



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



DATE: October 31, 2011
BOARD MEETING DATE: November 15, 2011
SPECIAL NOTICE/HEARING: Newspaper/10-Day
Notice/Property
Owners
VOTE REQUIRED: Four-Fifths

TO: Honorable Board of Supervisors

FROM: Jim Eggemeyer, Community Development Director

SUBJECT: EXECUTIVE SUMMARY: Public hearing to consider adoption of an Urgency Ordinance amending, on an interim basis, the San Mateo County Ordinance Code (Zoning Annex), Division VI, Part 1, Chapter 20, "S" (Combining Districts), to add the "S-75" Combining District (Weekend Acres) and Chapter 2, Section 6111, Combining Districts, to add the S-75 Combining District

RECOMMENDATION:

1. Adopt, for ten months and fifteen days, the Urgency Ordinance amending, on an interim basis, the San Mateo County Ordinance Code to add the "S-75" Combining District (Weekend Acres).
2. Find that the potential for oversized development allowed by the existing zoning regulations represents a threat to the welfare of the Weekend Acres area.

HISTORY AND SUMMARY:

On October 4, 2011, your Board adopted an Urgency Ordinance to prohibit the issuance of building permits for the construction of new or major remodel single-family residences in the Weekend Acres area. The Board found that there was a threat to the public welfare that would result from the issuance of such building permits. The Board also directed staff to consider interim regulations modifying the R-1/S-7 Zoning District in the Weekend Acres area and report back within 45 days.

The existing R-1/S-7 Zoning District regulations allow 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 character of the Weekend Acres neighborhood. This inconsistency presents a threat to the welfare of residents living in the Weekend Acres area by allowing development that is incompatible with the character of this neighborhood. 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 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 urban areas be designed to contribute to the orderly and harmonious community growth of the locality. The current regulations also allow homes of large size while the General Plan, in contrast, instructs the County to regulate height and bulk in zoning districts in order to ensure that the size and scale of development is compatible with parcel size.

On October 20, 2011, Planning and Building Department staff met with Weekend Acres residents to receive public input regarding the interim regulations. A large majority of those in attendance expressed a preference for limiting the height and number of stories of new homes, limiting the maximum floor areas of homes, and introducing a daylight plane requirement. Although the majority of those in attendance wanted regulations to establish or strengthen building setback requirements from San Francisquito Creek, the consensus was that this is a more complicated issue that would require further study and time, and that the Urgency Interim Ordinance was not the venue to accomplish this goal. Neighborhood leaders also circulated a survey to Weekend Acres residents, which asked about support for updating the zoning regulations in the area. There was unanimous support for updating the zoning regulations for the Weekend Acres area, for establishing a floor area ratio limit, and for regulating building height. All respondents except one also expressed support for establishing daylight plane requirements.

The proposed S-75 combining district would reduce maximum allowable building height and would introduce Floor Area Ratio (FAR) and daylight plane requirements in Weekend Acres. The proposed combining district is relatively simple in its requirements and is similar to other S combining district regulations adopted relatively recently for parts of the unincorporated County, including West Menlo Park and the Sequoia Tract/Selby Neighborhood. The proposed S-75 district 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 Ordinance would also lift the existing moratorium on building permits for new single-family homes. The Ordinance as presented requires a four-fifths vote and would be effective for ten months and fifteen days.

During the ten and one-half month period that the interim regulations would be in effect, Planning staff intends to follow a fast-track process to adopt permanent regulations for the area, based on the proposed interim regulations, with modifications if necessary. These regulations would be reviewed by the community and the Planning Commission, and then forwarded to your Board for adoption.

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 community character is preserved and enhanced.

FISCAL IMPACT:

There is no Net County Cost. Possible impact in reduced property tax assessments.

A handwritten signature in black ink, appearing to be "A. S. M." followed by a period. The signature is written in a cursive, stylized font.




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County File Number: PLN 2011-00305

RECOMMENDATION:

1. Adopt, for ten months and fifteen days, the Urgency Ordinance amending, on an interim basis, the San Mateo County Ordinance Code (Zoning Annex), Division VI, Part 1, Chapter 20, "S" (Combining Districts), to add the "S-75" Combining District (Weekend Acres) to (a) modify the regulations for maximum building height, (b) establish regulations for daylight plane, and (c) establish regulations for maximum building floor area ratio in the area currently zoned R-1/S-7 in the Weekend Acres area of San Mateo County, and Chapter 2, Section 6111, Combining Districts, to add the S-75 Combining District.
2. Find that the potential for oversized development allowed by the existing zoning regulations represents a current and immediate threat to the welfare of the Weekend Acres area by: (a) allowing 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, (b) allowing 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, and (c) allowing large homes while the General Plan instructs the County to regulate height and bulk in zoning districts in order to ensure that the size and scale of development is compatible with parcel size.

BACKGROUND:

Report Prepared By: Matt Seubert, Project Planner, Telephone 650/363-1829

Existing Zoning: R-1/S-7

General Plan Designation: Medium Density Residential

Land Use: Existing land use varies but is mostly single-family homes, as well as a golf course.

HISTORY:

At its July 12, 2011 hearing, your Board considered the adoption of an Urgency Ordinance prohibiting the issuance of building permits for the construction of new or major remodel single-family residences in the Weekend Acres area. At the 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.

On October 4, 2011, your Board adopted an Urgency Ordinance under the provisions of Section 65858 of the California Government Code to prohibit the issuance of building permits for the construction of new or major remodel single-family residences in the Weekend Acres area. The Board found that there was a current and immediate threat to the public welfare that would result from the issuance of such building permits. The Board also directed staff to consider interim regulations modifying the R-1/S-7 Zoning District in the Weekend Acres area and report back within 45 days. The Urgency Ordinance establishing a moratorium on these permits expires 45 days from the date of adoption, that is November 17, 2011. This Urgency Ordinance can be extended for a period of ten months and fifteen days.

Section 65858(d) of the California Government Code stipulates that ten days prior to the expiration of the Interim Ordinance or any extension, the Board of Supervisors shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Ordinance. On November 1, 2011, your Board issued a report that met the requirements of this section of the code, describing the moratorium now in effect and the community meeting held on October 20, 2011 to develop the proposed Interim Ordinance.

SUMMARY:

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 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 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 urban areas be designed to contribute to the orderly and harmonious community growth of the locality (Policy 4.35.b). The current regulations also allow homes of large size while the General Plan, in contrast, instructs the County to regulate height and bulk in zoning districts in order to ensure that the size and scale of development is compatible with parcel size (Policy 8.38).

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. The absence of such regulation could allow the construction of residences that make on-street parking a matter of course.

On October 20, 2011, Planning and Building Department staff met with Weekend Acres residents to receive public input regarding the interim regulations. Approximately 35 people attended the meeting, asked a variety of questions about the possible impacts of the proposal, submitted the results of a neighborhood survey on zoning proposals, and discussed proposals for limiting height and bulk of new homes in the area. A large majority of those in attendance expressed a preference for limiting the height and number of stories of new homes to two stories, limiting the maximum floor areas of homes, and introducing a daylight plane requirement. Although the majority of those in attendance also wanted regulations to establish or strengthen building setback requirements from San Francisquito Creek, the consensus was that this is a more complicated issue that would require further study and time, and that the Urgency Interim Ordinance was not the venue to accomplish this goal.

Neighborhood leaders also circulated a survey to Weekend Acres residents, which asked about support for updating the zoning regulations in the area. Approximately 37 surveys were returned. There was unanimous support for updating the zoning regulations for the Weekend Acres area. There was also unanimous support for establishing a floor area ratio limit, and for further regulating building height. All respondents except one expressed support for establishing daylight plane requirements. There was less agreement on establishing requirements for creek side impacts, with 32 in favor and 5 opposed.

The proposed S-75 combining district would reduce maximum allowable building height from three stories/36 feet to two stories/28 feet and would introduce Floor Area Ratio (FAR) and daylight plane requirements in Weekend Acres. The proposed combining district is relatively simple in its requirements and is similar to other S combining district regulations adopted relatively recently for parts of the unincorporated County, including West Menlo Park and the Sequoia Tract/Selby Neighborhood. Other than the changes explained above, the S-75 district is the same as the existing S-7 district. The proposed S-75 district 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.

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 under the existing S-7 Zoning District regulations for the Weekend Acres area of the unincorporated County. The proposed S-75 interim regulations would ameliorate this threat, and the proposed Ordinance would also lift the existing moratorium on building permits for new single-family homes passed by your Board on October 4, 2011. The Ordinance as presented requires a four-fifths vote and would be effective for ten months and fifteen days.

NEXT STEPS:

During the ten and one-half month period that the interim regulations would be in effect, Planning staff intends to follow a fast-track process to adopt permanent regulations for the area, based on the proposed interim regulations, with modifications if necessary. Such modifications could include issues related to San Francisquito Creek, as mentioned by many Weekend Acres residents in the community survey, at several public hearings before the Board of Supervisors, and at the community meeting held on October 20, 2011.

The County Zoning Code, Section 6552, requires that the Planning Commission review and make its recommendation on any proposed zoning amendment to the Board of Supervisors. County staff intends to schedule a Planning Commission workshop regarding the permanent regulations, tentatively set for January 2012 at a location in or near the Weekend Acres area. Following the workshop, staff will provide any necessary information to the Planning Commission for their review, deliberations(s), and recommendation to your Board.

ENVIRONMENTAL REVIEW:

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 community character is preserved and enhanced.

FISCAL IMPACT:

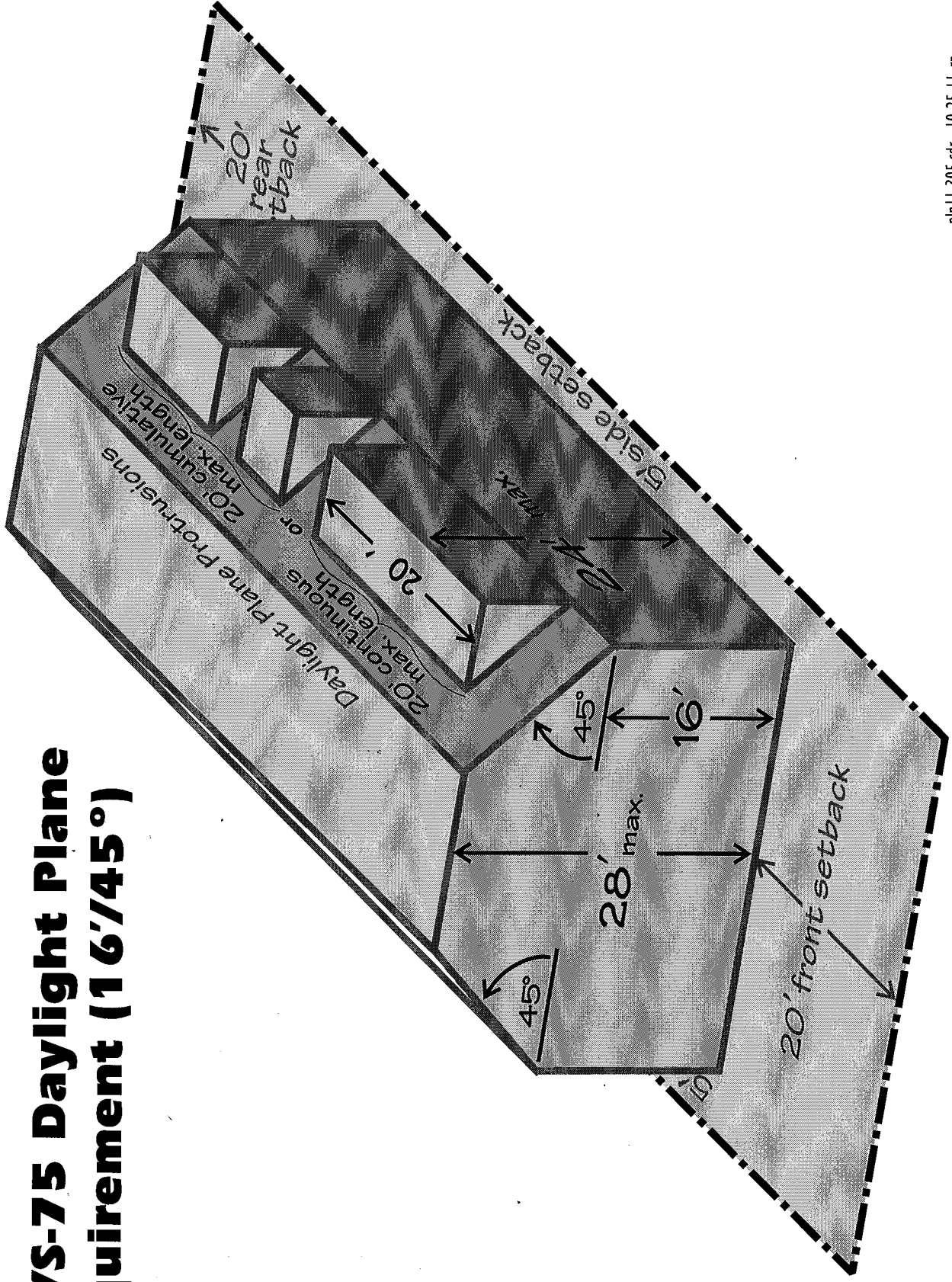
There is no Net County Cost. Possible impact in reduced property tax assessments.

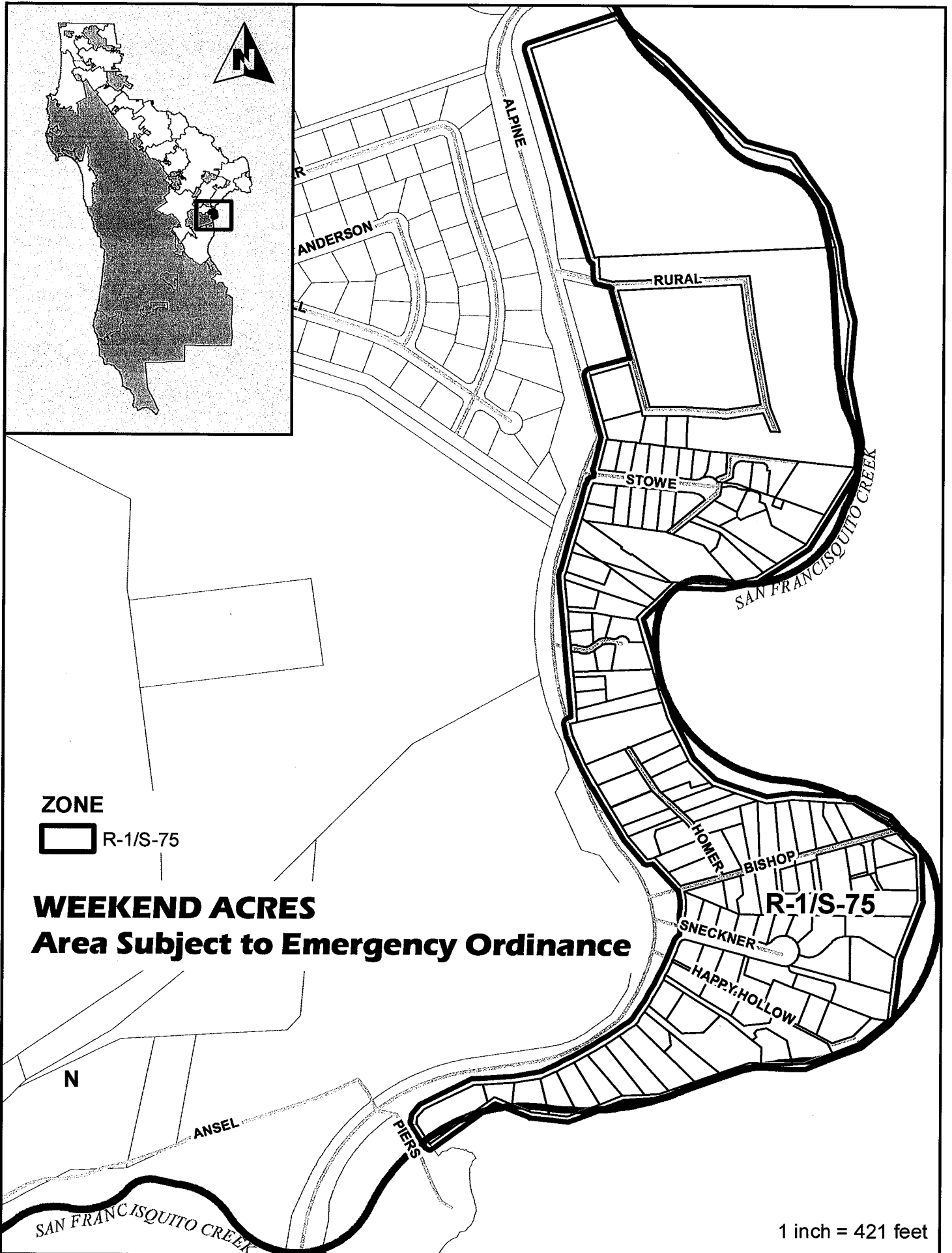
ATTACHMENTS:

Graphic of Proposed Daylight Plane Requirement

Map of Weekend Acres Showing Area Affected by Proposed Ordinance

R-1/S-75 Daylight Plane Requirement (16'/45°)





ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

* * * * *

AN URGENCY ORDINANCE AMENDING, ON AN INTERIM BASIS, THE SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX), DIVISION VI, PART ONE, CHAPTER 20, "S" (COMBINING DISTRICTS) TO ADD THE "S-75" COMBINING DISTRICT (WEEKEND ACRES) AND CHAPTER 2, SECTION 6111, COMBINING DISTRICTS, TO ADD THE S-75 COMBINING DISTRICT

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. The existing R-1/S-7 zoning district regulations allow 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 which will 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. The absence of zoning regulation of the

floor area of single-family residences in this zoning district and neighborhood presents a current and immediate threat that structures will be constructed with dense residential uses that effectively require the use of on-street parking to 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 under the S-7 district regulations would continue to result in that threat to public health, safety and welfare.

4. Based on the information available to date, this Board hereby finds that the current regulations in Division VI, Part One, Chapter 20 of the San Mateo County Zoning Regulations should be amended, on an interim basis, to add the “S-75” Combining District (Weekend Acres) to regulate bulk and to reduce maximum allowable building height, establish maximum building floor area limits, and establish daylight plane requirements for residences in the Weekend Acres area of San Mateo County.
5. 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 under the existing S-7 district regulations 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 establishing the S-75 district regulating bulk, and

reducing maximum allowable building height, establishing maximum building floor area limits, and establishing daylight plane requirements for residences in the Weekend Acres area of San Mateo County.

6. 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, the San Mateo County Ordinance Code, Division VI, Part One, Chapter 20, shall be amended to add the “S-75” Combining District (Weekend Acres), Sections 6300.4.31 through 6300.4.39 as follows:

**CHAPTER 20. “S-75” DISTRICT
(COMBINING DISTRICT – WEEKEND ACRES)**

SECTION 6300.4.31. REGULATIONS FOR “S-75” COMBINING DISTRICT (WEEK-END ACRES). The following regulations shall apply in the single-family (R-1) residential zoning district with which the “S-75” District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

SECTION 6300.4.32. BUILDING SITE WIDTH. The minimum building site width shall be an average of **50 feet**.

SECTION 6300.4.33. BUILDING SITE AREA. The minimum building site area shall be **5,000 sq. ft.**

SECTION 6300.4.34. DEVELOPMENT DENSITY. The maximum density of development shall be 8.7 dwelling units/net acre.

SECTION 6300.4.35. BUILDING SETBACKS. The minimum building setbacks shall be:

Front:	20 feet	
Sides:	10 feet	- When the side property line fronts a public or private street
	5 feet	- All other cases
Rear:	20 feet	

SECTION 6300.4.36. BUILDING SITE COVERAGE AREA RATIO. The maximum building site coverage area ratio shall be **.50 (50%)** and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, porches and other similar uses which are 18 inches or more above the ground, except fences/walls.

SECTION 6300.4.37. BUILDING FLOOR AREA. The maximum building floor area shall be established according to the following table:

Building Site Area

Maximum Floor Area

≤5,000 sq. ft.

2,800 sq. ft.

>5,000 sq. ft.

.26 (building site area - 5,000) + 2,800 sq. ft.

Floor area specifically includes: (1) the area of all stories of all main and accessory buildings on a building site as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies, or other areas covered by a waterproof roof which extends four or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft., but excludes uninhabitable attics and sub-grade basements.

SECTION 6300.4.38. BUILDING HEIGHT. The maximum building height shall be **28 feet, not to exceed two habitable stories**. Building height shall be measured as the vertical distance from any point on the **existing grade** to the topmost point of the building immediately above. Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend beyond the respective maximum height to a maximum of 36 feet as required for safety or efficient operation.

SECTION 6300.4.39. DAYLIGHT PLANES. The daylight planes shall be established by measuring along the **side setback lines** a vertical distance of **16 feet** from the existing grade and then inward at an **angle of 45 degrees** until a **maximum height of 28 feet** is reached.

Daylight planes shall not be applicable to the side setback line of the street-facing side of a corner parcel.

Certain architectural features shall be allowed to extend into all yard setback areas according to the provisions of Zoning Regulations Section 6406.

Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend into the daylight plane up to a maximum of **36 feet** as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the **side setbacks** provided that: (1) they measure perpendicularly to the daylight plane no more than **20 feet** in continuous or cumulative length on each side, and (2) they measure no more than **24 feet in height** from the **existing** grade.

SECTION 3. For the interim period in which this Ordinance is in effect, the San Mateo County Ordinance Code, Division VI, Part One, Chapter 2, Section 6111, be amended to add the S-75 Combining District, for the area referenced on the attached map.

SECTION 4. This Ordinance shall be in full force and effect upon its adoption, and compliance with this Ordinance is required for all building permits that have not been issued, and shall be of no further force and effect ten months and fifteen days from its date of adoption, unless extended in accordance with applicable provisions of law.

SECTION 5. The initial Urgency Interim Ordinance (Ordinance No. 04587), adopted on October 4, 2011, no longer has the force and effect of law.

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