



**North Fair Oaks Community Council**  
San Mateo County Coordinated  
Departmental Response



**DATE:** March 20, 2023  
**NFOCC MEETING DATE:** March 23, 2023  
**SPECIAL NOTICE/HEARING:** 10-days. All property owners within 300'.  
**VOTE REQUIRED:** Majority

**TO:** Members, North Fair Oaks Community Council

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Minor Subdivision, pursuant to Section 7010 of the County Subdivision Regulations, to subdivide a 12,007 sq. ft. parcel into two parcels. The project site is located at 413 6th Avenue in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2022-00320 (Lai)

### **PROPOSAL**

The applicant is proposing to subdivide a 12,007 sq. ft. parcel located at 413 6th Avenue to create one 6,003 sq. ft. lot (Lot A) and one 6,004 sq. ft. lot (Lot B). All existing buildings on the parcel will be demolished. Both proposed parcels will be accessed directly from 6th Ave. Public utilities will be provided by existing overhead lines. Water will be supplied by the California Water Service Company Bear Gulch District and sewer service will be supplied by the Fair Oaks Sewer Maintenance District. The project includes the removal of one multi-trunked redwood tree (31" and 41" in diameter) located in the front yard, and two (2) London Plane .

### **RECOMMENDATION**

That the North Fair Oaks Community Council provide a recommendation to the Zoning Hearing Officer on the applicant's request to subdivide a 12,007 sq. ft. lot into one 6,003 sq. ft. lot and one 6,004 sq. ft. lot.

### **BACKGROUND**

Report Prepared By: Kathyne Castro Rivera, Project Planner

Owner/Applicant: Ryan Lai/Dani Lai

Location: 413 6th Avenue, North Fair Oaks

APN: 060-072-170

Existing Parcel Size: 12,007 sq. ft.

Proposed Parcel Sizes: Parcel A – 6,003 sq. ft., Parcel B – 6,004 sq. ft.

Existing Zoning: R-1/S-73 (One Family Residential District/5,000 sq. ft. minimum parcel size)

General Plan Designation: Medium Density Residential (6.1-8.7 du/ac)

Sphere-of-Influence: City of Redwood City

Existing Land Use: Single-family residence

Water Supply: California Water Service (Cal Water), Bear Gulch District

Sewage Disposal: Fair Oaks Sewer Maintenance District

Flood Zone: Flood Zone X (Areas of Minimal Flooding), FEMA Panel No. 06081C0302E, effective date October 16, 2012.

Environmental Evaluation: The project is 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. The project does not involve a variance or exception and all services and access in compliance with County standards are available.

Setting: The subject property is currently developed with a single-family residence and detached garage. These structures will be demolished as part of this project. The project site is relatively flat and there is one large multi-trunked redwood tree located in the front yard that the applicant is proposing to remove as part of this project. All adjacent parcels are developed with single-family residences.

Chronology:

<u>Date</u>	<u>Action</u>
November 2, 2022	- Subdivision Application Submitted
February 8, 2023	- Application Deemed Complete
March 23, 2023	- North Fair Oaks Community Council Meeting

**DISCUSSION**A. KEY ISSUES1. Compliance with the General Plan/North Fair Oaks Community PlanCompliance with the County General Plan

The County General Plan designates the subject property as Medium Density Residential (6.1-8.7 dwelling units/acre). The proposed land division will result in a density of 7.2 dwelling units per acre and is in compliance with this designation. Both parcels are zoned One-family Residential and exceed the minimum lot size requirement of 5,000 sq. ft. The proposal is consistent with the surrounding residential land uses, per Policies 8.14 (*Land Use Compatibility*) and 8.35 (*Uses*), respectively.

Compliance with the North Fair Oaks Community PlanChapter 2.- Land Use Designations

Chapter 2 of the North Fair Oaks Community Plan provides the land use designations for North Fair Oaks to guide future growth of the community and address the needs of current and future residents and workers. Key goals of the land use designations seek to allow and encourage additional housing and new development and redevelopment on underutilized and vacant land throughout North Fair Oaks to support projected growth of the community and to address current housing shortfalls. Policy 2C encourages residential infill development on vacant and underutilized residential parcels and within areas identified as appropriate for additional mixed use residential, commercial, and other development.

As discussed in Section A.1, the proposed subdivision complies with the GP/North Fair Oaks Community Plan designation for this parcel. The granting of this Minor Subdivision Permit allowing for residential infill development is consistent with Policy 2C and the community goals of Chapter 2 as it would result in two (2) parcels that can support future development of single-family residences that can comply with the R-1/S-73 zoning district standards.

Chapter 6.- Housing

Chapter 6 of the North Fair Oaks Community Plan provides an overview of current and future housing needs and recommends strategies to address

the full range of community housing needs. Overarching goals of this chapter seek to meet the needs of existing and future residents by promoting the creation of new housing, new types of housing, and housing in appropriate locations. Policies 6.2 and 6.6 seek to address current and future housing needs by encouraging density and increasing availability and accessibility of housing of all types, respectively.

As discussed, the subdivision would result in two parcels that can support future residential development which is consistent with the community housing policy goals to increase housing availability.

2. Compliance with the Zoning Regulations

The subject parcel is zoned R-1/S-73 (Single-Family Residential/5,000 sq. ft. minimum parcel size). The two parcels resulting from this subdivision will be in compliance with the minimum required standards of the R-1/S-73 District as illustrated in Table 1. The proposed parcel sizes and configurations will result in parcels that can comply with the development :

Table 1 S-73 Combining District Standards				
	Minimum Lot Size Required	Proposed Lot Size	Minimum Lot Width Required	Proposed Average Lot Width
Lot A	5,000 sq. ft.	6,003 sq. ft.	50 feet	50 feet
Lot B	5,000 sq. ft.	6,004 sq. ft.	50 feet	50 feet
Source: S-73 Combining District Development Standards, Zoning Regulations Section 6300				

3. Compliance with Subdivision Findings

Per Section 7013.3.b of the County Subdivision Ordinance, the following findings must be made in order to approve the proposed subdivision:

1. **That the proposed map is consistent with applicable general and specific plans;**
2. **That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;**
3. **That the site is physically suitable for the type of development;**

- 4. That the site is physically suitable for the proposed density of development;**
- 5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the above, a tentative map or tentative parcel map may be approved if an EIR was prepared for the subdivision and a finding is made pursuant to Subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make the mitigation measures or project alternatives identified in the EIR infeasible.**
- 6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems;**
- 7. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**
- 8. That in this connection, the Advisory Agency may approve a map if it is found that alternate easements, for access or for use, are otherwise available within a reasonable distance from the subdivision, will be provided, and are substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the Advisory Agency to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**
- 9. That 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.**
- 10. That the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 ("The Williamson Act") and that the resulting parcels following a subdivision of that land would not be too small to sustain their agricultural use. For purposes of this section, land shall be presumed to be in parcels too small to sustain their agricultural use if the land is: (a) Less**

than ten (10) acres in size in the case of prime agricultural land, or;  
(b) Less than forty (40) acres in size in the case of land which is not prime agricultural land. A subdivision of land subject to the Williamson Act, with parcels smaller than those specified above, may be approved only under the special circumstances prescribed in Section 66474.4(b) of the Map Act.

11. That, for a subdivision 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, all of the following are supported by substantial evidence in the record:

- (a) The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code;
- (b) Structural fire protection and suppression services will be available for the subdivision through a county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity; or the Department of Forestry and Fire Protection by contract entered into Pursuant to Section 4133, 4142, or 4144 of these Public Resources Code; and
- (c) To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code as interpreted and applied by the County Fire Marshal, and any applicable County ordinance.

12. That, for the subdivision of land designated in the County General Plan as open space and 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, all of the following are supported by substantial evidence in the record:

- (a) The subdivision is consistent with the open space purpose; and
- (b) If the subdivision would result in parcels that are forty (40) acres or smaller in size, those parcels are subject to a

**binding and recorded restriction prohibiting the development of a habitable, industrial, or commercial building or structure, while all other structures shall comply with defensible space requirements described in Government Code Section 51182 or Section 4291 of the Public Resources Code. Any later approval to remove the aforementioned binding restriction shall make the subdivision subject to the requirements of (11) above.**

As discussed in Section A.1, the resulting parcels conform with the General Plan land use designation. Staff has reviewed the design of the proposed subdivision and found it consistent, as conditioned in Attachment A of this report, with State and County land division regulations. This site is physically suited for residential development as there are residential services available and residential access is easily provided from 6th Ave. Further, the site is within an established residential neighborhood made up of similar parcel sizes and this project would be consistent with the existing neighborhood lot fabric. There are existing sewer and water lines that serve the existing development on the parent parcel and review of the project by affected agencies yielded no objections. The proposed subdivision is not likely to cause serious public health problems as it is served by public water and sewer systems that have adequate capacity to serve this project. There is no identified undisturbed natural habitat in the general vicinity of the project and the tentative map indicates that there are no existing easements on the subject property.

The County's Building Inspection Section, Department of Public Works, Parks Department, and County Fire Department have also reviewed the proposed project and found that, as conditioned, it complies with their respective standards.

4. Impact on Housing Opportunities or Displacement

The proposed project will result in the demolition of the existing single-family residence which is currently unoccupied. The proposed subdivision would support the creation of an additional residential infill lot and two new residences (one on each resulting lot). Therefore, the project will not result in displacement and will increase housing opportunities in the neighborhood.

B. ENVIRONMENTAL REVIEW

The proposed minor subdivision is categorically exempt from California Environmental Quality Act environmental review procedures, pursuant to Class 15, Section 15315 of the California Environmental Quality Act. This exemption applies to the division of property located in urbanized areas, into four or fewer parcels. The division is in conformance with the General Plan, requires no variances, all infrastructure and utility services are available, and access to the property meets local standards. The property has not been involved in a subdivision in the last two years, and the property must have an average slope of less than twenty percent (20 percent).

C. REVIEWING AGENCIES

Menlo Park Fire Protection District  
Drainage Review Section  
San Mateo County Department of Public Works  
San Mateo County Parks Department  
California Water Service Company Bear Gulch District  
Fair Oaks Sewer Maintenance District

**ATTACHMENTS**

- A. Location Map
- B. Proposed Tentative Map

\_NFOCC SR Template (4-14-17).dotx