



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



**DATE:** June 14, 2010  
**BOARD MEETING DATE:** June 29, 2010  
**SPECIAL NOTICE/HEARING:** 10-Day Notice  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

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

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of an appeal of the Planning Commission's denial of a Major Subdivision and Grading Permit, and certification of a Final Environmental Impact Report (FEIR), for the proposed Ascension Heights Subdivision in the unincorporated San Mateo Highlands area of San Mateo County. An alternative concept design plan has been proposed for consideration.

**RECOMMENDATION:**

Remand the project to the Planning Commission for its evaluation and consideration of the alternative project, submitted by the applicant, to address outstanding issues and to address compliance with the California Environmental Quality Act (CEQA).

**BACKGROUND:**

The applicant proposed to subdivide a collection of six parcels, which make up the project site, a 27-lot configuration, with 25 residential lots as allowed by the existing R-1/S-8 zoning district. The applications related to this request were denied by the Planning Commission. The Commission outlined various issues and concerns that needed to be addressed by the applicant, and provided guidance to aid in modifying the proposal. This denial has subsequently been appealed by the applicant to the Board of Supervisors.

**DISCUSSION:**

The request for a Major Subdivision and Grading Permit for the original 27-lot configuration was heard by the Planning Commission on December 9, 2009. Opposition to the project was provided by numerous members of the community at the hearing, expressing various issues and concerns. The Commissioners expressed various concerns as well, such as non-conformance to specific General Plan policies, geotechnical and drainage/erosion impacts, and visual impacts. The Commissioners suggested that the applicant meet with the community to seek collaboration in developing a design that does not build on the steep south-facing slope of the site, and directed staff to assist, as appropriate.

The applicant has filed an appeal of the Commission's actions and submitted a revised alternative for consideration which attempts to address issues raised at the December 9, 2009 Planning Commission hearing. Staff has facilitated two meetings between the applicant and members of the community to discuss preliminary plans, with additional outreach meetings to occur as necessary.

Remanding the project and alternative plan to the Planning Commission contributes to the 2025 Shared Vision outcome of a livable community that will require sufficient information about the project and environmental impacts upon which to make an informed decision regarding this land use request.

**FISCAL IMPACT:**

No net County cost.



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**SUBJECT:** Consideration of an appeal of the Planning Commission's denial of a Major Subdivision and Grading Permit, and certification of a Final Environmental Impact Report (FEIR), for the proposed Ascension Heights Subdivision located in the unincorporated San Mateo Highlands area of San Mateo County. The project includes the subdivision of the 13.25-acre subject site into 27 legal parcels for development of 25 single-family dwellings. An alternative concept design plan has been proposed for consideration.

County File Number: PLN 2002-00517

**RECOMMENDATION:**

Remand the project to the Planning Commission for its evaluation and consideration of the alternative project, submitted by the applicant, to address outstanding issues and to address compliance with the California Environmental Quality Act (CEQA).

**BACKGROUND:**

Proposal: The applicant proposed to subdivide a collection of six parcels, which make up the project site, into 27 parcels, of which 25 would be developed with single-family residences, as allowed by the existing R-1/S-8 zoning district. The applications related to this request were denied by the Planning Commission, and this denial has subsequently been appealed by the applicant to the Board of Supervisors.

The original proposed subdivision design included an Emergency Vehicle Access (EVA) road in order to provide secondary emergency fire access into the subdivision. This EVA, to be used only by emergency vehicles, would have connected the interior private street loop with Ascension Drive. Given the topography and minimum requirements for width and grade for the EVA, construction of the secondary access would have required extensive amounts of grading.

Given the extent of the project and its potential impact, an environmental impact report was prepared to identify significant environmental effects and propose mitigation measures to reduce those effects to a less than significant level. The Draft Environmental Impact Report (DEIR), published in June 2009, identified 15 individual significant impacts, with proposed mitigation measures, and discussed issues and concerns raised at the public scoping hearing held December 2003. During the DEIR's public commenting period, between June 22, 2009 and September 9, 2009, staff received 70 letters, which raised numerous issues including air quality, landslides, construction phasing, traffic impacts, and erosion. The Final Environmental Impact Report (FEIR) was published for public review on November 20, 2009 and responded to comments received relevant to general and specific environmental impacts covered within the DEIR. In addition to the comments received on the DEIR, many of the comments also expressed general opposition toward the project.

On December 9, 2009, the Planning Commission, in considering the applicant's request, denied the applications for a Major Subdivision and Grading Permit, and declined to certify the FEIR. The Commission outlined various issues and concerns that needed to be addressed by the applicant, and provided guidance to aid in modifying the proposal (see Attachment A, Revised Letter of Decision). The applicant filed an appeal of the Planning Commission's actions on December 23, 2009 and had determined to present an alternative concept design plan to address concerns raised by the Planning Commission.

Planning Commission Action: Denied

Report Prepared By: James A. Castañeda, AICP, Project Planner, Telephone 650/363-1853

Applicant/Appellant: San Mateo Real Estate and Construction

Property Owner: John O'Rourke

Location: Six contiguous parcels of property totaling approximately 13.25 acres (gross), located in the unincorporated area of San Mateo County known as the San Mateo Highlands. The subject site is bordered to the west by Bel Aire Road, Ascension Drive to the south, and existing single-family development to the north and west.

APNs: 041-111-130, 041-111-160, 041-111-270, 041-111-280, 041-111-320, and 041-111-360

Existing Zoning: R-1/S-8 (Single-Family Residential/7,500 sq. ft. minimum lot size)

General Plan Designation: Medium Low Density Residential (2.4 – 6.0 dwelling units/acre)

Sphere-of-Influence: San Mateo

Setting: The subject site is located at the northeast corner of the intersection of Bel Aire Road and Ascension Drive. It is situated on a hillside with average slopes of 40%. The subject site is surrounded by single-family dwellings, including the Baywood Park neighborhood to the northeast, the Enchanted Hills neighborhood to the southeast and southwest, and the Starlite Heights neighborhood to the northwest. The College of San Mateo campus is located less than 1/4 mile northeast of the subject site via Parrott Drive. At the center of the subject site is an existing potable water tank owned and operated by the California Water Service Company located on a separate 22,500 sq. ft. parcel. The water tank parcel is also used for mounting cellular communication facilities by various operators. This separate parcel is not part of the proposed project. The subject site was graded over 40 years ago, which consisted of excavating the sides of the hill for the construction of Ascension Drive and Bel Aire Road. Eight-foot wide benches at 30-foot intervals were created along Ascension Drive as a result. Surface runoff from these benches has eroded the slope over the years. The site is predominately characterized by grassland, small brush and trees such as oak, pine and eucalyptus. A small grove of eucalyptus trees is located on the southeast side of the site and pine trees have been planted around the water tank to help screen this public facility.

#### Chronology:

<u>Date</u>	<u>Action</u>
February 2002	- Pre-application workshop.
May 2002	- Second pre-application workshop.
August 28, 2002	- Application submitted.
December 4, 2003	- Public EIR Scoping Session held.
September 2004	- Administrative Draft Environmental Impact Report submitted for staff's review.
March 14, 2005	- County Fire required the applicant to proposed a secondary fire access road.
July 16, 2007	- Revised site plans and updated materials provided reflecting a proposed Emergency Vehicle Access (EVA) route.
September 2008	- Second Administrative Draft Environmental Impact Report submitted, updated to include EVA route and other materials, for staff's review.
June 22, 2009	- Public Draft Environmental Impact Report (DEIR) published.

- September 9, 2009      -    Public hearing held to discuss DEIR and take public comments.
- November 20, 2009    -    Final Environmental Impact Report (FEIR) published and released.
- December 9, 2009     -    Planning Commission public hearing to consider project and certification of the FEIR. FEIR was not certified and project was de facto denied.
- December 23, 2009    -    Appeal filed by applicant.

## **DISCUSSION:**

### **A. KEY ISSUES OF THE APPEAL**

The request for a Major Subdivision and Grading Permit for the original 27-lot configuration was heard by the Planning Commission on December 9, 2009. During the public hearing, opposition to the project was provided by numerous members of the community, expressing various concerns ranging from construction impacts, health concerns, visual impacts, and development on steep slopes. The Planning Commission considered the testimony presented as part of its deliberation of the project and the Commission determined that it was unable to make the necessary findings to certify the environmental document, and therefore denied the project. The Commissioners expressed various concerns, such as non-conformance to specific General Plan policies, geotechnical and drainage/erosion impacts, and visual impacts. The Commissioners suggested that the applicant meet with the community to seek collaboration to develop a design that does not build on the steep south-facing slope of the site, and directed staff to assist, as appropriate.

On December 23, 2009, the applicant filed an appeal of the Commission's actions and has submitted a revised alternative for consideration which attempts to address issues raised at the December 9, 2009 Planning Commission hearing. Staff has facilitated two meetings between the applicant and members of the community to discuss preliminary plans, with additional outreach meetings to occur as necessary.

### **B. APPLICANT'S ALTERNATIVE**

The applicant has developed a concept design plan to present as an alternative that would reduce the overall number of residential lots in the project from 25 to 17. The new configuration would eliminate the requirement for a secondary fire access, thus eliminating the Emergency Access Road. As a result, grading amounts for this alternative would be reduced by approximately 55%. Staff's initial review of the proposed concept plan shows potential reductions in significant environmental impacts in the project. Further review of this alternative, in a revised environmental

document, is required to fully understand the changes in impacts; however, reduction of grading by half does have some positive implications to the project.

Given the alternative presented, staff is requesting that the Board of Supervisors consider remanding the project to the Planning Commission for its consideration of the revised project, and ongoing collaboration in developing the alternative design plan to address outstanding issues and concerns.

C. ENVIRONMENTAL REVIEW

The alternative plan would require a revision and re-circulation of the Environmental Impact Report.

Remanding the project and alternative plan to the Planning Commission contributes to the 2025 Shared Vision outcome of a livable community that will require sufficient information about the project and environmental impacts upon which to make an informed decision regarding this land use request.

**FISCAL IMPACT:**

No net County cost.

**ATTACHMENTS:**

- A. Planning Commission Revised Decision Letter, dated February 11, 2010
- B. Previous Tentative Subdivision Map, denied December 9, 2009
- C. Proposed Alternative Concept Tentative Subdivision Map

## Planning & Building Department

455 County Center, 2nd Floor  
Redwood City, California 94063  
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122  
plngbldg@co.sanmateo.ca.us  
www.co.sanmateo.ca.us/planning

Please reply to: James A. Castañeda  
(650) 363-1853

February 11, 2010

Mr. Dennis Thomas  
San Mateo Real Estate & Construction  
1777 Borel Place, Suite 330  
San Mateo, CA 94402

## PROJECT FILE

Mr. John O'Rourke  
29 San Francisco Street  
Brisbane, CA 94005

Dear Mr. Thomas and Mr. O'Rourke:

<b>Subject:</b>	<b>REVISED LETTER OF DECISION</b>
<b>File Number:</b>	<b>PLN2002-00517</b>
<b>Location:</b>	<b>Bel Aire Road and Ascension Drive, San Mateo</b>
<b>APN's:</b>	<b>041-111-130,-160,-270,-280,-320, -360</b>

**On February 10, 2010 the Planning Commission approved the minutes of the December 9, 2009 meeting, with regard to PLN2002-00517, to more precisely express the analysis of the project by the Commission. These revisions do not change the Planning Commission's recommendation, or the appeal period for the project. These modifications have been added to the original decision letter and are identified in underlined italics below.**

On December 9, 2009, the San Mateo County Planning Commission considered a Major Subdivision, pursuant to Section 7010 of the County Subdivision Ordinance and the State Subdivision Map Act, a Grading Permit, pursuant Section 8600 of the San Mateo County Ordinance Code, and certification of a Final Environmental Impact Report (FEIR), pursuant to the California Environmental Quality Act (CEQA), for the proposed Ascension Heights Subdivision located in the unincorporated San Mateo Highlands area of San Mateo County. The project includes the subdivision of the 13.25-acre subject site into 27 legal parcels for development of 25 single-family dwellings, a proposed conservation area (lot A), and "tot-lot" (lot B), which includes a main private access road, and an Emergency Vehicle Access road to provide additional fire access



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Mr. John O'Rourke  
February 11, 2010  
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After receiving answers to questions from staff and the applicant, the Commissioners expressed various concerns that had not been overcome or answered by the information on which a decision must be made. Primary among these were Commissioner Bomberger's and Slocum's concern that the project as proposed was requesting the creation of new subdivision for lots that did not appear to conform with General Plan Policy 15.20.b. (Wherever possible, avoid construction on steeply sloping areas (generally above 30%), which had been shown to be a significant impact under the DEIR. The Commissioners, including Commissioner Wong, expressed a related concern regarding geotechnical and drainage/erosion impacts from building over a 5-year period on the proposed lots. Commissioner Slocum also expressed concerns about General Plan provisions regarding visual impacts in scenic corridors, which could be seen as resulting from building numerous 3-story buildings of over 36 feet in total height on the proposed lots on the steep south facing slope.

**Based on information provided by staff and evidence presented at the hearing, the Planning Commission denied (4-0) The following:**

1. A resolution certifying the Final Environmental Impact Report (FEIR) as complete, correct and adequate and prepared in accordance with CEQA.
2. A resolution adopting a Statement of Overriding Considerations.
3. A resolution adopting the Mitigation Monitoring Report and the Statement of Findings and Facts in Support of Findings.
4. The vesting tentative map for a major subdivision, the grading permit, and the removal of four significant trees by making the findings and adopting the conditions of approval as set forth in Attachment A.

The Planning Commission's motion also directed the applicant to meet with the community to seek a design that does not build on the steep south facing slope of the site and directed staff to assist as appropriate.

In addition, to provide guidance to the applicant to aid in any further efforts to modify the proposal, the Planning Commission encouraged the applicant to: 1) provide more moderate-sized housing, 2) address the concerns about avoiding building on the steep south facing slope, and 3) develop a new design that could minimize negative impacts.

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Commissioner Slocum distributed an illustrative drawing depicting a potential approach to a redesign that would appear to avoid the significant impacts identified in the Draft EIR and address many of the remaining concerns expressed by the community by avoiding development and new roads with retaining walls on the steep south facing slope but yet allow for development of approximately 18 – 19 homes on more modest sized lots on the flatter areas of the site. (See attached.); and Commissioner Dworetzky expressed concern that there appeared not to have been any recent outreach to or collaboration with the surrounding community by the applicant.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on December 23, 2009.**

If you have questions regarding this matter, please contact the Project Planner listed on page one.

Sincerely,



Rosario Fernandez  
Planning Commission Secretary  
Pcd1209T\_ascension(Revdenial).doc

Enclosure: Gail Slocum Illustrative Variation on DEIR

cc: Department of Public Works  
Building Inspection Section  
Gerard Ozanne, M.D.  
Angela Stricklzy  
Robert Stricklzy  
Craig Nishizaki  
Douglas Heiton  
Donald Nagle  
Clayton Nagle  
Harris Dubrow

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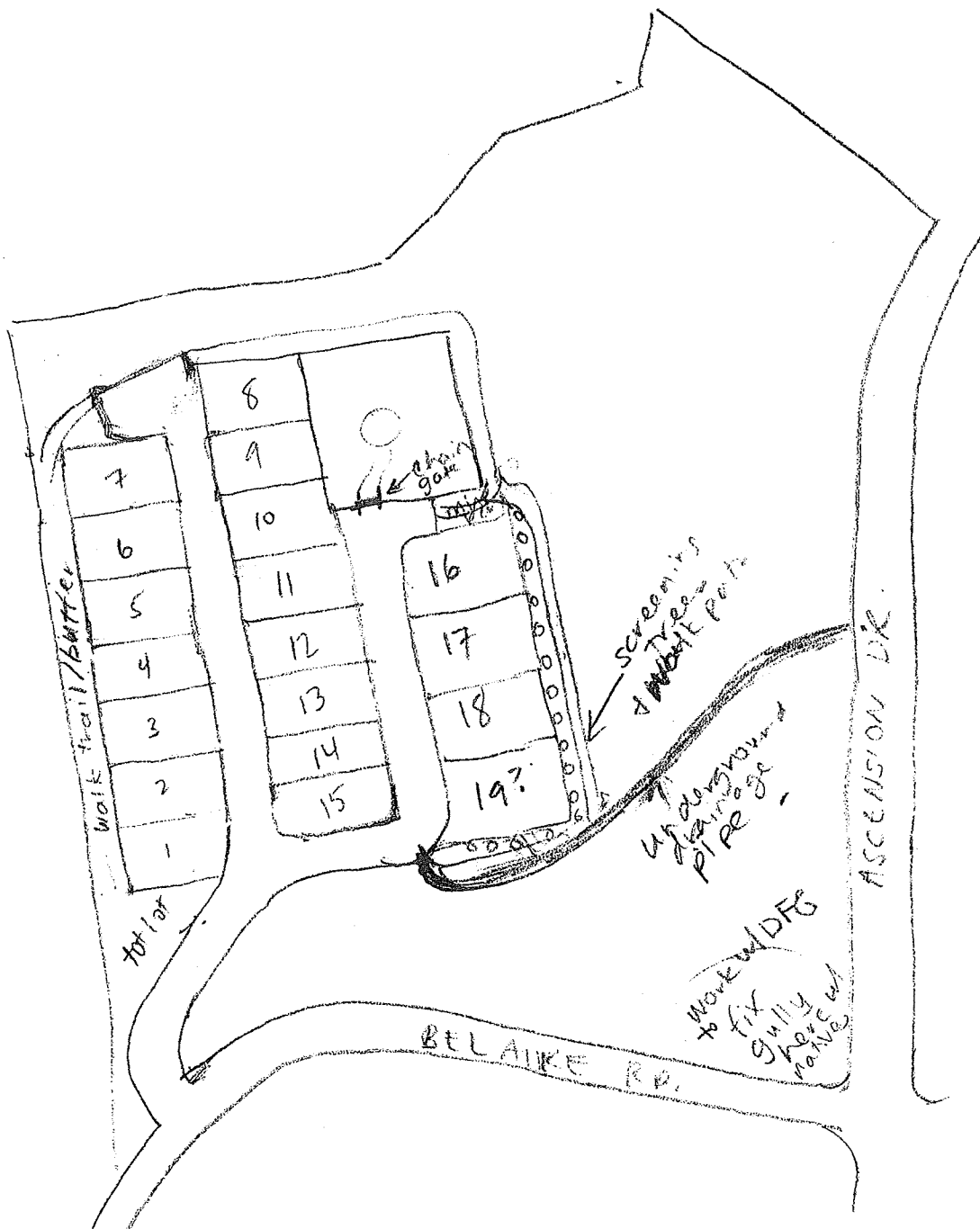
Pat Dubrow  
Gilma Walker  
Caron and Noam Tabb  
Marilyn Haithcox  
Pat Dubrow  
Ara Jabaghourian  
Carol McGraw  
Dr. Robert Snow  
Russ Wright  
Ted Glasgow  
Suzanne Kennedy  
Sam Naifeh  
Terence Day  
Steve Simpson  
Michael Hann  
Bob Dobel  
Eugene Ciranni  
Alissa Reindel  
Michele Pilgrim  
Barbara Mikulis  
T. Jack Foster  
Stelon Delorenzi  
Carol Henton  
Rosemarie Thomas  
John Shroyer  
Wendy Z. Browne  
Kim Ricket  
Frank Shissler  
George Mitroff  
Peter B. Pitkin  
Gary Ernst  
Kirk McGowan  
Scott Miller  
Anastassia Nagle  
Robert Snow  
Ted Sayre  
Barbara Bailey

FILE COPY

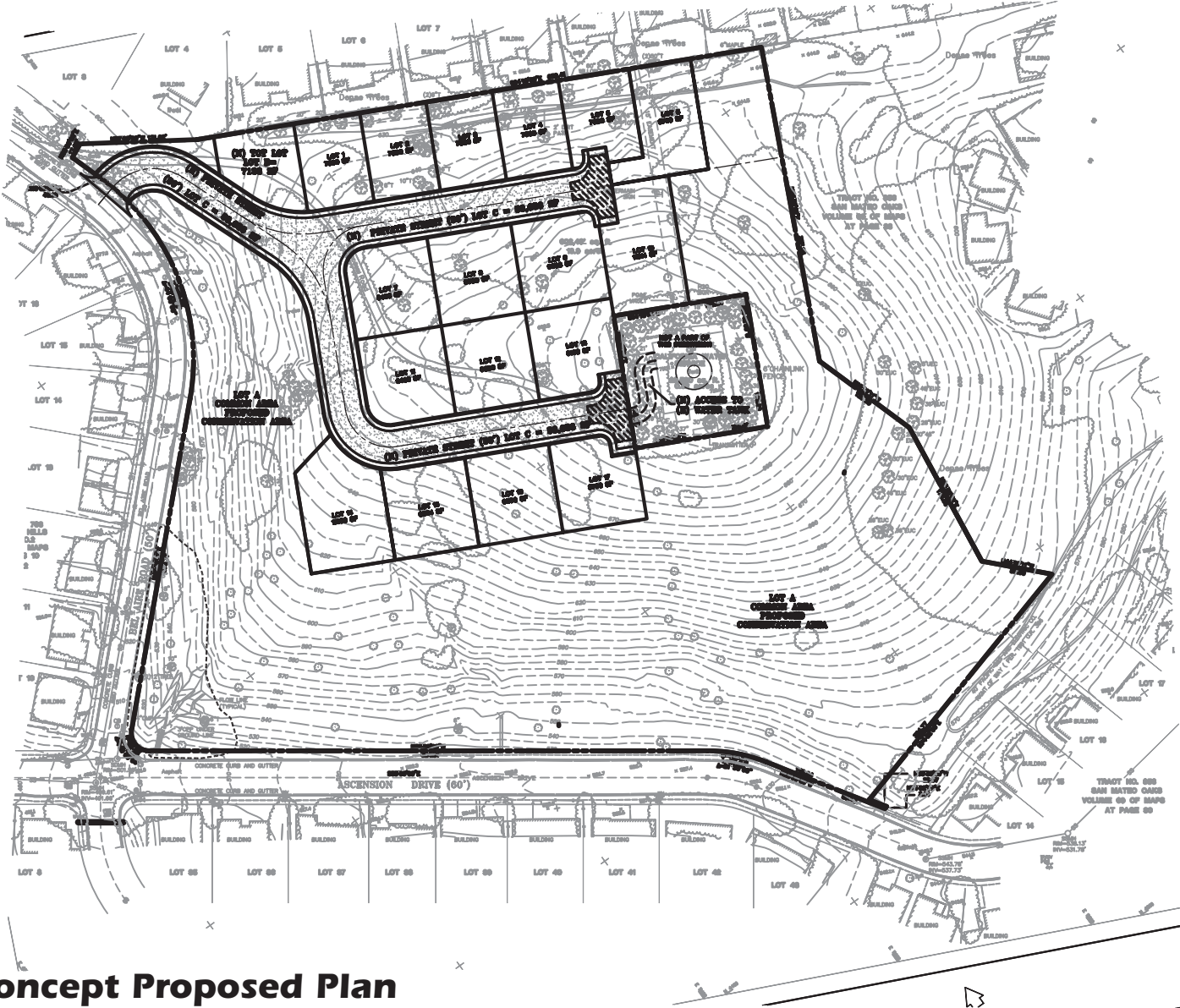
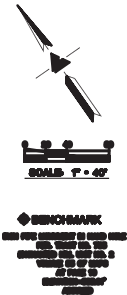
ILLUSTRATIVE VARIATION ON DEIR ALT. B -- Gail Slocum 12/9/09

Still allows ~18 SFD units, but (per DEIR) is superior to Proposed Project because:

- No "scenic impact (no building on the steep South slope face)
- Far less impervious surface (~1/2, with no EVA) less drainage/retaining wall issues
- Far less chance of slope failure in major earthquake (EIR points to south side)
- Far less air quality/grading/erosion impact because significantly less soil removal
- Far less or no biological/sensitive plant & species habitat impact







**Concept Proposed Plan**



**San Mateo County Board of Supervisors**  
 Ascension Heights Subdivision  
 San Mateo, California  
 (Consolidated with San Mateo County)

**ASCENSION HEIGHTS  
 SUBDIVISION  
 SAN MATEO, CALIFORNIA**  
 (Consolidated with San Mateo County)

**VESTING TENTATIVE  
 SUBDIVISION MAP  
 LOT LAYOUT PLAN**

DATE	10/1/2002
BY	J. J. O'Rourke
SCALE	1" = 40'
DATE	10/1/2002
BY	J. J. O'Rourke
DATE	10/1/2002
BY	J. J. O'Rourke
DATE	10/1/2002
BY	J. J. O'Rourke
DATE	10/1/2002
BY	J. J. O'Rourke

**San Mateo County Board of Supervisors' Meeting**

Owner/Applicant: **O'Rourke/San Mateo Real Estate & Construction**

Attachment: **C**

File Numbers: **PLN 2002-00517**