possible development standards in the R-1/S-7 district of Weekend Acres. This would have the effect of establishing maximum bulk and size limits on homes in this area, so that development would be more in character with the context of the surrounding residential neighborhood, and proportionate to the size of the parcel, as envisioned in the General Plan. The proposed Creek setback and/or buffer zone requirement would increase protection of the Creek area from negative visual impacts, and from other potential environmental impacts, such as flooding.

This Ordinance is being proposed as an Urgency Interim Ordinance under the provisions of Section 65858 of the California Government Code, which authorizes the County to adopt as an urgency measure an Interim Ordinance prohibiting uses that may be in conflict with a contemplated zoning proposal that the County is considering or studying or intends to study within a reasonable period of time. As discussed in the proposed findings and declarations included within the Ordinance, there is a current and immediate threat to the public welfare that would result from the issuance of building permits for new residences and major remodels in the S-7 zoning district of the Weekend Acres area of the unincorporated County. The Ordinance as presented requires a four-fifths vote and would be effective for forty-five (45) days. After notice pursuant to Section 65090 and public hearing, the Board may extend the Interim Ordinance for a period of ten months and fifteen days, and subsequently for one additional year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted. During the period covered by this Interim Ordinance and any extensions thereof, County staff will complete a review of the S-7 zoning district in the Weekend Acres area and propose zoning text amendments to your Board for consideration and potential adoption.

Adoption of these regulations is exempt from review under the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of Title 14 of the California Code of Regulations because there is no possibility that these regulations, which impose further restrictions on development, will have the potential to cause a significant effect on the environment.

County Counsel has reviewed and approved the Ordinance as to form and content.

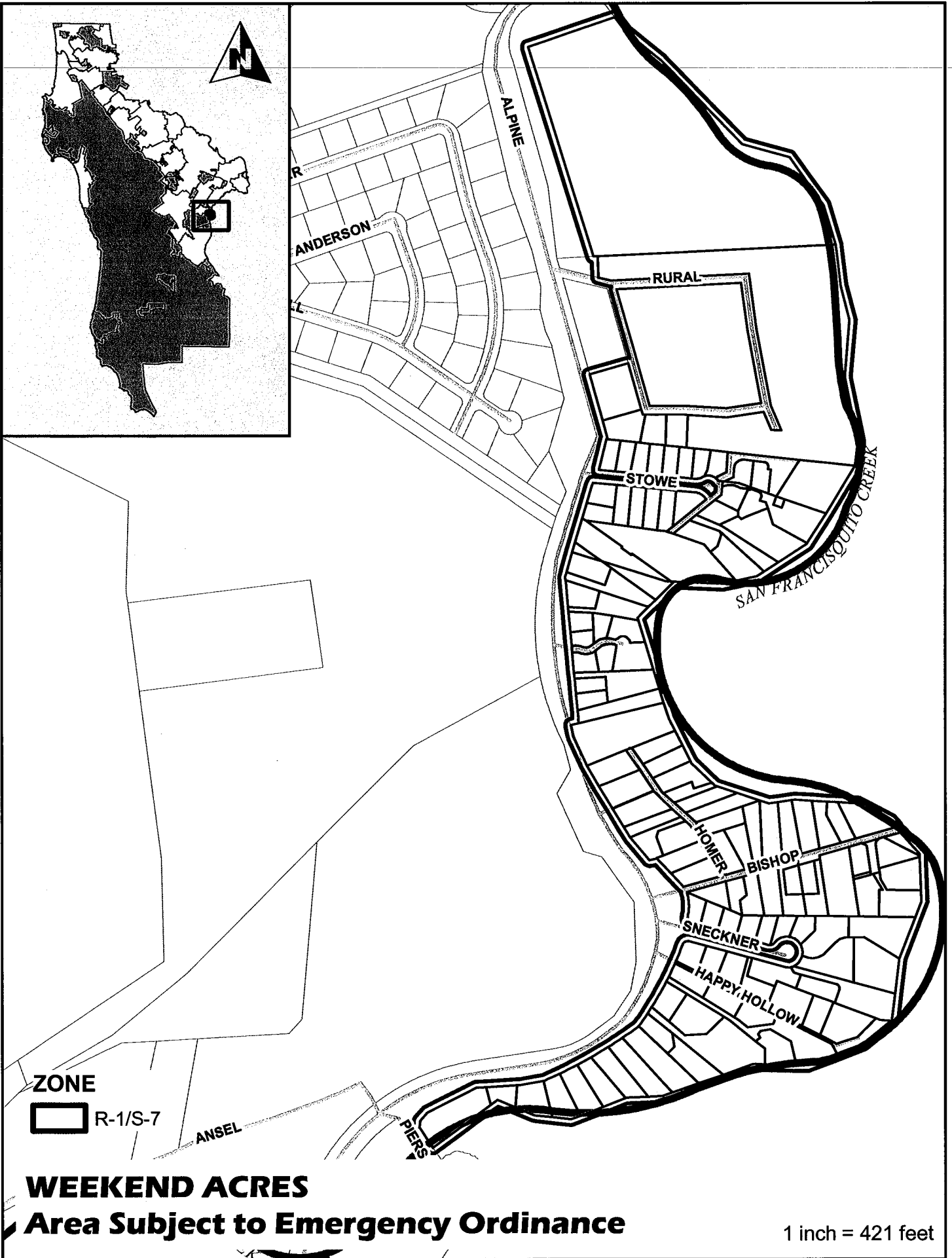
This action contributes to the 2025 Shared Vision outcome of a Livable Community by ensuring that land is used more efficiently and that community character is preserved and enhanced.

**FISCAL IMPACT:**

Possible impact in reduced revenue from building permit fees during period of the Urgency Ordinance.

**ATTACHMENT:**

Location Map – Weekend Acres Area of the County



**ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

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**AN URGENCY ORDINANCE AMENDING, ON AN INTERIM BASIS, DIVISION VII,  
CHAPTER 2, SECTION 9025 OF THE SAN MATEO COUNTY BUILDING  
REGULATIONS TO PROHIBIT THE ISSUANCE OF PERMITS FOR THE  
CONSTRUCTION OF NEW OR MAJOR REMODEL SINGLE-FAMILY RESIDENCES  
IN THE WEEKEND ACRES AREA OF SAN MATEO COUNTY**

The Board of Supervisors of the County of San Mateo, State of California,

**ORDAINS** as follows:

**SECTION 1.** Findings and Declarations.

The Board of Supervisors of the County of San Mateo finds and declares as follows:

1. County staff has identified a gap in the R-1/S-7 zoning district regulations that allows for a type and intensity of development in a single-family residential area that is inconsistent with the intent of the General Plan and the existing character of the Weekend Acres neighborhood. This inconsistency threatens the welfare of residents living in the Weekend Acres area by allowing development that is incompatible with the character and public service capacities of this neighborhood.
  
2. Presently, the S-7 combining district regulations have no limit on the floor area of a single-family residence. Continuing to allow homes that are unlimited in floor area has resulted and will continue to result in homes that are out of scale with the surrounding development in the neighborhood, and that adversely affect a

neighbor's privacy and available sunlight. The existing zoning regulations allow large homes that conflict with the scale of the community contrary to the General Plan requiring that development in an urban area be designed to contribute to the orderly and harmonious community growth of the locality. Furthermore, the existing zoning regulations allow large homes while the General Plan instructs the County to regulate bulk in zoning districts in order to ensure that the size and scale of development is compatible with parcel size. Amendment to the zoning regulations is therefore necessary to accomplish the policy objectives of the General Plan.

3. In 1988, the Board of Supervisors adopted a resolution (Resolution 50893) requiring a 30' (thirty-foot) front setback on Bishop Lane within Weekend Acres and requiring the provision of four (4) off-street parking spaces for new construction along this roadway, rather than the two (2) spaces that are required in other single-family residential areas. Part of the basis for this resolution was the limited width and roadway capacity constraints of Bishop Lane. Allowing excessively large residences along this Lane will result in more vehicles using this roadway, and could contribute to existing roadway capacity issues on this Lane, resulting in a current and immediate threat to public welfare along Bishop Lane, as well as a potential threat to public safety. The absence of zoning regulation of the floor area of single-family residences in this zoning district and neighborhood therefore presents a current and immediate threat of the construction of homes with dense residential uses that, practically speaking, require the use of on-street

parking to effectively accommodate the residents, blocking ingress and egress and access by emergency vehicles. Therefore, there is a current and immediate threat to the public health, safety and welfare, and the approval of additional building permits for projects that increase house size and residential density would result in a threat to public health, safety and welfare.

4. The S-7 district regulations in Weekend Acres do not currently have a requirement for setbacks or buffer zones from San Francisquito Creek. This potentially allows building construction very near to the Creek, creating negative visual impacts, and potentially flooding and other negative environmental impacts as well. The lack of a setback or buffer requirement from San Francisquito Creek presents a current and immediate threat to public safety and welfare.
5. County staff is currently considering the adoption of a zoning text amendment that would introduce a Floor Area Ratio (FAR), building setback and/or buffer zone requirements from San Francisquito Creek, a reduced maximum building height, a limit on the number of stories, and other possible development standards in the R-1/S-7 district within the Weekend Acres neighborhood.
6. Based on the information available to date, this Board hereby finds that the current regulations in Chapter 2, Section 9025 of the San Mateo County Building Regulations should be amended, on an interim basis, to prohibit the issuance of permits for the construction of new or major remodel single-family residences in the Weekend Acres area of San Mateo County.



7. The Board hereby finds that the following building permit applications are amongst those that constitute uses that may be in conflict with a contemplated zoning proposal that the County is considering or studying or intends to study within a reasonable period of time, and that are subject to this Urgency Ordinance:

- a. 21 Bishop Lane, Permit No.: BLD 2011-00740, APN: 074-303-190,
- b. 19 Bishop Lane, Permit No.: BLD 2011-01076, APN: 074-303-180, and
- c. 32 Homer Lane, Permit No.: BLD 2011-00418, APN: 074-303-100.

8. Given the findings and declarations above, this Board hereby finds and declares that there is a current and immediate threat to the public welfare that would result from the issuance of building permits for new residences and major remodels in the Weekend Acres area of San Mateo County. The Board further finds and declares that the current and immediate threat to public welfare will be alleviated if the issuance of such building permits in this area is made subject to interim regulations prohibiting the issuance of building permits for such dwellings in the Weekend Acres area of San Mateo County while the County contemplates new zoning proposals for Weekend Acres.

9. This Board further finds and declares that the adoption of the interim regulations set forth herein is exempt from environmental review under the California Environmental Quality Act under Section 15061(b)(3) of Title 14 of the California Code of Regulations because there is no possibility that the interim regulations, which

impose further restrictions on development, will have the potential for causing a significant effect on the environment.

**SECTION 2.** For the interim period in which this Ordinance is in effect, Division VII, Chapter 2, Section 9025 of the San Mateo County Building Regulations shall be amended to add Section 9025.3 to prohibit the issuance of permits for the construction of new or major remodel single-family residences in the Weekend Acres area of San Mateo County, which shall read as follows:

**9025.3. Prohibition on the issuance of permits for the construction of new or major remodel single-family residences in the Weekend Acres area of San Mateo County.**

Notwithstanding Section 9025, no permits shall be issued under this Chapter 2 authorizing the issuance of building permits for new dwellings, including but not limited to any additions, alterations, or repairs within any 12-month period which exceeds 50 percent (50%) of the value of the existing building or structure, in the Weekend Acres area of San Mateo County, including, but not limited to, any projects for which a building permit application has been filed as of the date of the adoption of this Ordinance but no building permit has been issued as of the date of the adoption of this Ordinance.

**SECTION 3.** This Ordinance shall be in full force and effect upon its adoption, and shall be of no further force and effect forty-five (45) days from its date of adoption.

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