

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

DATE: May 19, 2016

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, and a Certificate of Compliance (Type B), pursuant to Section 7134.2 of the County Subdivision Regulations, to confirm the legality of a single parcel located on Balboa Avenue in the unincorporated El Granada area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2015-00479 (Siew/Taylor)

PROPOSAL

The applicant has applied for a Certificate of Compliance (Type B) to confirm the legality of a single 6,250 sq. ft. parcel. The subject parcel to be legalized was part of the "Plat of Subdivision No. 5 of Granada" recorded in 1908. The submitted "Chain of Title" data confirms that Lot 14 was not separately conveyed (by deed) from the surrounding adjacent lots until December 29, 1972. Given the subject parcel was conveyed after July 1945, the effective date of the County's first subdivision ordinance, it requires the Certificate of Compliance (Type B) to confirm legality of the land division, and thus requires a public hearing. No other development on the subject parcel is proposed at this time. The Certificate of Compliance (CoC) ensures compliance with the County Subdivision Regulations. The legalization of this parcel equates to a subdivision, which constitutes "development," and therefore triggers the accompanying Coastal Development Permit as required by the County's Local Coastal Program.

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificate of Compliance (County File Number PLN 2015-00479), by making the required findings and adopting the conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Dave Holbrook, Project Planner, Telephone 650/363-1837

Applicant: Judy Taylor

Owner: Victor Siew, M.D., Inc.

Location: Balboa Avenue, El Granada

APN: 047-105-100

Size: 6,250 sq. ft.

Existing Zoning: R-1/S-17/DR (Single-Family Residential/5,000 sq. ft. minimum parcel size/Design Review)

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

Parcel Legality: Lot 14, Block 77, "Plat of Subdivision No. 5 of Granada" recorded in San Mateo County Records on December 7, 1908, into Book 6 of Maps at Page 50. Confirmation of the legality of this parcel is the purpose of this application and discussed in Section A.3 of this report.

Existing Land Use: Vacant

Water Supply: Coastside County Water District

Sanitary Sewer Supply: Granada Sanitary District

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X, Area of Minimal Flooding, Community Map No. 06081C0138E, dated October 16, 2012.

Environmental Evaluation: Categorically exempt under provisions of Class 15, Section 15315, of the California Environmental Quality Act Guidelines.

Setting: The subject undeveloped parcel, consisting of Lot 14 as referenced above, is approximately 50 feet wide and 125 feet deep located on Balboa Avenue near its intersection with Paloma Avenue in El Granada. Both roadways adjacent to this parcel are County maintained. Except for the adjacent parcel to the east (APN 047-105-090; which has a Design Review application pending for a new residence; PLN2015-00404), all surrounding parcels in this area are developed with residences (six built between 1940 and 1978; seven built between 1987 and 2008). The Sanitary sewer lines are located within the road right-of-way and fire hydrants are also located nearby. Approval of the subject Certificate of Compliance would allow development at a later date, at which point a water and sanitary sewer connection would be obtained from the respective service districts.

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 El Granada has a GP Land Use Designation of Medium Density Residential. The proposal, confirming the legality of the lot as a single, zoning compliant and developable parcel, does not exceed this density, and this area is correspondingly zoned R-1/S-17, with which the proposed project is in compliance relative to lot size (the subject lot exceeds 5,000 sq. ft.). The project also complies with Policy 8.14 (*Land Use Compatibility*), in that upon resolution of the lot's legality, the property's future development with a single-family residence, in compliance with all S-17 and Design Review development regulations and standards, would "protect and enhance the character of existing single-family areas."

2. Conformance with the Local Coastal Program (LCP)

LCP Policy 1.28 (*Legalizing Parcels*) requires a Coastal Development Permit (CDP) when issuing a CoC (Type B) to legalize parcels. The CDP is included as an element of this application. Policy 1.29 provides standards for review when legalizing parcels. Subsections (a) through (e) all require a CDP, and compliance with applicable LCP resource protection policies. Permits to legalize this parcel shall also be, where applicable, conditioned to maximize consistency with LCP resource protection policies. Other than the subject application to confirm the legality of the lot for development as a single parcel, no other development is proposed at this time. Relative to LCP Components regarding Sensitive Habitats and Hazards, there are no sensitive habitats or hazards in proximity to the parcel. There is no basis to believe that, upon legalization of this lot as one developable parcel, the resultant parcel configuration and location, or the future residential development that may be proposed on the parcel, will have any adverse impact on coastal resources because the subject site is not located near sensitive habitat areas or coastal viewsheds.

3. Conformance with the Subdivision Regulations

A Conditional CoC (Type 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 a result of court case decisions in 2007, the subject parcel's legality must be confirmed because it is an undeveloped lot of an antiquated subdivision, in this case, part of the "Plat of Subdivision No. 5 of Granada" recorded in 1908. The County Subdivision Regulations, Section 7134, allow for either a CoC (Type A) or CoC (Type B) to resolve and confirm a parcel's legality. To qualify for a CoC (Type A) (pursuant to Section 7134.1), it must be confirmed that the lot comprising the subject parcel was conveyed separately from any surrounding lots prior to the County's adoption of its first Subdivision Ordinance in July 1945. If such conveyance is confirmed to have occurred after that date, a CoC (Type B) (pursuant to Section 7134.2) shall be required, as is the case with this application.

The proposed parcel (Lot 14) was initially part of the cited 1908 subdivision. The submitted Chain of Title data confirms that this lot continued to be conveyed along with other adjacent lots until 1972, when it was finally sold as an individual parcel, apart from any adjacent lots. Given that the subject lot was conveyed after 1945, it has been determined that the lot requires the CoC (Type B). Section 7134.2.c allows for the approval and recordation of a CoC subject to a public hearing and the imposition of conditions of approval to ensure that development on the lot (as a single, zoning compliant parcel) complies with public health and safety standards.

Regarding the 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 by the Map Act or the County Subdivision Regulations." The subject lot, totaling approximately 6,250 sq. ft., would have been compliant with the zoning in 1972, which was R-1/S-7, with a minimum parcel size of 5,000 sq. ft. This portion of Balboa Avenue is maintained by the County and provides access to many parcels of which most have been developed previously with single-family residences. Additionally, water, sanitary sewer, and energy infrastructure exists within this predominantly developed and improved area of El Granada. Given these facts, there are no additional improvements (typical of an urban subdivision) that must be required via conditions. The only additional improvements required (i.e., water, sewer, and energy line laterals from the street to a future house) will be required at the time of the submittal and issuance of the planning and building permits required for the construction of a new house. 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 15315, Class 15: Minor Land Divisions, which includes the division of property (which a certificate of compliance to confirm a parcel's legal status can be considered) in urbanized areas zoned for residential use into four or fewer parcels, when the division is in conformance with the General Plan and zoning (the parcel size well exceeds the 5,000 sq. ft. minimum), no variances are required, and all services and access to the parcel is available. As mentioned previously, Balboa Avenue, a publically maintained road, provides access to the parcel, and all water and sanitary service lines exist within the roadway.

C. COUNTY AGENCY REVIEW

County Counsel

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity/Parcel 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 2015-00479

Hearing Date: May 19, 2016

Prepared By: Dave Holbrook
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 15, Section 15315, of the California Environmental Quality Act Guidelines that exempts minor land divisions, which includes a Certificate of Compliance.

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

2. That the processing of the Certificate 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 Conditional CoC (Type B) is in full conformance with Government Code Section 66499 et seq.

For the Coastal Development Permit, Find:

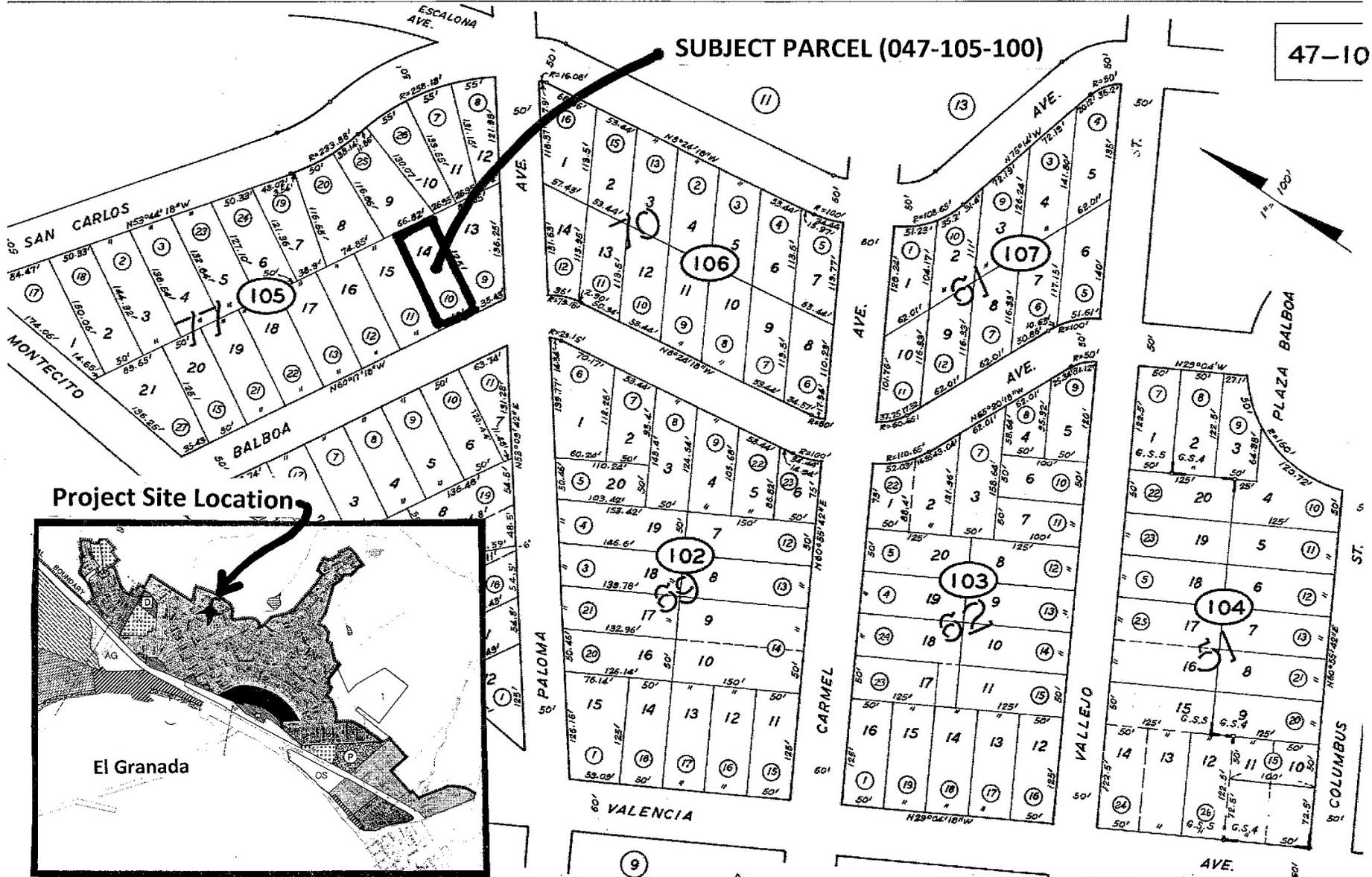
4. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP). The project includes no other development at this time, nor will any conditions result in development prior to the recordation of the Certificate of Compliance document.
5. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program. Future development of this property represents infill within an otherwise predominantly developed residential area. The process of confirming the parcel's legality does not affect any known resources stipulated in the LCP.

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 May 19, 2016 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 Certificate of Compliance (Type B), which shall represent APN 047-105-100 (Lot 14) as one single developable parcel, 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 this parcel would be subject to compliance with the zoning regulations (e.g., the R-1/S-17 and Design Review regulations) in place at that time, as well as with any applicable policies of the County Local Coastal Program. The approval and issuance shall require that an adequate domestic water source and sanitary sewer connections are available.
4. The Certificate of Compliance (Type B) required to establish the legality of the existing parcel, APN 047-105-100, shall be recorded by the Project Planner. The applicant shall pay (preferably by check) the requisite recording fee as determined by the County Recorder; such payment shall be transmitted to the project planner who will submit the fee upon recordation of the Certificate of Compliance.
5. This approval does not authorize disturbance of or on the subject site, nor the removal of any trees or other vegetation. Any such related activity shall be acknowledged in the requisite Planning permit applications and shall not commence or occur until such time as an approved building permit for development of a single-family residence is issued by the County.

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Project Site Location



VICINITY/PARCEL MAP

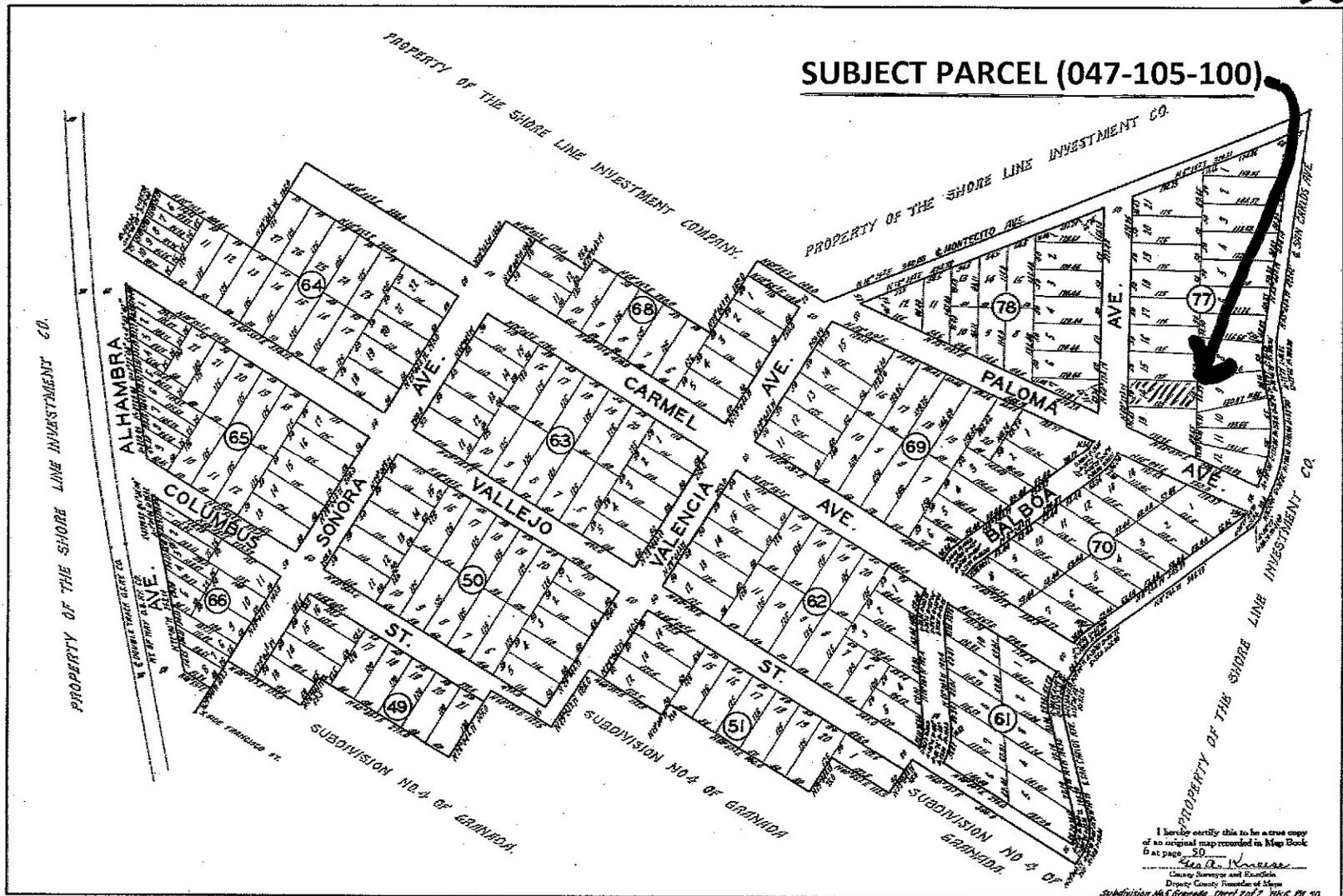
- ▲ GRANADA SUB. NO. 4 RSM 6/38
- ▲ GRANADA SUB. NO. 5 RSM 6/50

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers:



For ABANDONMENT APPLICANTS THIS MAP, SET FINANCIAL BOARD SUPERVISORS, ... ROAD ACCOUNT NO 254.

(1908) PLAT OF SUBDIVISION NO. 5 OF GRANADA

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers: