

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

DATE: October 4, 2018

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Minor Subdivision, pursuant to Section 7010 of the County Subdivision Regulations, and a Coastal Development Permit, pursuant to Section 6328 of the County Zoning Regulations, to subdivide a 15,584 sq. ft. legal parcel into three (3) parcels located on Vermont Avenue in the unincorporated Moss Beach area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2018-00131
(Synod of Bishops of the Russian Orthodox)

PROPOSAL

The applicant proposes to subdivide a presently unimproved 15,584 sq. ft. legal parcel into three (3) parcels (Parcel A: 5,195 sq. ft., Parcel B: 5,195 sq. ft., and Parcel C: 5,195 sq. ft.). The three (3) parcels are proposed each with a width of 50 feet and a depth of greater than 100 feet. Each proposed parcel would take a separate driveway access from Vermont Avenue. This proposal does not include any development at this time nor does it include any tree removal or grading.

RECOMMENDATION

Approve the Minor Subdivision and Coastal Development Permit, County File Number PLN 2018-00131, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND

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

Owner/Applicant: Synod of Bishops of the Russian Orthodox/Nicholas Loukianoff

Location: Vermont Avenue, Moss Beach, CA

APN: 037-143-020

Parcel Size: 15,584 sq. ft.

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

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

Parcel Legality: Legal parcels filed in the Office of the County Recorder of San Mateo County on May 4, 1908, in Book 8 of Maps at Page 10.

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Unimproved Land

Water Supply/Sewage Disposal: Montara Water and Sanitary District

Flood Zone: FEMA Flood Insurance Rate Map Zone "X" (area determined to be outside the 0.2% annual chance floodplain), Panel No: 06081C0138E, Effective Date: October 16, 2012.

Environmental Evaluation: Categorically Exempt; CEQA Section 15315 (Class 15); Minor Land Division.

Setting: The subject property is located just east of Highway 1 and approximately one mile northeast of the Half Moon Bay Airport. To the south and west are single-family residences within the same R-1/S-17/DR Zoning District. Parcels within the immediate area meet or exceed 5,000 sq. ft. and are developed with one- and two-story single-family residences. The project site has a gentle (about 2%) downward slope from east to west. There are four significant sized trees (12" diameter and greater, measure at breast height; DBH) located accordingly: a 26" DBH pine tree and 48" DBH Cypress tree located on proposed Lot C, a 24" DBH pine tree on Lot B, and a 36" DBH Cypress along the site's southerly property line of Lot A. There are also several other non-significant trees and shrubs across the project site. Finally, there is an existing structure generally located on Lot B, which would be demolished prior to recordation of a final Parcel Map. There is no proposal for development; removal of any trees; or grading as part of this minor subdivision proposal.

DISCUSSION

A. KEY ISSUES

1. Conformance with the General Plan

The County General Plan designates the subject property as Medium Density Residential. The proposed subdivision would result in a density of approximately 8.4 dwelling units per acre, where 6.1 - 8.7 dwelling units per acre are allowed under this designation.

Policy 4.21 (*Scenic Corridors*) addresses the protection and enhancement of the visual quality of scenic corridors by managing the location and appearance of structural development. The project site is located within the Highway 1 County Scenic Corridor. However, no structures are proposed on proposed Lot 1, Lot 2, or Lot 3 at this time. Any future development and construction on these parcels will be subject to the Coastside Design Review process and the visual impact of future development will be addressed through the Design Review process.

Policy 8.14 (*Land Use Compatibility*) and Policy 8.35 (*Uses*) address the protection and enhancement of character of existing single-family areas and allow uses in zoning districts that are consistent with the overall land use designation. The subject parcel is adjacent to single-family dwellings surrounded by the same zoning district, will remain zoned for residential use, and the proposed subdivision will facilitate future residential uses.

With regard to the General Plan, the three-lot subdivision fulfills the mandate for additional housing needs in the County as expressed in the Housing Chapter.

2. Conformance with the Local Coastal Program (LCP)

Subdivision 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. As mentioned in Section A.1, future development of the subdivided parcel with three single-family homes will comply with General Plan, LCP, and Zoning (including compliance with Design Review standards for the future proposal of three single-family residences). All of the parcels meet the 5,000 sq. ft. minimum parcel size prescribed by the zoning as discussed further below.

Pursuant to Policy 1.18 (*Location of New Development*), the project represents the creation of three new lots within the existing residential and urban areas of the Midcoast. Pursuant to Policy 1.19 (*Ensure Adequate Public Services and Infrastructure for New Development in Urban Areas*), the Montara Water and Sanitary District has confirmed that both water and sanitary sewer capacity exist, with access available from a sanitary sewer line running along Vermont Avenue in front of the proposed subdivision, and an adequate sized water line (for both domestic and fire suppression purposes) located along the south side of Vermont Avenue.

3. Conformance with the Zoning Regulations

a. Development Standards

The subject parcel is located in a single-family residential (R-1/S-17/DR/CD) Zoning District. No structures are being proposed under this project on this parcel, however, the parcels have been reviewed against the applicable development standards as outlined below:

DEVELOPMENT STANDARDS		
	Required	Proposed Parcels A, B, and C
Minimum Parcel Size	5,000 sq. ft.	Lot A: 5,195 sq. ft. Lot B: 5,195 sq. ft. Lot C: 5,195 sq. ft.
Minimum Lot Width	50 feet	Lot A: 50 feet Lot B: 50 feet Lot C: 50 feet
Minimum Lot Depth	100 feet	Lot A: 104 feet Lot B: 104 feet Lot C: 104 feet
Parcel Coverage	50%	Less than or equal to 16 feet*
Parcel Coverage	35%	Greater than 16 feet*
Floor Area Ratio	0.53% (parcel size)	2,750 sq. ft. each
Height	28 feet	28 feet*
Front Setback	20 feet	20 feet*
Rear Setback	20 feet	20 feet*
Side Setback	5 feet each side	For structures 16 feet in height or less*
Side Setback	Structures over 16 feet in height: Combined total of 15 feet with minimum of 5 feet on any side.*	
<i>*Future development would be held to these regulatory limits.</i>		

b. Design Review

The project site is located in a Design Review Overlay District. While no structures are currently being proposed, future development on each parcel will be subject to review by the Coastsides Design Review Committee for conformance with the Design Review standards.

4. Compliance with the Subdivision Regulations

Staff's recommendation to approve the subdivision application is based on the following findings pursuant to Section 7013 (3)(b) of the San Mateo County Subdivision Regulations:

- a. **That the proposed map is consistent with applicable general and specific plans.**

The proposed map is consistent with the San Mateo County General Plan and the County Local Coastal Program, as previously discussed in Sections A.1 and A.2 of this report. The proposed subdivision will result in three (3) parcels of 5,195 sq. ft. each, approximately 8.4 dwelling units per acre, where a maximum density of 6.1-8.7 residential units per acre are allowed by the General Plan. As cited in Section A.2 of this report, adequate water and sanitary sewer service capacity and access exists to serve the project.

- b. **That the design or improvement of the proposed subdivision is consistent with the applicable general and specific plans.**

The design of the proposed subdivision is consistent with the San Mateo County General Plan, the Local Coastal Program, and the Zoning Regulations, as previously discussed in Sections A.1 and A.2 of this report.

Additionally, pursuant to Section 7020.3.a (*Natural Heating or Cooling Opportunities*), Subsection (1), “the design of subdivisions shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities.” The proposed subdivision has its three lots configured such that their lot lengths (from front to rear) are generally oriented so that the axis of future residences would face south the southwest, which would provide for future passive or natural heating or cooling opportunities.

No improvements are being proposed at this time. The conceptual building envelopes of the submitted map indicate conformance with applicable zoning provisions. In addition, all future development of the subdivided parcels must comply with Design Review standards.

- c. **That the site is physically suitable for the type of development.**

The allowed use for this site includes single-family residential units with a density of approximately 8.4 dwelling units per acre, where 6.1-8.7 dwelling units per acre are allowed under the Medium Density Residential land use designation. The proposed parcels are capable of being served by sewer and water. The proposed subdivision complies with the applicable Zoning Regulations, and the size and width of the proposed parcels are sufficient to accommodate future development provided that the development complies with the Zoning Regulations.

- d. **That the site is physically suitable for the proposed density of development.**

This site is physically suited for single-family residential development for the following reasons: (1) water and sewer service is available provided that the proposal meets current Zoning Regulations, and the three (3) new parcels can be accessed via the improved existing road. Further development on the proposed parcels is subject to a separate permitting process.

- e. **That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The subdivision site contains no designated sensitive habitat, thus poses no potential environmental impacts to fish or wildlife or their habitat.

- f. **That the design of the subdivision or type of improvements is not likely to cause serious public health problems.**

The project is in compliance with all applicable development standards and applicable Subdivision Regulations. The inclusion of conditions of approval ensures that the public health and safety of the area are maintained.

- g. **That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

There are no existing or proposed easements on the parcel. As a result, the finding stipulated in Subsection (8) of Section 7013.3.b, is not applicable.

- h. **That the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a State Regional Water Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code.**

While a main sewer line along Vermont Avenue is available, subject to conformance with the regulations of the Granada Community Services District, there are no proposed structures that would utilize the sewer at this time. The District has indicated that sewer capacity is available. Future development of the three lots would require that the residences

connect with the individual sewer laterals at that time. All development on the proposed parcels must meet the requirements prescribed by the State Regional Water Control Board.

- i. **That the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (“the Williamson Act”).**

The land is not under or subject to a Williamson Act Contract or Open Space Easement.

- j. **That, for a subdivision on land located in a state responsibility area (SRA) or a very high fire severity zone, as both are defined in Section 51177 of the California Government Code, all of the following are supported by substantial evidence in the record.**

The subdivision is not in a state responsibility area; Coastside Fire Protection District serves as the County Fire Authority within the urban Midcoast area, which is mapped as a Local Responsibility Area (LRA). Also, the subdivision is not located in a mapped “very high fire severity zone.” Thus, this finding’s Subsections (a), (b) and (c) are not applicable.

- k. **That, for the subdivision of land designated in the County General Plan as open space and located in a state responsibility area or a very high fire hazard severity zone, as both are defined in Section 51177 of the California Government Code, all of the following are supported by substantial evidence in the record.**

The subdivision is not of land designated as “Open Space”, but as “Medium Density Residential” within the Midcoast’s urban area. The subdivision is also, as cited previously, not located in a “very high fire severity zone.” Thus, this finding’s Subsections (a) and (b) are not applicable.

5. Compliance with In-Lieu Park Fees

Section 7055.3 (*Fees In Lieu of Land Dedication*) requires that, as a condition of approval of the tentative map, the subdivider is required to dedicate land or pay an in-lieu fee. Said fee is for acquisition, development, or rehabilitation of County park and recreation facilities, and/or to assist other providers of park and recreation facilities to acquire, develop, or rehabilitate facilities that will serve the proposed subdivision. The section further defines the formula for calculating this fee. The fee for this subdivision’s “in lieu park fee” will be paid by the owner prior to recordation of the parcel map. That fee is currently estimated to be \$17,349.00.

B. REVIEW BY THE MIDCOAST COMMUNITY COUNCIL

The Midcoast Community Council was sent a referral for comments. They responded back that they had no comments and would not need to agendize the project for formal consideration and recommendation.

C. ENVIRONMENTAL REVIEW

This project is categorically exempt, pursuant to the California Environmental Quality Act, Section 15315 (Class 15), related to minor division of land (four or less lots) in urban areas on slopes less than 20%.

D. REVIEWING AGENCIES

	Approve	Deny	Conditions
Building Inspection Section	X		
Department of Public Works	X		X
Geotechnical Section	X		X
Coastside Fire District	X		X
Montara Water and Sanitary District	X		X

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Park In-Lieu Fee Worksheet
- C. Vicinity Map
- D. Tentative 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 2018-00131 Hearing Date: September 6, 2018

Prepared By: Pete Bentley
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That this project is categorically exempt from the California Environmental Quality Act, pursuant to Section 15315 (Class 15), related to minor division of land (four or less lots) in urban areas on slopes less than 20%.

Regarding the Subdivision, Find:

2. **That the proposed map is consistent with applicable general and specific plans.**

The proposed map is consistent with the San Mateo County General Plan as previously discussed in Sections A.1 and A.2 of this report. The proposed subdivision will result in three (3) parcels of 5,195 sq. ft. each, approximately 8.4 dwelling units per acre, where a maximum density of 6.1-8.7 residential units per acre are allowed by the General Plan.

3. **That the design or improvement of the proposed subdivision is consistent with the applicable general and specific plans.**

The design of the proposed subdivision is consistent with the San Mateo County General Plan, the Local Coastal Program, and the Zoning Regulations, as previously discussed in Sections A.1 and A.2 of this report.

Additionally, pursuant to Section 7020.3.a (Natural Heating or Cooling Opportunities), Subsection (1), "the design of subdivisions shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities." The proposed subdivision has its three lots configured such that their lot lengths (from front to rear) are generally oriented so that the axis of future residences would face south the southwest, which would provide for future passive or natural heating or cooling opportunities.

No improvements are being proposed at this time. The conceptual building envelopes of the submitted map indicate conformance with applicable zoning provisions. In addition, all future development of the subdivided parcels must comply with Design Review standards.

4. **That the site is physically suitable for the type of development.**

The allowed use for this site includes single-family residential units with a density of approximately 8.4 dwelling units per acre, where 6.1 8.7 dwelling units per acre are allowed under the Medium Density Residential land use designation. The proposed parcels are capable of being served by sewer and water. The proposed subdivision complies with the applicable Zoning Regulations, and the size and width of the proposed parcels are sufficient to accommodate future development provided that the development complies with the Zoning Regulations.

5. **That the site is physically suitable for the proposed density of development.**

This site is physically suited for single-family residential development for the following reasons: (1) water and sewer service is available provided that the proposal meets current Zoning Regulations, and the three (3) new parcels can be accessed via the improved existing road. Further development on the proposed parcels is subject to a separate permitting process.

6. **That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The subdivision site contains no designated sensitive habitat, thus poses no potential environmental impacts to fish or wildlife or their habitat.

7. **That the design of the subdivision or type of improvements is not likely to cause serious public health problems.**

The project is in compliance with all applicable development standards and applicable Subdivision Regulations. The inclusion of conditions of approval ensures that the public health and safety of the area are maintained.

8. **That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

There are no existing or proposed easements on the parcel. As a result, the finding stipulated in Subsection (8) of Section 7013.3.b, is not applicable.

9. **That the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing**

requirements prescribed by a State Regional Water Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code.

While a main sewer line along Vermont Avenue is available, subject to conformance with the regulations of the Granada Community Services District, there are no proposed structures that would utilize the sewer at this time. The District has indicated that sewer capacity is available. Future development of the three lots would require that the residences connect with the individual sewer laterals at that time. All development on the proposed parcels must meet the requirements prescribed by the State Regional Water Control Board.

10. **That the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (“the Williamson Act”).**

The land is not under or subject to a Williamson Act Contract or Open Space Easement.

11. **That, for a subdivision on land located in a state responsibility area (SRA) or a very high fire severity zone, as both are defined in Section 51177 of the California Government Code, all of the following are supported by substantial evidence in the record.**

The subdivision is not in a state responsibility area; Coastside Fire Protection District serves as the County Fire Authority within the urban Midcoast area, which is mapped as a Local Responsibility Area (LRA). Also, the subdivision is not located in a mapped “very high fire severity zone.” Thus, this finding’s Subsections (a), (b) and (c) are not applicable.

12. **That, for the subdivision of land designated in the County General Plan as open space and located in a state responsibility area or a very high fire hazard severity zone, as both are defined in Section 51177 of the California Government Code, all of the following are supported by substantial evidence in the record.**

The subdivision is not of land designated as “Open Space”, but as “Medium Density Residential” within the Midcoast’s urban area. The subdivision is also, as cited previously, not located in a “very high fire severity zone.” Thus, this finding’s Subsections (a) and (b) are not applicable.

For the Coastal Development Permit, Find:

13. 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.

14. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program. The three-lot subdivision, upon future development with three residences, will not affect any sensitive habitats, visual resources, or public access to and along the coast.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This subdivision approval is valid for two (2) years, during which time a final parcel map shall be filed. An extension to this time period in accordance with Section 7013.5.c of the Subdivision Regulations may be issued by the Planning Department upon written request and payment of any applicable extension fees, if required, sixty (60) days prior to expiration. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and are in substantial conformance with this approval. Any other developments on the property will be subject to a separate permitting process.
2. The applicant shall pay to the San Mateo County Planning and Building Department applicable in-lieu park fees as required by County Subdivision Regulations, Section 7055.3, prior to recordation of the final parcel map.
3. No trees are permitted to be removed. Any tree removal is subject to a separate permitting process.
4. No grading is permitted. Any grading is subject to a separate permitting process.

Department of Public Works

5. Prior to the issuance of the building permit or planning permit the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.
6. Prior to the issuance of the building permit or planning permit (if applicable), the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the

Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.

7. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
8. Prior to the issuance of a building permit for any future residential development, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
9. The applicant shall submit a Parcel Map to the Department of Public Works County Surveyor for review, to satisfy the State of California Subdivision Map Act. The final map will be recorded only after all Inter Department conditions have been met.
10. Prior to recordation of the Final Parcel Map, the applicant shall submit written certification from the appropriate utilities to the Department of Public Works and the Planning and Building Department stating that they will provide utility (e.g., sewer, water, energy, communication, etc.) services to the proposed parcels of this subdivision.

Building Inspection Section

11. Building permits shall be applied for and obtained from the Building Inspection Section for any future demolition or construction on the parcels created as a result of the filing of the final parcel map for this project.

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County of San Mateo
Planning and Building Department

In-Lieu Park Fee Worksheet

[This formula is excerpted from Section 7055 of the County's Subdivision Regulations]

This worksheet should be completed for any residential subdivision which contains 50 or fewer lots. For subdivisions with more than 50 lots, the County may require either an in-lieu fee or dedication of land.

1. **For the parcel proposed for subdivision, look up the value of the land on the most recent equalized assessment roll. (Remember you are interested in the land only.)**

$$\text{Value of Land} = \$667,861.00$$

2. **Determine the size of the subject parcel in acres.**

$$\text{Acres of Land} = 0.350$$

3. **Determine the value of the property per acre.**

- a. **Set up a ratio to convert the value of the land given its current size to the value of the land if it were an acre in size.**

Formula:	
$\frac{\text{Parcel Size in Acres (From Item 2)}}{1 \text{ Acre of Land}}$	$\frac{\text{Value of Subject Parcel (From Item 1)}}{\text{Value of Land/Acre}}$
Fill Out:	
$\frac{0.358}{1 \text{ Acre}}$	$\frac{\$667,861.00}{\text{Value of Land/Acre}}$

- b. **Solve for X by cross multiplying.**

Formula:	
Value of Land	= $\frac{\text{Value of the Subject Parcel (From Item 1)}}{\text{Size of the Subject Parcel in Acres (From Item 2)}}$
Fill Out:	
Value of Land .46	= $\frac{\$667,861.00}{0.358}$ = <u>\$1,865,533.52</u>

4. Determine the number of persons per subdivision.

Formula:				
Number of New Lots Created*	X	3.10**	=	Number of Persons Per Subdivision
*Example = A 2-lot split would = 1 newly created lot.				
Fill Out:				
2	X	3.10**	=	6.20
**Average number of persons per dwelling unit according to the most recent federal census (2010).				

5. Determine the parkland demand due to the subdivision.

Formula:				
Number of Persons Per Subdivision Demand (From Item 4)	X	.003*** Acres/Person	=	Parkland Demand
Fill Out:				
3.10	X	.003***	=	0.0093
Acres/Person				
***Section 7055.1 of the County's Subdivision Ordinance establishes the need for .003 acres of parkland property for each person residing in the County.				

6. Determine the parkland in-lieu fee.

Formula:				
Parkland Demand (From Item 5) Fee	X	Value of the Land/Acre (From Item 3.b)	=	Parkland In-Lieu Fee
Fill Out:				
0.0093	X	\$1,865,533.52	=	\$17,349.46