

## **Emerald Lake Hills Community Survey on Zoning and Design Review SUMMARY OF FINDINGS**

The San Mateo County Planning and Building Department is assessing community opinion on whether zoning and design review regulations in Emerald Lake Hills should be modified. The purpose of the assessment is to determine whether there is a need to modify the regulations for the unincorporated areas of Emerald Lake Hills and Oak Knoll Manor, and the types of modification, if any, the community desires.

As part of this assessment, the Planning and Building Department distributed an opinion survey to Emerald Lake Hills property owners in March 2008. For a copy of the final survey sent to property owners click [here](#). The deadline for response to the survey was April 18, 2008. The Department has received all returned surveys and has collated the data and completed basic analysis of the responses, and the initial findings are reported here in detail. Response summaries in table format only are also available...click [here](#).

### **BACKGROUND AND METHODOLOGY**

The Planning and Building Department presented a draft of the survey to the community at a community meeting in November 2007. The draft was also made available for review on the County's website. Based on comments received during and after the meeting, the Department modified the survey, and the final version was distributed by mail on March 25, 2008. The survey was drafted, edited, and distributed exclusively by the San Mateo County Planning and Building Department.

The survey was mailed to all property owners in Emerald Lake Hills and Oak Knoll Manor, using parcel and mailing address information from the San Mateo County Tax Assessor's database, the database used for property tax purposes. Two thousand seventy-four copies of the survey were mailed to property owners. The deadline to return the survey was April 18, 2008.

The survey contained 15 questions about zoning, design review, and other development-related issues in Emerald Lake Hills. Six of these were "quantitative" questions, with responses that can be tabulated and summarized numerically. Of these, 3 were yes/no questions, 1 was multiple-choice, and 2 were scale rankings. The remaining 9 questions were open-ended, intended to gather more detailed information on respondents' opinions and experiences. A copy of the final survey form is available by clicking [here](#), along with a [survey key](#) showing response types.

The property owner address information available in the San Mateo County Tax Assessor's database is recorded on a parcel-by-parcel basis, and each property owner's name and address is provided once for each distinct, separately owned parcel in the database. Because some property owners in Emerald Lake Hills own more than one property in the area, the mailing address information from the Assessor's database contains some duplicate addresses. For example, a property owner who owns three separate parcels in Emerald Lake Hills will appear three separate times in the database. Because of concerns about ensuring maximum survey coverage, the County decided to mail the survey on a parcel-by-parcel basis, rather than attempting to eliminate redundant addresses from the mailing list. This resulted in some

property owners receiving multiple copies of the survey, based on the number of separate parcels they own in Emerald Lake Hills. Some of the property owners who received multiple copied of the survey also returned multiple copies: thirty-four property owners returned multiple surveys. It is possible to exclude these duplicate responses from the survey results after the fact, and the data summarized here shows results both for all surveys returned (including multiple parcels in common ownership) and for surveys with these redundant responses excluded.<sup>1</sup>

The San Mateo County Planning and Building Department independently collected, collated, and analyzed the survey data.

### **RESPONSE RATE**

The Planning and Building Department distributed 2,074 copies of the survey to property owners in Emerald Lake Hills. Three hundred eighty four completed survey forms were returned, a response rate of 18.5%.

Thirty-one of the mailed surveys were also returned as undeliverable for various reasons. If these surveys are subtracted from the response totals, the adjusted response rate is 18.8% (384 returned surveys out of an adjusted 2,043 surveys delivered).

While some survey respondents answered every survey question, some respondents left questions blank. Some responses to particular questions were also invalid: for example, some respondents gave multiple, mutually exclusive responses to multiple-choice answers, nullifying the response. Because of these factors, the valid response rate for individual questions varies from the overall response rate for the survey. Valid response rates for each question are listed below each question in the summary tables below.

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<sup>1</sup> To calculate the findings with duplicate responses excluded, only one response from each property owner that returned multiple surveys was retained. The 34 owners who returned multiple surveys returned 86 surveys, in aggregate. Fifty-two of these were removed, leaving 34 responses (one response for each owner of multiple parcels that returned multiple surveys).

## FINDINGS

### Questions 6, 7, 8, 9, 11 and 12

As noted above, the survey included both quantitative questions, which can be summarized numerically, and open-ended questions intended to gather more extensive information on respondents' opinions and experiences. Questions 6, 7, 8, 9, 11 and 12 were quantitative questions. Summaries of the responses to these multiple choice, yes/no, and scale ranking questions are presented in the tables below, with brief discussions of the results. A discussion of the responses to open-ended questions follows these summary tables.

### Question 6: Effectiveness of Current Zoning and Design Review Standards

#### *Question 6: Multiple Properties in Common Ownership Included*

	<b>Responses</b>	<b>Percent</b>
<b>1. Very Bad</b>	100	29%
<b>2. Bad</b>	79	23%
<b>3. Average</b>	91	27%
<b>4. Good</b>	50	15%
<b>5. Very Good</b>	21	6%

<b>Average Effectiveness Rating (1 to 5):</b>	<b>2.4</b>
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Total Valid Responses 341

#### *Question 6: Multiple Properties in Common Ownership Excluded*

	<b>Responses</b>	<b>Percent</b>
<b>1. Very Bad</b>	79	27%
<b>2. Bad</b>	73	25%
<b>3. Average</b>	75	25%
<b>4. Good</b>	47	16%
<b>5. Very Good</b>	20	7%

<b>Average Effectiveness Rating (1 to 5):</b>	<b>2.5</b>
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Total Valid Responses 294

The results shown in the tables above indicate that a slight majority of respondents to Question 6 feel that current zoning and design review regulations are ineffective, or only marginally effective. The average rating of the regulations, with redundant responses from multiple properties in common ownership included, is 2.4 of a possible 5. With redundant responses excluded, the average is 2.5 of 5.

**Question 7: Retention, Modification, or Elimination of Design Review, and Modifications to Zoning Standards**

*Question 7: Multiple Properties in Common Ownership Included*

<b>Continue to Conduct Staff-Level Design Review</b>			
	<i>Retain Current Standards</i>	<i>Revise Standards</i>	<b>Total</b>
<b>Responses</b>	40	37	<b>77</b>
<b>Percent</b>	12%	11%	<b>23%</b>
<b>Reinstate Design Review by Committee</b>			
	<i>Retain Current Standards</i>	<i>Revise Standards</i>	<b>Total</b>
<b>Responses</b>	20	41	<b>61</b>
<b>Percent</b>	6%	12%	<b>18%</b>
<b>Eliminate Design Review</b>			
	<i>Eliminate DR, Retain Other Standards</i>	<i>Eliminate DR, Revise Other Standards</i>	<b>Total</b>
<b>Responses</b>	57	139	<b>196</b>
<b>Percent</b>	17%	42%	<b>59%</b>
<b>Total</b>	117	217	<b>334</b>
<b>Percent</b>	35%	65%	<b>100%</b>

	<b>Total Responses</b>	<b>Percent</b>
<b>Retain Design Review:</b>	<b>138</b>	<b>41.32%</b>
<b>Eliminate Design Review:</b>	<b>196</b>	<b>58.68%</b>

Total Valid Responses 334

*Question 7: Multiple Properties in Common Ownership Excluded*

<b>Continue to Conduct Staff-Level Design Review</b>			
	<i>Retain Current Standards</i>	<i>Revise Standards</i>	<b>Total</b>
<b>Responses</b>	39	35	<b>74</b>
<b>Percent</b>	14%	12%	<b>26%</b>
<b>Reinstate Design Review by Committee</b>			
	<i>Retain Current Standards</i>	<i>Revise Standards</i>	<b>Total</b>
<b>Responses</b>	18	39	<b>57</b>
<b>Percent</b>	6%	14%	<b>20%</b>
<b>Eliminate Design Review</b>			
	<i>Eliminate DR, Retain Other Standards</i>	<i>Eliminate DR, Revise Other Standards</i>	<b>Total</b>
<b>Responses</b>	54	102	<b>156</b>
<b>Percent</b>	19%	36%	<b>54%</b>
<b>Total</b>	111	176	<b>287</b>
<b>Percent</b>	39%	61%	<b>100%</b>

	<b>Total Responses</b>	<b>Percent</b>
<b>Retain Design Review:</b>	<b>131</b>	<b>45.64%</b>
<b>Eliminate Design Review:</b>	<b>156</b>	<b>54.36%</b>

Total Valid Responses 287

Question 7 captures the principal concern of the survey: in what manner and to what extent, if at all, should zoning and design review regulations be modified? This question presents, in abbreviated form, the potential directions for modifying zoning and design review regulations.

The majority of respondents feel that design review should be eliminated entirely. Including redundant responses, 58% favor elimination of design review; with redundant responses excluded, 54% favor elimination. Of those respondents who favor retention of design review, a slightly greater percentage feel that design review should continue to be conducted at the staff level, rather than reinstating the Design Review Committee. A slightly greater percentage of those respondents who feel that design review should remain at the staff level also expressed a preference for maintaining the current zoning regulations without modification. In contrast, a significantly larger percentage of respondents who expressed a preference for reinstating the Design Review Committee also expressed a preference for modifying the zoning regulations, as did those respondents favoring outright elimination of design review. Overall, with redundant responses included, 65% of respondents favor

modification of zoning regulations; with redundant responses excluded, 61% favor modification of zoning regulations.

**Question 8: Should Notice of Projects Still be Distributed if Design Review is Eliminated?**

*Question 8: Multiple Properties in Common Ownership Included*

	<b>Responses</b>	<b>Percent</b>
<b>Yes</b>	244	76%
<b>No</b>	79	24%

Total Valid Responses 323

*Question 8: Multiple Properties in Common Ownership Excluded*

	<b>Responses</b>	<b>Percent</b>
<b>Yes</b>	215	78%
<b>No</b>	60	22%

Total Valid Responses 275

A significantly greater percentage of respondents to Question 8 prefer that notice of “ministerial” projects—projects that would, in most cases, be automatically approved under current zoning regulations if design review were eliminated, and would not otherwise require public notice—continue to be distributed, even if design review is eliminated.

**Question 9: Have You Ever Tried to Obtain Permits from the County?**

*Question 9. Multiple Properties in Common Ownership Included*

	<b>Responses</b>	<b>Percent</b>
<b>Yes</b>	252	69%
<b>No</b>	112	31%

Total Valid Responses 364

*Question 9: Multiple Properties in Common Ownership Excluded*

	<b>Responses</b>	<b>Percent</b>
<b>Yes</b>	209	66%
<b>No</b>	106	34%

Total Valid Responses 315

**Question 11: Quality of Permit Experience with County**

*Question 11: Multiple Properties in Common Ownership Included*

	<b>Responses</b>	<b>Percent</b>
<b>1. Very Bad</b>	59	24%
<b>2. Bad</b>	49	20%
<b>3. Average</b>	64	26%
<b>4. Good</b>	55	22%
<b>5. Very Good</b>	20	8%

<b>Average Quality of Experience (1 to 5):</b>	<b>2.71</b>
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Total Valid Responses 247

*Question 11: Multiple Properties in Common Ownership Excluded*

	<b>Responses</b>	<b>Percent</b>
<b>1. Very Bad</b>	42	21%
<b>2. Bad</b>	45	22%
<b>3. Average</b>	46	23%
<b>4. Good</b>	50	25%
<b>5. Very Good</b>	20	8%

<b>Average Quality of Experience (1 to 5):</b>	<b>2.81</b>
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Total Valid Responses 203

Slightly less than half of respondents to Question 11 (44% with redundancies included, 43% with these responses excluded) feel that their prior permit experience with the County was “bad” or “very bad,” while a marginally higher percent (48%) feel their prior experience was “average” or “good.” Only 8% of respondents felt their prior permit experience was “very good.” The respondents’ average rating of prior permit experience was 2.7 out of a possible 5 with redundancies included, and 2.8 with these responses excluded.

**Question 12: Have You Ever Had to Modify a Project Due to Design Review?**

*Question 12: Multiple Properties in Common Ownership Included*

	<b>Responses</b>	<b>Percent</b>
<b>Yes</b>	93	29%
<b>No</b>	233	71%

Total Valid Responses 326

*Question 12: Multiple Properties in Common Ownership Excluded*

	<b>Responses</b>	<b>Percent</b>
<b>Yes</b>	73	26%
<b>No</b>	206	74%

Total Valid Responses 279

Roughly one fourth of respondents to Question 12 indicated that they had had to modify a past project due to changes required by design review. With redundant responses included, 29% indicated that they had been required to modify past projects, while with such responses excluded this number is 26%.

**Summary of Questions 6, 7, 8, 9, 11 and 12**

Among the questions in this portion of the survey, Questions 6 and 7 are the most important indicators of community opinion on zoning and design review. Responses to Question 6 indicate that most respondents (52%, including redundant responses) do not feel that current regulations are adequate, and that some modifications should be made. Question 7 indicates that a majority of respondents (58%) favor elimination of design review, and a somewhat larger majority of respondents (65%) favor modification of zoning regulations.

## **Narrative Questions**

Questions 1 through 5, 10, 13, 14 and 15 requested a narrative response, and were intended to elicit more extensive and detailed feedback. Responses to these questions varied widely. This section does not list every answer to every question, and does not quote specific answers, but summarizes the most common themes and responses that appear in the answers to these questions.

### **Questions 1 through 5**

Questions 1 through 5 were intended to gather detailed information about which development-related issues in Emerald Lake Hills respondents felt were most important, and what specific changes to the design review and zoning regulations residents would recommend.

The five questions were intended to gather different information, with different levels of specificity. However, many respondents made the same response for each of the five questions. In addition, similar or identical responses, from different respondents, were frequently given for different questions: for example, a given respondent would provide a response for Question 1, and another respondent would coincidentally provide an identical response, but for Question 4. Because of these factors, the answers to the first five questions are aggregated here.

Many respondents indicated that their primary concern was the design review process, which they felt should be eliminated. Many provided this response for all of the first five questions, and in some cases for most or all questions in the survey.

A number of responses were general, such as those that indicated that “zoning,” “zoning and design review,” “control of development,” “amounts of development,” and “building regulations” were the most pressing development-related issue faced by the community.

A number of responses emphasized that design review regulations should allow greater flexibility, and should permit greater diversity of styles, materials, and colors.

Many respondents expressed concern that existing regulations allow too many large homes, “monster homes,” or “McMansions”. Some emphasized a need for restrictions on the size of homes in relation to lot sizes, prohibitions on over-development of lots, and other ways to prevent lots from being overwhelmed with large houses.

Some respondents expressed general concern about excess growth and development in the area. A number also emphasized the need for protection and preservation of Emerald Lake Hills’ open space, rural character, natural environment, wildlife and habitat.

Some respondents expressed their belief that the types of regulations represented by Design Review and/or Zoning Regulations are fundamentally wrong, immoral, un-American, and/or a restriction of property rights. A number of respondents expressed the opinion that there should be no restrictions of any kind on the development of their property.

A number of responses indicated that the County is too bureaucratic, and that the regulations are cumbersome, difficult, time-consuming and/or costly.

Other specific concerns and opinions included:

- Allowing more flexibility for expansion of existing homes.
- The need to maintain design review in order to preserve the character of Emerald Lake Hills, and to ensure that new homes fit the character of existing homes.
- Preservation of trees and strengthening the tree preservation ordinance.
- Elimination of the tree preservation ordinance.
- The fact that Planning and Building Department staff is difficult and/or unhelpful.
- The need to reinstate the Design Review Committee.
- A need for mandatory off-street parking.
- A desire to develop or “un-merge” lots that were previously required to be merged, and to be allowed to subdivide smaller lots
- A preference for retention or reinstatement of the Design Review Committee, but in a reconfigured format that would be more fair and/or objective.
- Liberalization of the Floor Area Ratio regulation, and the exclusion of balconies, porches, decks, basements, and other accessory structures from this regulation.
- Limiting the size of trees so as not to block views and/or impact neighbors’ homes.
- Limiting allowed in-law dwellings.
- Ensuring that subdivisions regulations allow only very large lots, to preserve space and the character of the area.
- Allowing steeper driveways.
- Allowing greater height limits for structures.
- The need for regulations requiring or facilitating solar power use, as well as other green building methods

A very few respondents expressed a desire for increased density, more housing, and more affordable housing in the area. A small number also expressed a desire for no changes whatsoever to zoning and design review regulations.

There were also a number of responses not entirely related to questions of zoning and/or design review, including concerns about road safety, turn lanes, traffic volume and speed, street width and street paving, sidewalk requirements, and undergrounding of utilities.

#### **Question 10**

Question 10 was a follow-up question to Question 9, which asked if the respondent had ever attempted to obtain building permits from the County. Question 10 asked what type of activities such permits were for. Responses included a range of building and remodeling activities, including construction of new homes, home remodels and rehabilitations, home expansions and additions of rooms and accessory structures, and less extensive activities such as minor remodels, re-roofing, window replacement, paving of driveways, installation and repair of plumbing, tree removal, and a variety of other smaller-scale activities.

### **Question 13**

Question 13 was a follow-up question to Question 12, which asked if respondents had ever been required to modify a project because of design review requirements. Question 13 asked what types of modifications were required.

Responses included modifications to color, window design, window size, window placement, awnings, roof height, building materials, porch design, paving materials, siding materials, roofing materials, requirements for tree planting and additional landscaping, changes to landscape design, changes to tree locations, changes to entryway and door placement, additional window requirements, alignment of front and rear doors, and changes to garage placement.

A number of respondents indicated that the limitations on building materials, either stemming from the regulations, or from the Design Review Committee's interpretation of the regulations, seemed particularly problematic. Some issues cited included prohibitions on cultured stone, prohibitions on clay roofs, recommendations for use of cement tiles, and prohibitions on stucco, as well as the apparent inconsistency in the application of these regulations.

Regulations on house color also struck many respondents as particularly burdensome, unnecessary, and arbitrary.

### **Question 14**

Question 14 asked respondents for any other comments on zoning, design review, building standards, or other development issues in Emerald Lake Hills. Responses varied widely both in content and length, and are difficult to summarize concisely. Most of the responses that appear in the summary of Questions 1 through 5 also reappeared as responses to this question. Some more common responses and themes include:

- The need to eliminate design review.
- Support for the Emerald Hills Homeowners Association.
- Support for the Emerald Hills Community Coalition.
- Condemnation of the Emerald Hills Homeowners Association, and the opinion that its views do not represent those of the larger community.
- Condemnation of the Emerald Hills Community Coalition, and the opinion that its views do not represent those of the larger community.
- The need for fair application of existing laws, and the belief that current regulations are enforced inconsistently, or not at all.
- The belief that professional and/or speculative builders and contractors are able to manipulate the zoning and design review regulations to their benefit.
- A desire to prohibit speculative building in the area, and the belief that any movement toward elimination of design review regulations is driven by developers.
- The desire to control excess development in the area, protect the area's rural character and open space, protect surrounding property owners from adverse impacts of new development, and prevent overbuilding.
- The belief that design review is an infringement on property rights.

- The belief that the Planning and Building Department should follow a “value-added” business model, and the belief that were the Department subject to the pressures of market competition, it would quickly go out of business.
- The belief that Planning and Building Department staff members are unfriendly and/or incompetent.
- The desire to reinstate the Design Review Committee, with modifications to make it more equitable.
- A belief that the decisions made by the Design Review Committee were unfair, arbitrary, capricious and subjective.
- The belief that Building, Planning and Design Review fees are excessively high.
- The belief that the entire design review process, and the building permit process in general, are too slow and too complicated.
- The desire that the Planning and Building Department simplify the regulations, provide better information on the regulations, better communicate such information, provide clearer channels of communication in general, and be more informative overall.

A number of respondents indicated a desire to be allowed to vote on any changes to zoning and design review regulations, in an “initiative-like process” or referendum, with voter-information pamphlets describing the pros, cons, and costs of specific changes.

A small number of respondents indicated that the regulations were working well. A small number also indicated that Planning and Building Department staff had been helpful. A few respondents also indicated a desire for more stringent design review and zoning regulations.

Proponents of preserving design review, and proponents of eliminating design review both expressed a belief that their opinion was that of the “silent majority,” while those with the opposing viewpoint were in the “vocal minority.” This opinion was also expressed in a number of responses to Question 15.

### **Question 15**

Question 15 asked for any suggestions on other methods to accurately assess community opinion. Responses include:

- A vote by mail.
- An “initiative-like process” or referendum, with voter-information pamphlets describing the pros, cons, and costs of specific changes.
- An online survey.
- More community meetings.
- Better-organized and/or better-run community meetings.
- More involvement by County Supervisors in the community meetings.
- A follow-up survey by telephone.
- A second survey by mail, to ensure a high response rate.
- Randomly selected door-to-door interviews/surveys.
- More information on the process available on the web.

- A survey repeated annually.
- Notification of meetings and changes or updates sent by cell phone.
- An area-wide barbeque.
- An online community forum.

A number of respondents also expressed the opinion that the mail survey was an effective method of gathering information on community opinion.

### **Summary of Questions 1 through 5, 10, 13, 14 and 15**

Responses to the narrative questions varied widely, indicating the wide range of concerns held by Emerald Lake Hills residents. In general, the nature of the responses tended to be consistent with respondents' answers to Questions 6 and 7. Respondents who indicated in Questions 6 and 7 that regulations were working poorly, and that design review should be eliminated, tended to emphasize these same issues in their answers to narrative questions, and were more likely to highlight the importance of property rights, the restrictiveness of current regulations, a desire for increased flexibility of regulations, and other similar concerns. Respondents who did not favor elimination of design review tended to be more concerned with preservation of open space and preservation of Emerald Lake Hills' rural character, with maintenance of the prevailing style of existing houses, with prevention of adverse impacts of development on neighboring properties, and similar issues. In general, the answers to Questions 6 and 7 provide the best direct indicator of basic community opinion on these issues, while the narrative answers provide valuable additional context on the subtle variations in these opinions.