

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

**DATE:** December 7, 2017

**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) to confirm the legality of the existing parcel, pursuant to Section 7134.2 and Section 7123, respectively, of the County Subdivision Regulations, located on Alta Vista Road and Vallecito Road in the unincorporated Montara area of San Mateo County. The project is appealable to the California Coastal Commission.

County File Number: PLN 2017-00256 (Coast Wholesale Florists)

**PROPOSAL**

The applicant has applied for a Coastal Development Permit and a Certificate of Compliance (Type B) to confirm the subject parcel's legality. The subject parcel's legality must be confirmed prior to any proposed development of the site. A Certificate of Compliance (Type B) is required as part of this application to comply with the County Subdivision Regulations, and a Coastal Development Permit to comply with 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 2017-00256), 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: Allan Bernardi

Owner: Coast Wholesale Florists

Location: Between Alta Vista Road and Vallecito Road, Montara

APNs: 036-174-080, 036-174-040, 036-174-060

Size: Approximately 120,000 sq. ft. (2.75 acres)

Existing Zoning: Planned Agricultural District/Coastal Development (PAD/CD)

General Plan Designation: Agricultural

Parcel Legality: Lots 17 thru 49, Block 4, "Map of Second Addition to Montara" recorded in San Mateo County Records on August 4, 1908, in Book 6 at Page 28. Confirmation of the legality of this parcel is the purpose of this application and is discussed in Section A.3 of this report.

Existing Land Use: Vacant

Water Supply & Sanitary Sewer Service: Montara Water and Sanitary District

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X, Areas of 0.2% Annual Chance of Flood, Community Panel No. 06081C0138E, dated October 16, 2012.

Environmental Evaluation: Categorically exempt under provisions of Class 5, Section 15305 (Minor Alterations in Land Use Limitations), of the California Environmental Quality Act Guidelines.

Setting: The current parcel is vacant and contains 33 individual historical lots (portion of the "Second Addition to Montara" subdivision cited above). These lots are located between Alta Vista Road and Vallecito Road in Montara. The parcel is bordered by single-family residences on large parcels built in 1988, 1999, and 2002. It is accessible via Alta Vista Road from its northerly edge (a non-County maintained road). It is covered by dense tree canopy, except for its northerly portion (from where it's most accessible). Topographically, the subject property generally slopes downward in a north-to-south direction, with an average slope of about 17%. Upon recordation of the Type "B" Certificate of Compliance, the above referenced individual lots will be consolidated and recognized as one (1) single legally created parcel.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Conformance with the General Plan**

The parcel is located in the "Rural Area", east of the Urban/Rural Boundary, and is subject to the General Plan's (GP) Rural Land Use policies. 9.4 (Specifically, Policy 9.23 (*Land Use Compatibility in Rural Lands*)) seeks to: a) encourage compatibility of land uses to promote the health, safety and

economy and to maintain the scenic and harmonious nature of the rural lands, and b) promote land use compatibility by encouraging new development to be located clustered for the protection and use of vegetative, visual, agricultural and other resources. The project includes no development, but future development will require CDP and PAD permits to ensure full review of such proposed development to all applicable standards and requirements, specifically around clustering, design, protection of scenic and vegetative resources and potential agricultural activities. While many parcels in this area were merged back in the early 1980s to better ensure their rural nature and subsequent compliance with PAD regulations, the subject parcel was not. However, its 2.75 acre size is similar to many surrounding merged parcels and it is expected that future development will be able to comply with all CDP policies and PAD regulations.

This portion of unincorporated Montara has a GP Land Use Designation of "Agriculture". While this designation has no specific "units/net acre" density, the project does not include any development proposal at this time. Please refer to Section A.2. of this report for discussion of project compliance with PAD regulations.

## 2. Conformance with PAD Regulations

While the parcel is zoned Planned Agricultural District (PAD), the project includes no development and thus does not require a PAD permit. While the parcels 2.75-acre size is relatively small to accommodate agricultural activity, the proposal of any future development on the parcel will require a PAD permit (as well as a CDP) to ensure any impacts to the potential for agriculture are minimized, including the ability of non-agricultural development to comply with minimum setback requirements, and for any development to accommodate on-site potable water (e.g. domestic well) and adequate waste water disposal requirements (since the parcel would not be able to connect with any such services provided by the Montara Water and Sanitary District).

## 3. Conformance with the Local Coastal Program (LCP)

Because the subject parcel is part of the recorded "Montara: Second Addition" Subdivision, Policy 1.14 (*Designation of Rural Residential Areas*) confirms that this area is considered a Rural Residential Area. That said, Policy 1.15 permits in such rural residential areas the land uses designated on the LCP Land Use Map and at densities specified in Tables 1.2 and 1.3. Table 1.2 stipulates a buildout of the Midcoast "Rural" area (of which the RM-CZ and PAD zoned areas of this portion of Montara are considered) of 528 units, a limit that has not yet been reached. While Table 1.3 stipulates a density within the Agricultural Land Use areas (of which this PAD-zoned parcel is designated), the cited density (e.g. 1 density credit/40 acres – 1

density credit /160 acres) do not apply. While this parcel is only 2.75 acres, all legal parcels (which the subject CoC will confirm) are designated a minimum of 1 density credit. This would allow the parcel's future development in the future, assuming compliance with all LCP policies and PAD regulations.

Finally, LCP Policy 1.28 (*Legalizing Parcels*) requires a Coastal Development Permit (CDP) when issuing CoCs (Type B) to legalize parcels. The applicant has submitted an application, along with the appropriate fees, for said permit. Policy 1.29 provides standards for review when legalizing parcels. On undeveloped parcels created before Proposition 20 (effective date January 1, 1973), it must be determined that the parcel configuration will not have any substantial adverse impacts on coastal resources, in conformance with the standards of review of the Coastal Development District regulations. Permits to legalize this type of parcel shall be conditioned to maximize consistency with LCP resource protection policies. There is no evidence or reason to believe that the current parcel legalization would result in future development impacting coastal resources, since a review of the parcel does not reveal any proximity to any coastal resources regulated by the LCP.

Legalization of the subject parcel must conform to the LCP's "Locating and Planning New Development" component including policies addressed in Policy 1.5 (*Land Uses and Development Densities in Urban Areas*) incorporating the adopted Montara-Moss Beach-El Granada Community Plan into the Land Use Plan.

While the parcel's legalization does not include any development (or the need for any improvements until such time as development is proposed), there are no prime soils near the parcel (Policy 5.1), nor are there any sensitive habitat (Policy 7.) or hazards (Policy 9.1) on or near the parcel. Thus the proposed parcel legalization complies with these resource protection policies.

#### 4. 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 new development can proceed.

As a result of recent court case decisions, the division of land creating the subject lots must be legally confirmed because they are undeveloped lots of an antiquated subdivision, in this case, lots 17 thru 49 of Block 4 "Second Addition to Montara" recorded in San Mateo County Records on August 4, 1908. The County Subdivision Regulations Section 7134 allows 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 lots comprising the subject /parcel were 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.

While the subject Lots (17 thru 49) were initially part of the cited "Map of Second Addition to Montara", recorded in 1908, they continued to be conveyed together with other parcels until September 22, 2008. Only at that time were they conveyed separately from adjacent lots, thus requiring 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 parcel complies with public health and safety standards.

Regarding conditions of approval, Section 7134.2.c(a) of the County Subdivision Ordinance states that the Community Development Director may impose any conditions which would have been applicable to any development on the property. Road access to the subject parcel exists as cited earlier in this report, but is not maintained by the San Mateo County Public Works Department. Improvement of that road to County standards will be required at the time of a future development proposal, otherwise, there are no conditions necessary to include prior to recording the CoC document.

#### 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. This Class consists of minor alterations in land use limitations in areas with an average slope of less than 20% and which do not result in any changes in land use or density. The average slope of the subject parcel is less than 20% (calculated at about 17%) and the CoC will merely confirm the parcel's legal status as a single, developable parcel. It cannot be subdivided further and its land use (allowing both agricultural and non-agricultural development with proper permits) is not affected by the CoC. Examples of this class include minor lot line adjustments, which is not dissimilar to a COC as to the ways it does not otherwise affect land use or development density potential. Further, it is expected that any such development will be comply with applicable LCP policies and PAD regulations.

#### C. REVIEWING AGENCIES

County Counsel

## **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Location Map and Assessor's Map
- C. Original Map of "Second Addition to Montara"

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2017-00256      Hearing Date: December 7, 2017

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, related to Minor Alterations in Land Use Limitations.

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.
5. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program. The legalization will not affect any sensitive habitats, visual resources, or public access to and along the coast.
6. That the project conforms to the applicable policies of the Local Coastal Program (LCP) as discussed.

## **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 16, 2017 and as approved by the Zoning Hearing Officer on December 7, 2017. 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 Lots 17 thru 49, Block 4, as one single legal 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 shall require that an 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 parcels (APN 036-174-080, 036-174-040, 036-174-060 taken together as one) shall be recorded by the project planner.
5. The applicant is advised that prior to recordation of the Certificate of Compliance description, the owner/applicant shall provide the project planner with a check to cover the fee now charged by the Recorder's Office, generally between \$30.00 and \$40.00. The project planner will confirm the amount prior to recordation.

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