

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

DATE: August 25, 2021

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of findings for denial of a Minor Subdivision, a Resource Management Permit, and a Grading Permit, and adoption of the Revised Re-Circulated Initial Study/Mitigated Negative Declaration, to subdivide a 60.3-acre parcel into 3 parcels, each approximately 0.7-acre in size, for future residential development, creating a 58.153±-acre remainder parcel (with approximately 48.88 acres of land to be protected by a conservation easement, and 9.27 acres of developable area including an existing single-family dwelling). The project involves an upgrade of a 203 linear feet portion of the Billy Goat Hill sewer line that is required to off-set system capacity for the increase in service, grading including 455 cubic yards (c.y.) of earthwork (290 c.y. of cut and 165 c..y of fill) for landslide repair and 30 c.y. of cut and 30 c.y. of fill for the sewer line upgrade, and no removal of protected trees. The project site is located at 1551 Crystal Springs Road, Unincorporated San Mateo County.

County File Number: PLN 2014-00410 (Zmay)

PROPOSAL

The applicant proposes to subdivide a 60.3-acre parcel to create three new parcels with road frontage on Parrott Drive (0.669-acre, 0.707-acre, 0.734-acre in size; Parcels 1-3) and a 58.153-acre remainder parcel (48.88 acres of land to be protected by a conservation easement, and 9.273 acres of developable area which includes an existing single-family dwelling). The project site is located in the San Mateo Highlands, adjacent to the Town of Hillsborough and is bounded to the west by Crystal Springs Road, to the southwest by Polhemus Road, and to the northeast by Parrott Drive. No residential development is proposed with the subdivision at this time.

The density of the proposed subdivision would be at the maximum density allowed for the subject property by the Resource Management Zoning District (RM). The proposed establishment of a conservation easement would entitle the proposal to a 20 percent density bonus.

PLANNING COMMISSION ACTION

In order to deny the subject applications, a majority of the Planning Commission must vote to adopt findings of denial for the Minor Subdivision, Resource Management Permit, and Grading Permit, County File Number PLN 2014-00410, as listed in Attachment A of this document.

SUMMARY OF DISCUSSION ON JULY 28, 2021

The subdivision proposal was reviewed at the July 28, 2021 Planning Commission hearing for environmental impacts and consistency with County policies. Areas of focused environmental evaluations were the project's aesthetics, biological resources, geology and soils, and hazards and hazardous materials, hydrology and water, and public services. These were also the most relevant with respect to consistency with the General Plan, Resource Management Zoning Regulations, and Development Review Criteria. The project is also subject to the Grading Ordinance and Subdivision Regulations.

At the hearing, County planning staff presented the project and discussed sections of the staff report to describe the scope of the project, and the following significant aspects of the project; 1) the mapped resources and geological hazards, 2) environmental impacts identified from surveys and reports conducted by consultants, 3) how mitigation measure would reduce impacts to less than significant levels, and 4) the project's adherence to applicable County policies.

The applicant spoke at the hearing and stated that the project had been designed to be sensitive to the constraints of the parcel, previous County direction, and County development policies. John Stillman of Murray Engineers, one of the applicant's consultants, spoke about the historical landslide activity, the proposed stitch pier wall, and how the project design avoided placing development footprints in areas with previous landslide activity.

After the staff presentation, members of the Highlands community spoke against the project. Much of the opposition to the project was based on concerns related to landslides and fire hazards. Speakers stated that the residential development that will follow the subdivision was a public safety hazard and therefore did not meet several County policies.

Following presentations and public comment, the Planning Commission discussed the project and raised concerns about the landslide activity which has occurred on the parcel and expressed concerns about residential development in a high fire hazard. Concerns were expressed about the safety and welfare of the community. The Commission's consensus was that due to the public safety concerns, the project did not comply with County policies found in the General Plan and Resource Management Zoning District due to hazards on the property. The Commission did not find that the

fire hazard could be mitigated and therefore directed that findings of denial be prepared for consideration by the Commission.

The Subdivision Regulations require that a subdivision be suitable for the land. Subdivision Regulations at § 7013(3)(b)(3-4). Accordingly, the findings for denial of the subdivision application are as follows:

1. That the site is not physically suitable for the proposed type of development due to landslide activity on the parcel, in violation of Subdivision Regulations section 7013(3)(b)(3);
2. That the site is not physically suitable for the proposed density of development due to landslide activity on the parcel, in violation of Subdivision Regulations section 7013(3)(b)(4);
3. That the subdivision is on land located in a state responsibility area or a very high fire hazard severity zone as both are defined in Section 51177 of the California Government Code, and that the design and location of each lot in the subdivision, and the subdivision as a whole, are not consistent with applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code; due to the fact that proposed minor subdivision would be inconsistent with the protection responsibilities found in section 4291(a)(1)(A) by (a) allowing lot configurations and a pattern of private ownership of land that renders it impossible to hold future owners accountable for maintaining fuel loads such that a wildfire burning under average weather conditions would be unlikely to ignite a structure; and (2) allowing the installation of buildings or structures incapable of meeting regulations of defensible space, thereby making the area less safe from possible wildfires.

The Planning Commission may deny the minor subdivision on the basis of such findings as reflected in Attachment A

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS OF DENIAL

Permit or Project File Number: PLN 2014-00410 Hearing Date: August 25, 2021

Prepared By: Erica Adams, Project Planner For Adoption By: Planning Commission

RECOMMENDED FINDINGS

Regarding the Minor Subdivision, Find:

1. That the site is not physically suitable for the proposed type of development due to landslide activity on the parcel, in violation of Subdivision Regulations section 7013(3)(b)(3);
2. That the site is not physically suitable for the proposed density of development due to landslide activity on the parcel, in violation of Subdivision Regulations section 7013(3)(b)(4);
3. That the subdivision is on land located in a state responsibility area or a very high fire hazard severity zone as both are defined in Section 51177 of the California Government Code, and that the design and location of each lot in the subdivision, and the subdivision as a whole, are not consistent with applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code; due to the fact that proposed minor subdivision would be inconsistent with the protection responsibilities found in section 4291(a)(1)(A) by (a) allowing lot configurations and a pattern of private ownership of land that renders it impossible to hold future owners accountable for maintaining fuel loads such that a wildfire burning under average weather conditions would be unlikely to ignite a structure; and (2) allowing the installation of buildings or structures incapable of meeting regulations of defensible space, thereby making the area less safe from possible wildfires.

PUBLIC RESOURCES CODE - PRC
DIVISION 4. FORESTS, FORESTRY AND RANGE AND FORAGE LANDS
[4001 - 4958]

(Division 4 repealed and added by Stats. 1965, Ch. 1144.)

PART 2. PROTECTION OF FOREST, RANGE AND FORAGE LANDS [4101 - 4789.7]

(Part 2 added by Stats. 1965, Ch. 1144.)

CHAPTER 3. Mountainous, Forest-, Brush- and Grass-Covered Lands [4291 - 4299]

(Chapter 3 added by Stats. 1965, Ch. 1144.)

Section 4291 (a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

(1) (A) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line, except as provided in subparagraph (B). The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This subparagraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being utilized between 5 and 30 feet around the structure, and an ember-resistant zone being required within 5 feet of the structure, based on regulations promulgated by the board, in consultation with the department, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. The promulgation of these regulations by the board is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this subparagraph, "fuel" means any combustible material, including petroleum-based products and wildland fuels.

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