

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

DATE: September 17, 2015

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 of approximately 4,750 sq. ft. located adjacent to 594 El Granada Boulevard in the unincorporated El Granada area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2015-00259

PROPOSAL

The applicant has applied for a Certificate of Compliance (Type B) to confirm the legality of a single lot containing approximately 4,750 sq. ft. The subject lot to be legalized was initially Lot 14, Block 1, as shown on the "El Granada Highlands" recorded in 1926. The submitted "Chain of Title" data confirms that Lot 14 was not separately conveyed (by deed) from the surrounding adjacent lots until September 1966. Given the subject lot 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 lot is proposed at this time. The Certificate of Compliance (CoC) ensures compliance with the County Subdivision Regulations. The legalization of this lot 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 2015-00259), 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: Barbara J. Velji

Owner: Leroy and Eleanor Brown

Location: El Granada Boulevard, El Granada

APN: 047-153-240

Size: 4,750 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 1, "El Granada Highlands," recorded in San Mateo County Records on September 21, 1926, into Book 14 at Pages 22 and 23.

Confirmation of the legality of this lot is the purpose of this application and discussed in Section A.3 of this report.

Existing Land Use (of Subject Lot 14): 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 5, Section 15305 of the California Environmental Quality Act Guidelines, related to minor alterations in land use limitations.

Setting: The subject parcel is rectangular in shape (50± ft. wide by 95± ft. deep) on El Granada Boulevard, an improved County maintained roadway, between Dolphin Avenue and Lewis Avenue in El Granada. The parcel is surrounded by single-family residential development and R-1/S-17 Zoning. The adjacent parcel to the south is developed with a single-family residence built in 1979. A single-family residence to the west was built in 1983. The adjacent parcel to the east is undeveloped.

Sanitary sewer lines are located within the road right-of-way, and fire hydrants are also located nearby. The subject parcel is vacant. Approval of the Certificate of Compliance would allow development at a later date, at which point sanitary sewer and water connections 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 and developable parcel, does not exceed this density, and this area is correspondingly zoned R-1/S-17, with which the proposed project is not now in compliance relative to lot size (the subject lot is less than 5,000 sq. ft.). The original Tract Map for this area, which included this lot, was recorded in 1926. At that time, all the lots on the easterly side of El Granada Boulevard had a lot depth of 100 feet and a frontage of 50 feet. Therefore, the minimum parcel size met the 5,000 sq. ft. requirement. In 1967, San Mateo County acquired a 5-foot strip of land across the easterly side of El Granada Boulevard for roadway purposes, thus reducing the lot depth of this existing lot to 95 feet and creating today's parcel size of 4,750 sq. ft. However, this minor reduction in parcel size did not preclude development of the affected lots. 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. 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 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 recent court case decisions, the subject lot's legality must be confirmed because it is an undeveloped lot of an antiquated subdivision, in this case, Lot 14, Block 1, of the "El Granada Highlands" recorded in 1926. 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. As such, to qualify for a CoC (Type A) (pursuant to Section 7134.1), relative to the tenants of the cited court cases, it must be confirmed that the lot comprising the subject project parcel was conveyed separately from any surrounding lots (beyond the subject property whose legality is to be confirmed) 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 subject lot that comprises the proposed parcel (Lot 14) was initially part of the cited 1926 subdivision. The submitted Chain of Title data confirms that Lot 14 continued to be conveyed along with other adjacent lots until 1966, when it was finally sold as an individual lot apart from any adjacent lots. Given that the subject lot was conveyed after 1945, it has been determined that the lot, since its legality is sought as a single, developable parcel, 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 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 parcel, as previously referenced under "Conformance with the General Plan," was compliant with the minimum parcel size in 1966 as it contained the minimum square footage. At that time, the minimum parcel size was 5,000 sq. ft. However, parcels of a lesser size were acceptable if they were "shown on a lot on any

subdivision map which was recorded in the office of the County Recorder” of San Mateo County. This parcel was shown as Lot 14, Block 1, of the “El Granada Highlands” recorded in 1926. This portion of El Granada Boulevard, maintained by the County, consists of many parcels of which most have been developed previously with “single-family” residences. Additionally, sanitary and energy infrastructure exists within this predominantly developed and improved subdivision in El Granada. 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., house planning and building permits, sewer, water and energy line laterals from the street to a future house) will be triggered and required at the time of the submittal and issuance of those respective permits. 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 lots 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 1927 Subdivision Map

PSB:jlh – PSBZ0543_WJU.DOCX

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00259 Hearing Date: September 17, 2015

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 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. The project includes no 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.

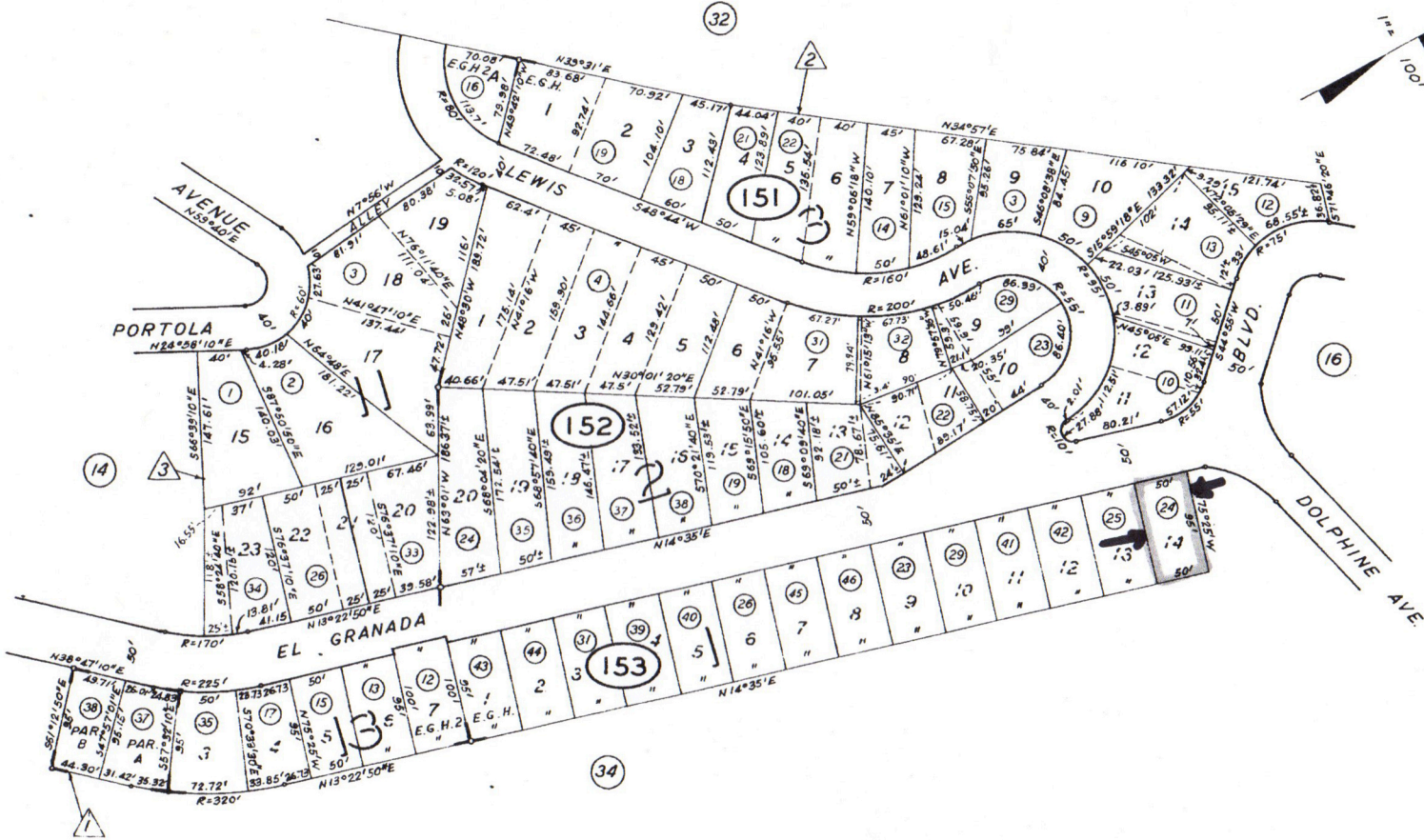
The process of confirming the parcel's legality does not affect any known coastal resources stipulated in the LCP.

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 June 23, 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 Certificate of Compliance (Type B), which shall represent 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 in place at that time, as well as with any applicable policies of the County Local Coastal Program. The approval and issuance of any future building permit(s) shall require that adequate domestic water source and sanitary sewerage connections are available.
4. The Certificate of Compliance (Type B) required to establish the legality of the existing parcel, APN 047-153-240, shall be recorded by the Project Planner.
5. The applicant is advised that prior to recordation of the Certificate 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 \$37.00. 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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- ① PARCEL MAP VOL 9/13
- ② EL GRANADA HIGHLANDS RSM 14/22
- ③ EL GRANADA HIGHLANDS SUB. NO. 2 RSM 15/26

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____

EL GRANADA HIGHLANDS

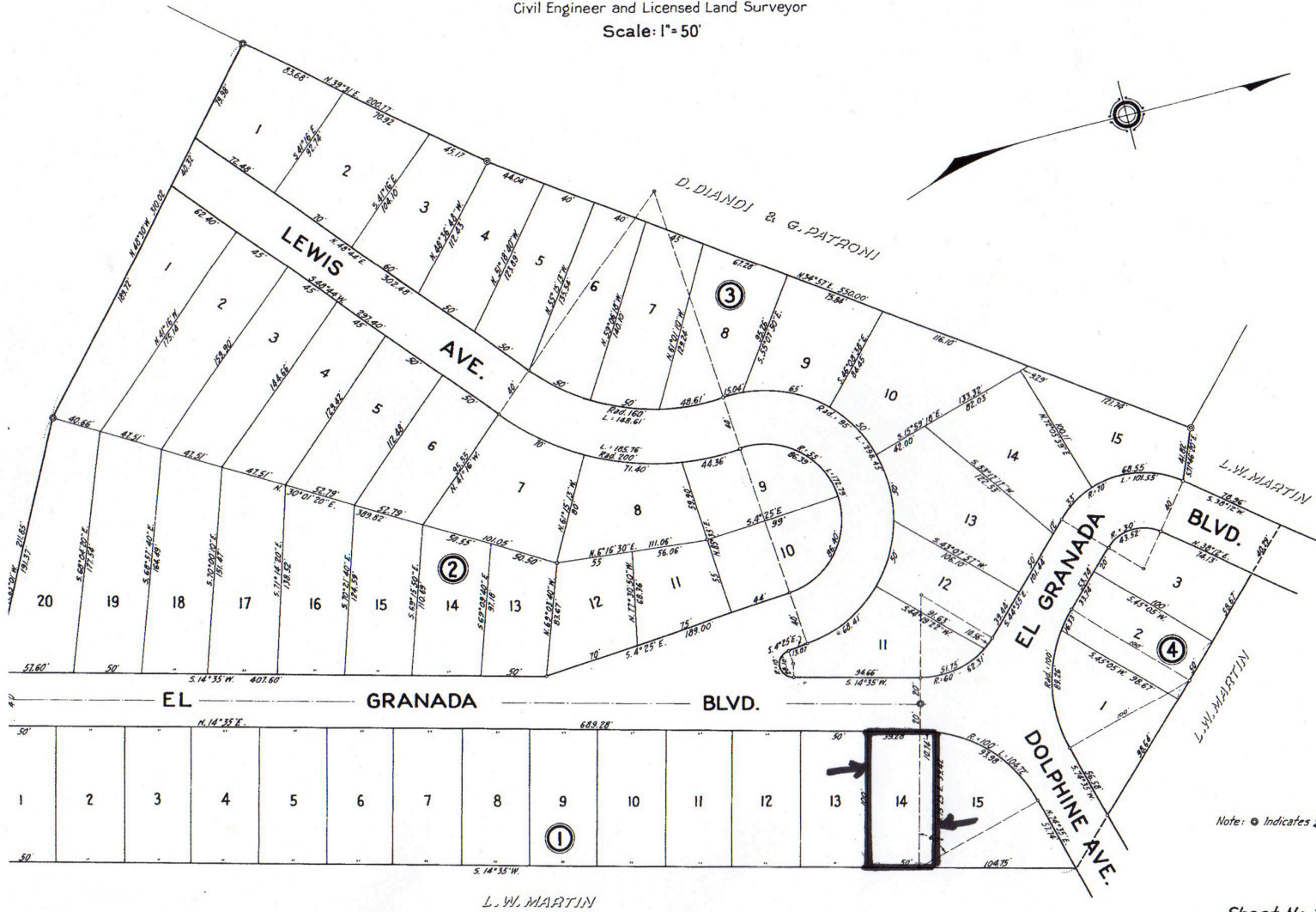
SAN MATEO COUNTY, CALIFORNIA

Surveyed and Subdivided by

GEO. A. KNEESE

Civil Engineer and Licensed Land Surveyor

Scale: 1"=50'



Note: ⊙ Indicates 1/2" Iron Pipe Monuments

Sheet No. 2 of 2 Sheets

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____