

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

DATE: April 7, 2016

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of two (2) separate Certificates of Compliance (Type B), pursuant to Section 7134.2 of the County Subdivision Regulations, to confirm the legality of two (2) parcels located adjacent to each other (Parcel 1, consisting of Lots 17 and 18, and Parcel 2, consisting of Lots 28, 29, and 30) in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2015-00534 (Chen/Le)

PROPOSAL

The applicant has applied for two (2) separate Certificates of Compliance (Type B) to confirm the legality of two separate parcels. Parcel 1 containing 5,350 sq. ft. and Parcel 2 containing 8,025 sq. ft. The subject Parcel 1 (Lots 17 and 18) and subject Parcel 2 (Lots 28, 29 and 30) were originally shown on the "North Fair Oaks" Subdivision No. 3 Map recorded on April 20, 1908. The submitted "Chain of Title" data confirms that Parcel 1 (Lots 17 and 18) was not separately conveyed by deed from the surrounding lots until July 1946. Parcel 2 (Lots 28, 29 and 30) was not separately conveyed by deed from surrounding lots until September 1945. Given that the subject parcels were conveyed after July 15, 1945, the effective date of the County's first subdivision ordinance, they require a Certificate of Compliance (Type B) to confirm legality of the land division and thus require a public hearing.

RECOMMENDATION

That the Zoning Hearing Officer approve the Certificates of Compliance (County File Number PLN 2015-00534), by making the required findings and adopting the conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Pete Bentley, Project Planner, Telephone 650/363-1821

Applicant: Ninh Le

Owner: Guangjing Chen

Location: 727 San Benito Avenue, North Fair Oaks, Redwood City

APN: 060-123-590

Size: Parcel 1 – 5,350 sq. ft.; Parcel 2 – 8,025 sq. ft.

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

General Plan Designation: Medium Density Residential (6.1 to 8.7 dwelling units per net acre)

Parcel Legality: Parcel 1 (Lots 17 and 18); Parcel 2 (Lots 28, 29 and 30) recorded in San Mateo County Records on April 20, 1908, as part of the North Fair Oaks Subdivision No. 3 Map. Confirmation of the legality of these parcels (into two separate parcels) is the purpose of this application and discussed in Section A.3 of this report.

Existing Land Use: Currently a single parcel with existing structures. All structures are to be demolished prior to CoC recordation.

Water Supply: California Water Service

Sewage Disposal: Fair Oaks Sewer Maintenance District (County Department of Public Works)

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcels as Zone X, Area of Minimal Flooding, Community Map No. 06081C0302E, dated October 16, 2012.

Environmental Evaluation: Categorically exempt under provisions of Class 5, Section 15305 of the California Environmental Quality Act Guidelines, related to minor alterations in land use limitations.

Setting: The subject parcels are rectangular in shape. Parcel 1 is 50 feet wide and 107 feet deep with access off of San Benito Avenue. Parcel 2 is 75 feet wide and 107 feet deep with access off of Twelfth Avenue. Both roadways are improved County maintained roadways. The parcels are surrounded by single-family residential and R-1/S-73 zoning. Adjacent parcels are developed with single-family residences built in the mid-1940s. Sanitary sewer lines and water lines are located within the road right-of-way with fire hydrants also located nearby. The existing parcels currently contain structures that cross over the proposed “new” property lines. These structures must be demolished prior to recordation of the two Certificates of Compliance by the Planning Department. Approval of the Certificates of Compliance will allow development of the parcels at a later date.

DISCUSSION

A. KEY ISSUES

1. Conformance with the General Plan (GP)

The proposal complies with General Plan (GP) Policy 8.13 (*Appropriate Land Use Designations and Locational Criteria for Urban Unincorporated Areas*) in that this portion of unincorporated Redwood City has a GP Land Use Designation of Medium Density Residential. The proposal, confirming the legality of the two (2) lots each as single and developable parcels, does not exceed this density, and this area is correspondingly zoned R-1/S-73. The proposed parcels are in compliance relative to lot size (the subject parcels both exceed 5,000 sq. ft.). The project also complies with Policy 8.14 (*Land Use Compatibility*), in that upon resolution of each lot's legality, the future development with a single-family residence would be possible in compliance with all S-73 standards, and would "protect and enhance the character of the existing single-family areas."

2. Conformance with Subdivision Regulations

A Conditional CoC (Type A or B) is required to legalize parcels in compliance with provisions of the County and State subdivision laws in effect at the time of creation. This process is required before any new development can be approved or proceed. As such, to qualify for a CoC (Type A), it must be confirmed that the subject parcel was conveyed separately from any surrounding lots prior to the County's adoption of its first Subdivision Ordinance on July 15, 1945. If such conveyance is confirmed to have occurred after that date, a CoC (Type B) shall be required as is the case with this application.

The subject parcels (Lots 17 and 18) and (Lots 28, 29 and 30; all lots within Block 44) were initially part of the "North Fair Oaks" Subdivision No. 3 Map recorded on April 20, 1908. The submitted Chain of Title data confirmed that the above-described parcels were not conveyed as individual parcels for the first time until after July 1945 (July 1946 and September 1945); thus, the need for a Type "B" CoC. Section 7134.2 allows for the approval and recordation of a CoC subject to a public hearing and the imposition of conditions of approval at a public hearing to ensure that future development on the parcels complies with public health and safety standards.

Regarding conditions of approval, Section 7134.2.c(a) of the County Subdivision Regulations states that the Community Development Director may impose "any conditions which would have been applicable (to the division) at the time the applicant acquired his or her interest in the property, and which had been established at the time of the Map Act or the County

Subdivision Regulations.” The subject parcels, as previously referenced under “Conformance with the General Plan,” were compliant with the minimum parcel size in September 1945 and July 1946, when first deeded, as they contained the minimum square footage. At that time, the minimum parcel size was 5,000 sq. ft. Additionally, sanitary and energy infrastructure exists within this predominantly developed and improved subdivision in the North Fair Oaks area of Redwood City. Given these facts, there are no additional improvements (typical of an urban subdivision) that must be required via conditions. The only additional and applicable improvements (i.e., sewer, water and energy line laterals from the street to future houses) will be triggered and required at the time of the submittal and issuance of Planning and Building permits for future homes. Thus, the Community Development Director, pursuant to Subsection (c) of the above-cited section, stipulates that “compliance with the conditions of the Conditional Certificate of Compliance is not required until the time which a permit or other grant of approval for development of the property is issued by the County.”

B. ENVIRONMENTAL REVIEW

The proposed parcel legalization is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15305, Class 5: Minor alterations in land use limitations that do not result in any change in land use or density. The process and documentation to legalize the subject parcels represent a minor alteration in a land use limitation.

C. COUNTY AGENCY REVIEW

Current Planning Section
County Counsel

ATTACHMENTS

- A. Recommend Findings and Conditions of Approval
- B. Location and Vicinity Map
- C. Original 1908 Subdivision Map

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00534

Hearing Date: April 7, 2016

Prepared By: Pete Bentley
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is categorically exempt under provisions of Class 5, Section 15305, of the California Environmental Quality Act Guidelines, which exempt minor alterations in land use limitations that do not result in any change in land use or density. The process and documentation to legalize the subject lots represent such a minor alteration in a land use limitation.

For the Conditional Certificate of Compliance (Type B), Find:

2. That the processing of the two (2) Certificates of Compliance (CoC) (Type B) is in full conformance with the County Subdivision Regulations Section 7134 (*Legalization of Parcels; Certificate of Compliance*) particularly Section 7134.2(a), (b), and (c).
3. That the processing of the two (2) Conditional CoCs (Type B) is in full conformance with Government Code Section 66499 et seq.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

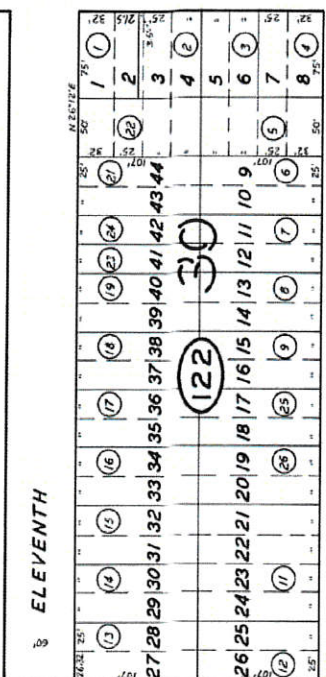
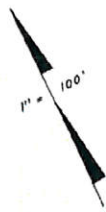
1. This approval applies only to the proposal as described in those plans, supporting materials and reports submitted on November 15, 2015 and as approved by the Zoning Hearing Officer. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.

2. The subject Certificates of Compliance (Type B), which shall represent Parcel 1 (Lots 17 and 18) and Parcel 2 (Lots 28, 29 and 30) as single developable parcels, shall be recorded prior to the issuance of any other permits related to any development on this property.
3. The applicant is hereby informed that any future development on either parcel would be subject to compliance with the zoning regulations in place at that time. The approval and issuance of any future building permit(s) shall require that adequate domestic water source and sanitary sewer connections are available.
4. The Certificates of Compliance (Type B) required to establish the legality of the existing parcels shall be recorded by the Project Planner.
5. The applicant is advised that prior to recordation of the Certificates of Compliance document, the owner/applicant shall provide the Project Planner with a check (payable to the San Mateo County Recorder) to cover the fee now charged by the Recorder's Office. The fee is estimated to be \$35.00 for each parcel. The Project Planner will confirm the amount "prior to" recordation.
6. This approval does not authorize the removal of any trees. Any tree removal or tree trimming will require a separate tree removal/trimming permit.

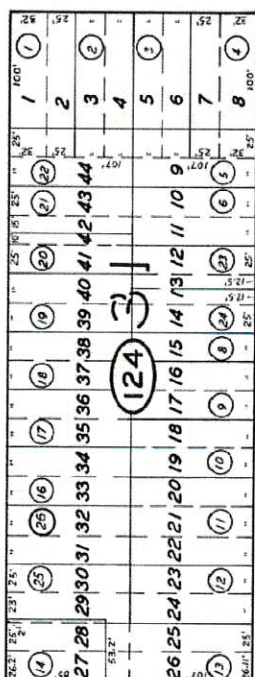
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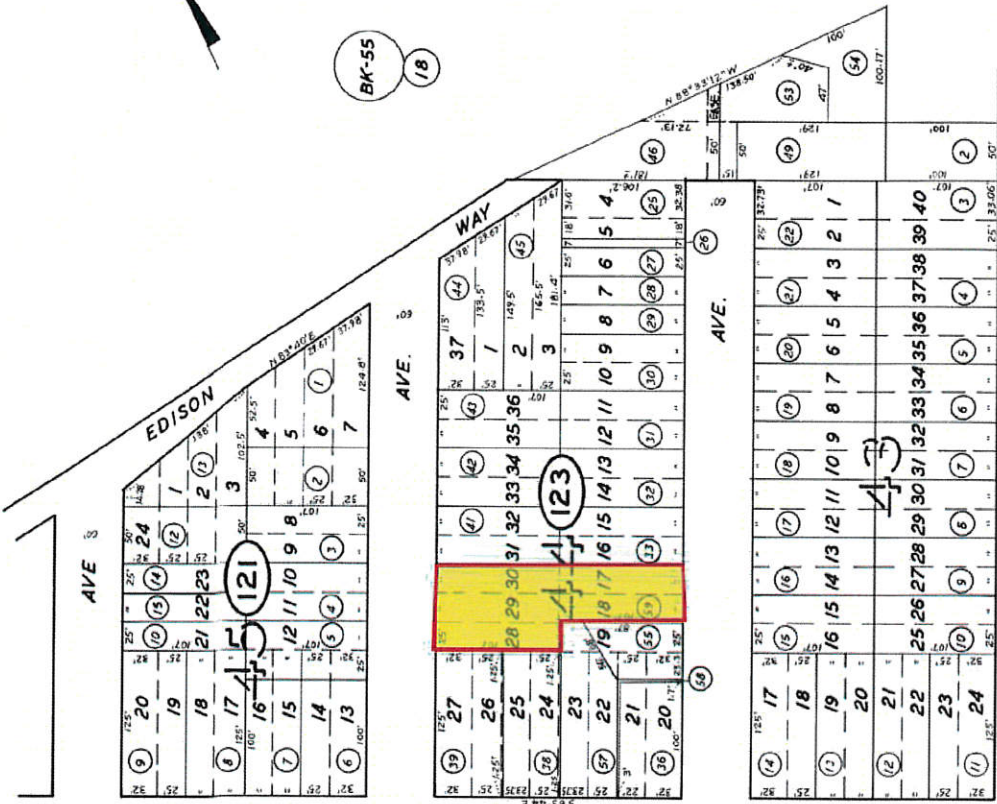
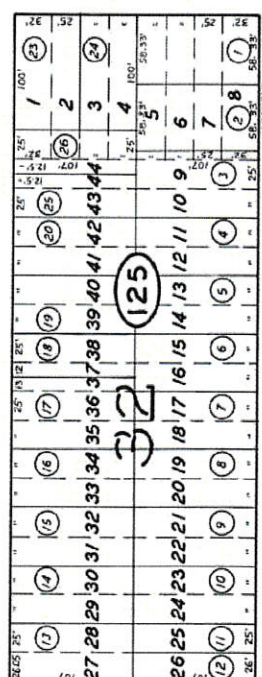
TAX CODE AREA



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BK-55 18

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NORTH FAIR OAKS NO. 3 RSM 6/7

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: **CHEN**

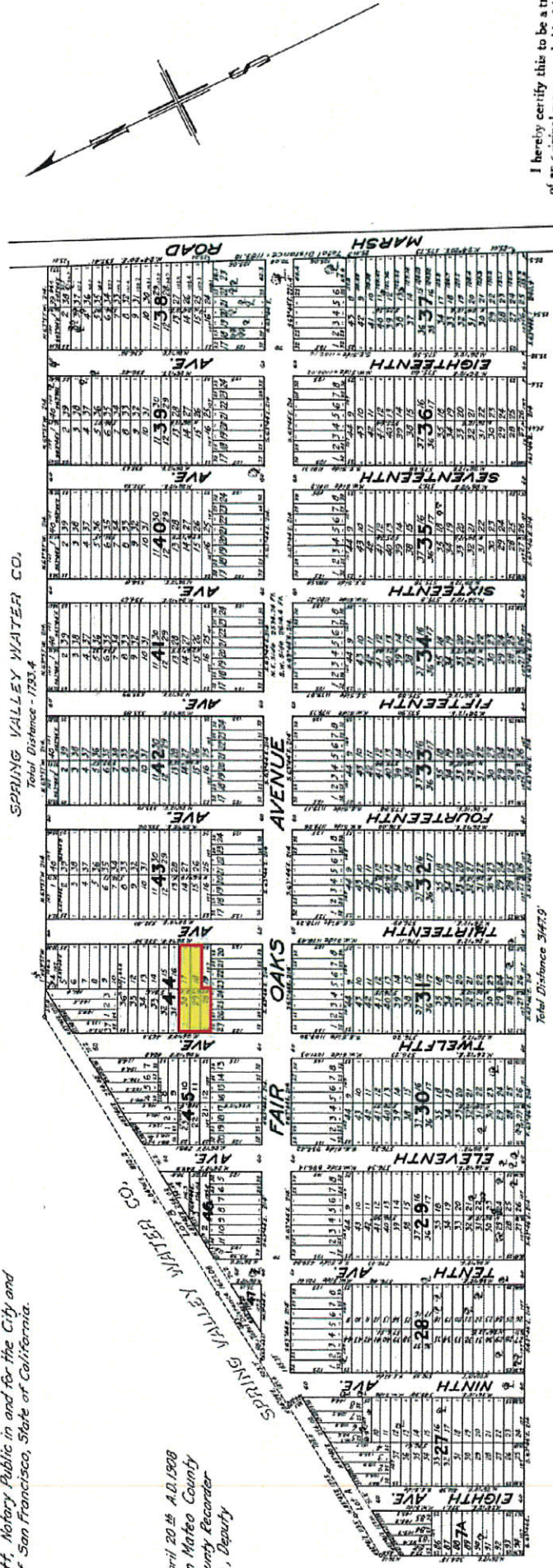
Attachment: **B**

File Numbers: **PLN2015-00534**

Official seal, the day and year above
 of Notary Public in and for the City and
 of San Francisco, State of California.

April 20th A.D. 1908
 of Mateo County
 County Recorder
 Deputy

SPRING VALLEY WATER CO.
 Total Distance - 1793.4



I hereby certify this to be a true copy
 of the original

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: **CHEN**

File Numbers: **PLN2015-00534**

Attachment: **C**