

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

DATE: November 17, 2016

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Certificate of Compliance (Type B), pursuant to Section 7134.2 of the San Mateo County Subdivision Regulations, to confirm legality of the land division that created parcel 067-070-010, located at the corner of Old Ranch Road and Big Pine Road in the unincorporated Woodside area of San Mateo County.

County File Number: PLN 2016-00276 (Kawakubo)

PROPOSAL

The applicant/owner is requesting a Certificate of Compliance (Type B) to confirm the legality of the subdivision that created subject parcel 067-070-010. The Certificate of Compliance (Type B) and its subsequent recordation are required prior to any further development approvals and to comply with the County Subdivision Regulations.

RECOMMENDATION

That the Zoning Hearing Officer approve the Certificate of Compliance (Type B), County File Number PLN 2016-00276, based on and subject to the required findings and conditions of approval listed in Attachment A.

BACKGROUND

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

Applicant/Owner: Clarisse Yumi Watanabe Kawakubo

Location: Corner of Old Ranch Road and Big Pine Road, Woodside

APN: 067-070-010

Size: Approximately 66,283 sq. ft. (1.58 Acres)

Existing Zoning: R-E/S-11

General Plan Designation: Low Density Residential

Sphere-of-Influence: Woodside

Existing Land Use: Vacant

Water Supply: California Water Service (Bear Gulch) (For Future Development)

Sewage Disposal: Septic (For Future Development)

Flood Zone: Zone X, Panel Number 06081C0384E, Effective Date: October 16, 2012

Environmental Evaluation: This project is categorically exempt pursuant to Section 15305, Class 5, of the California Environmental Quality Act, related to minor alterations in land use limitations which do not result in any changes in land use or density.

Setting: The property is undeveloped and located westerly of Skyline Boulevard, easterly of the Purisma Creek Redwood's Open Space Preserve. The area is north of Kings Mountain Road and south of Highway 92. The parcel is located at the intersection of Old Ranch Road and Big Pine Road. Access to the parcel is either from Old Ranch Road from the south or Ware Road from the north. Neither roadway is County maintained but access is available as development of other single family residences in the area has occurred over the years. Energy utilities exist within the area, however, future development would require development of a septic system and a domestic water connection to California Water Service.

DISCUSSION

A. KEY ISSUES

1. Conformance with the General Plan

This parcel and surrounding area has a General Plan (GP) Land Use Designation of "R-E/S-11" Low Density Residential Policy 9.4, and seeks to protect and enhance the resources in order to: (1) protect and conserve vegetation, water, fish and wildlife resources, and productive soils resources for agriculture and forestry, (2) manage and enhance the use, production, and conservation of soils, timber, minerals, and other natural resources, (3) the rural lands, and (4) protect the public health and safety by minimizing the location of new development in potentially hazardous areas.

County maps do not indicate the presence of any special vegetation, water, fish or wildlife resources, or production agricultural soils on the property. There is no indication that current access to and development of the parcel would result in a significant removal of vegetative resources.

There is no evidence that the likely future development of a single-family residence on the parcel would be located in such a manner or of an intensity that would adversely affect any of these cited resources.

While these and many other Rural Lands policies will be applicable to future development on this parcel, this application to confirm the parcel's legal status includes no development.

2. Conformance with the Zoning Regulations

This undeveloped parcel (067-070-010), established in 1955, conforms to the current Residential Estate (RE) Zoning District regulations where the minimum parcel size is 1-5 acres. This parcel's size is approximately 1.58 acres. Should development eventually occur, "minimum yard setbacks" can be met as can "maximum height" and "lot coverage" requirements. As such, this parcel, is compliant with the RE Regulations.

3. Conformance with Subdivision Regulations

A Conditional Certificate of Compliance (CoC) 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 new development can proceed, which in this case would most likely be a proposal to construct a new single-family residence. 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 subject parcel was conveyed separately (e.g., conveyed by deed) from any surrounding and adjacent parcels prior to the County's adoption of its first Subdivision Ordinance in July 1945; otherwise, if such conveyance is determined 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 subject parcel's legality must be established with a Certificate of Compliance (Type B) because it is an undeveloped parcel of an antiquated subdivision which was not conveyed as a single parcel prior to July 1945. The submitted chain of title indicates that the first record of conveyance of this parcel (067-070-010), was in 1955 when it was conveyed apart from any adjacent parcels for the first time.

Section 7134.2.c of the Subdivision Regulations requires for the approval and recordation of a CoC subject to a public hearing, and to ensure that development on the parcel complies with public health and safety standards. Water and energy infrastructure needed to support future residential

development exists within or adjacent to the road right-of-way in this area. As previously referenced, future development will require installation of a septic system. There are no additional improvements typical of an urban subdivision that must be required via conditions at this time. Applicable improvements (i.e., access upgrades and energy line laterals from the street to a future house) will be triggered and required at the time of receipt of a future development application and issuance of the required permits.

Thus, staff finds, pursuant to subsection (c) of the above-cited section, that “compliance with the conditions of the Conditional Certificate of Compliance is met and applicable improvements are not required until the time which a permit or other grant of approval for development of the properties is issued by the County.”

B. ENVIRONMENTAL REVIEW

This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15305, Class 5, related to minor alterations in land use limitations which do not result in any changes in land use or density.

C. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map and Assessor’s Parcel Map
- C. Original Tract 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 2016-00276 Hearing Date: November 17, 2016

Prepared By: Pete Bentley
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. This project is categorically exempt under Section 15305, Class 5, of the California Environmental Quality Act as a minor alteration in land use limitations not resulting in the creation of a new parcel.

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.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal as described in this report and plans submitted and approved by the Zoning Hearing Officer on November 17, 2016.
2. The Certificate of Compliance (Type B) required to establish the legality of the existing parcel, APN 067-070-010, shall be recorded. The owner shall provide, to the project planner, a legal description of the parcel for recordation. Once recorded, the above-described parcel will constitute one (1) lot as shown on the attached Assessor's Map.
3. This approval does not authorize the removal of any trees. Any tree removal or tree trimming will require a separate tree removal/trimming permit.

4. All development activities associated and/or required to support any future residential development on the subject property (i.e., sanitary system, domestic water, water for fire suppression, energy/utility connections, improved road access) shall occur at such time the residential development is proposed. Any planning permits for such activities (i.e., grading permits) shall be applied for and approved prior to the issuance of any building permits for a residence or associated development.
5. The applicant is advised that prior to recordation of Certificate of Compliance descriptions, the owner/applicant shall provide the Project Planner with a check to cover the fee now being charged by the Recorder's Office to record the document. The fee is estimated to be between \$30.00 and \$40.00 and includes a confirmed copy. The Project Planner will confirm the exact amount prior to recordation.

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San Mateo County Zoning Hearing Officer Meeting

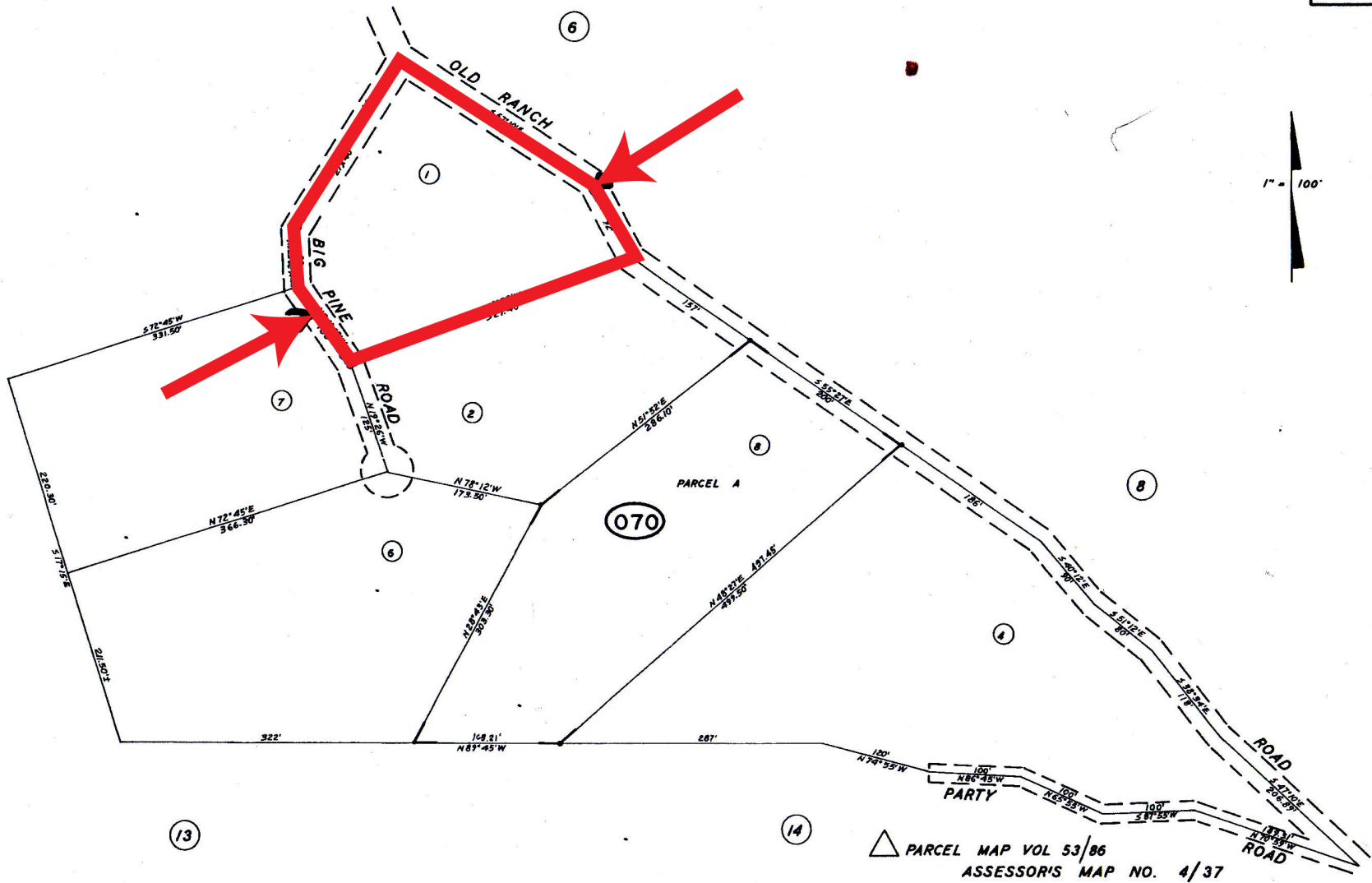
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Attachment: _____

File Numbers: _____

TAX CODE AREA - - - - -

67-7



PARCEL MAP VOL 53/86
ASSESSOR'S MAP NO. 4/37

GL

ASSESSOR'S MAP COUNTY OF SAN MATEO CA.

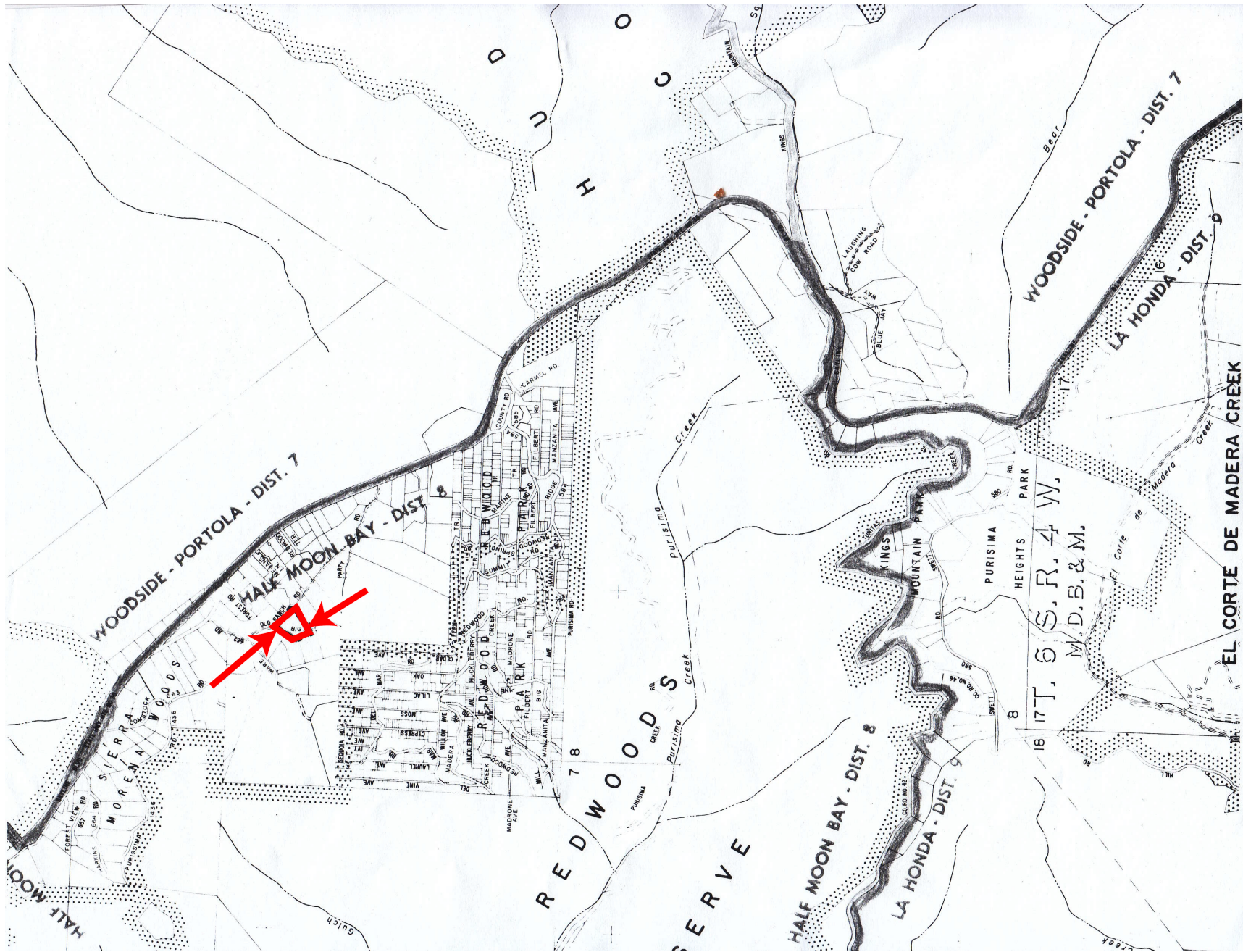
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San Mateo County Zoning Hearing Officer Meeting

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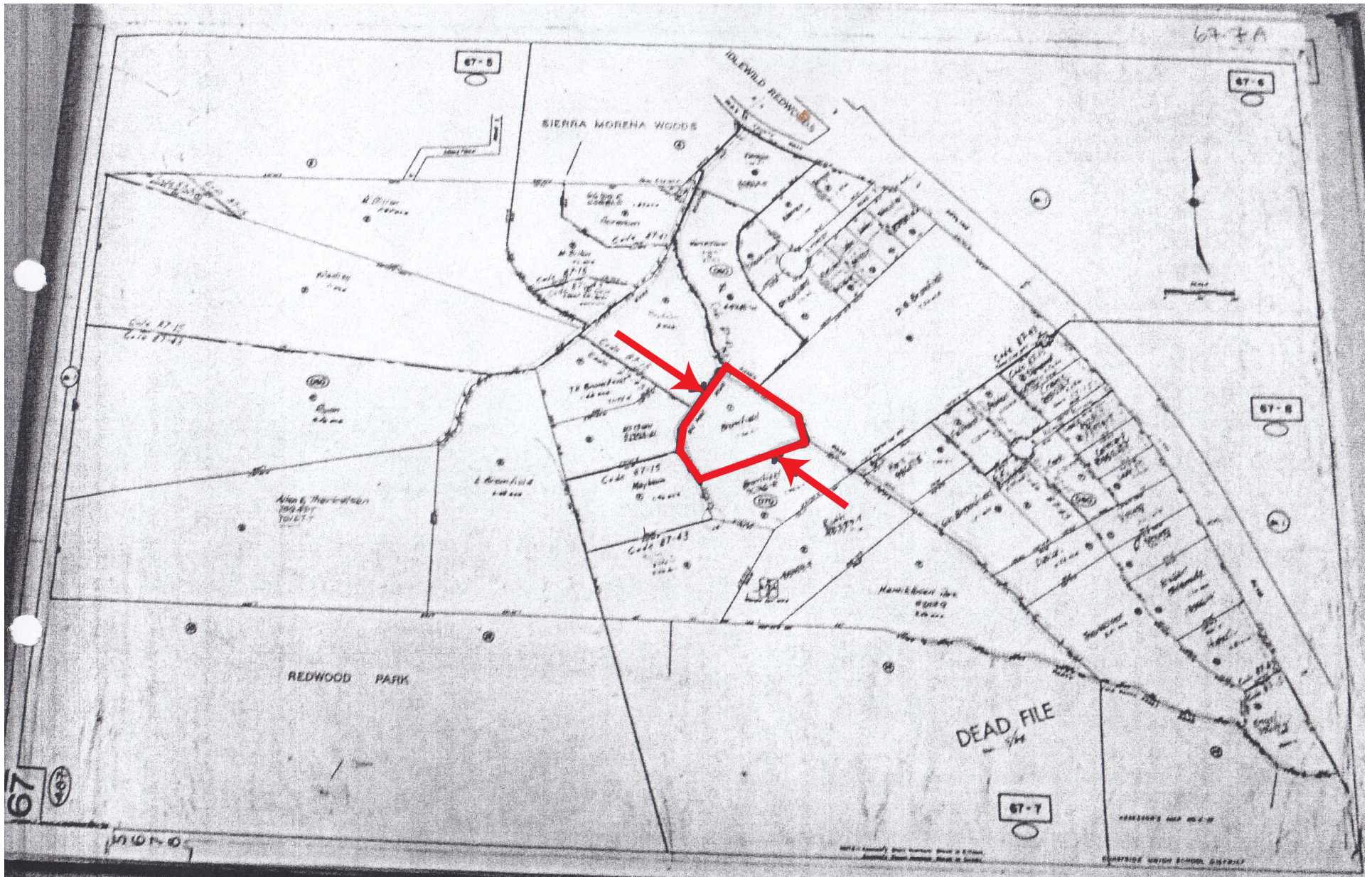


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Attachment: _____

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