

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

DATE: March 5, 2020

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 of the County Subdivision Regulations, located on Columbus Street in the unincorporated El Granada area of San Mateo County. The project is appealable to the California Coastal Commission.

County File Number: PLN 2019-00010 (Lopez)

PROPOSAL

The applicant has applied for a Coastal Development Permit and a Certificate of Compliance (Type B) to confirm the subject parcel's legality. 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 (CoC), County File Number PLN 2019-00010, 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/Owner: Irene Lopez

Location: Columbus Street, El Granada, South Easterly of Isabella Road

APN: 047-191-440

Size: Approximately 6,480 sq.ft.

Existing Zoning: R-1/S-17/DR/CD

General Plan Designation: Medium Density Residential (6.1 - 8.0 dwelling units/net acre)

Parcel Legality: Lot 20 in Block 21 as shown on that certain map entitled "El Granada Highlands Subdivision No. 5, San Mateo County, California," filed in the Office of the Count Recorder of San Mateo County, State of California on December 19, 1928 in Book 17 of Maps at page 31. Parcel legality to be established by a decision on this Certificate of Compliance application.

Existing Land Use: Vacant

Water Supply: Coastside County Water District

Sewage Disposal: Granada Community Services 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: The project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Approval of a Certificate of Compliance (CoC) and Coastal Development Permit (CDP) to confirm the legality of the parcel will not effect the environment since the parcel is a conforming parcel surrounded by similar developed parcels in an urban area where all access and utilities can be provided.

Setting: The current parcel is rectangular in shape and located on the northeasterly side of Columbus Street approximately 100 feet from its intersection with Isabella Road. Adjacent parcels to the north, south and west have been developed with single-family residences.

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

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 (6.1 – 8.0) dwelling units/net acre. This area is correspondingly zoned R-1/S-17 and the project parcel size (at 6,500 sq. ft.) exceeds the minimum required lot size of 5,000 square feet. The project does comply with Policy 8.14 (*Land Use Compatibility*), in that upon resolution of the parcel's legality, the property's future development with a single-family residence in compliance with the development standards of the R-1/S-17 regulations, together with

compliance with Design Review 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 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 proximity to sensitive habitats, coastal views or other coastal resources regulated by the Local Coastal Program.

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. As mentioned in Section A1, future development of the parcel with a single-family home will comply with General Plan, LCP, and Zoning allowed uses and density.

3. Conformance with the Subdivision Regulations

The division of land creating the subject parcel must be confirmed because it is an undeveloped lot of an antiquated subdivision; in this case, Lot 20 as shown on that certain map entitled “El Granada Highlands Subdivision No. 5 RSM, filed in the Office of the County Recorder of San Mateo County, State of California on December 19, 1928. 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. As such, to qualify for a CoC (Type A), it must be confirmed that the lot comprising the subject project 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) shall be required, as is the case with this application.

While the subject Lot 20 was initially part of the cited “El Granada Highlands Subdivision No.5” recorded in 1928, it continued to be conveyed together with other parcels until February 18, 1977. Only at that time was it conveyed separately from adjacent lots, thus requiring the CoC (Type B).

Section 7134.4.c allows for the approval and recordation of a CoC subject to a public hearing and the imposition of conditions of legalization, if necessary.

Regarding conditions of approval, Section 7134.6b, of the Subdivision Regulations, states that the Community Development Director may impose any conditions which would have been applicable to the division of the property at the time the applicant acquired his/her interest in the property. Since road access to the subject parcel exists, and water, power, and sanitary sewer services are available, there are no conditions applicable to the division of the property that have not been met.

B. ENVIRONMENTAL REVIEW

The project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Approval of a Certificate of Compliance (CoC) and Coastal Development Permit (CDP) to confirm the legality of the parcel will not effect the environment since the parcel is a conforming parcel surrounded by similar developed parcels in an urban area where all access and utilities can be provided. As mentioned previously, Isabella Road, provides access to the parcel, and water and sanitary service lines exist within the roadway.

C. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Recommend Findings and Conditions of Approval
- B. Location Map
- C. Original Map of Plat of Subdivision No.5, El Granada Highlands, December 19, 1928

PB:pac - PSBDD0172_WPU.DOCX

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2019-00010

Hearing Date: March 5, 2020

Prepared By: Pete Bentley
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Approval of a Certificate of Compliance (CoC) and Coastal Development Permit (CDP) to confirm the legality of the parcel will not effect the environment since the parcel is a conforming parcel surrounded by similar developed parcels in an urban area where all access and utilities can be provided.

For the 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*).
3. That the processing of the 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

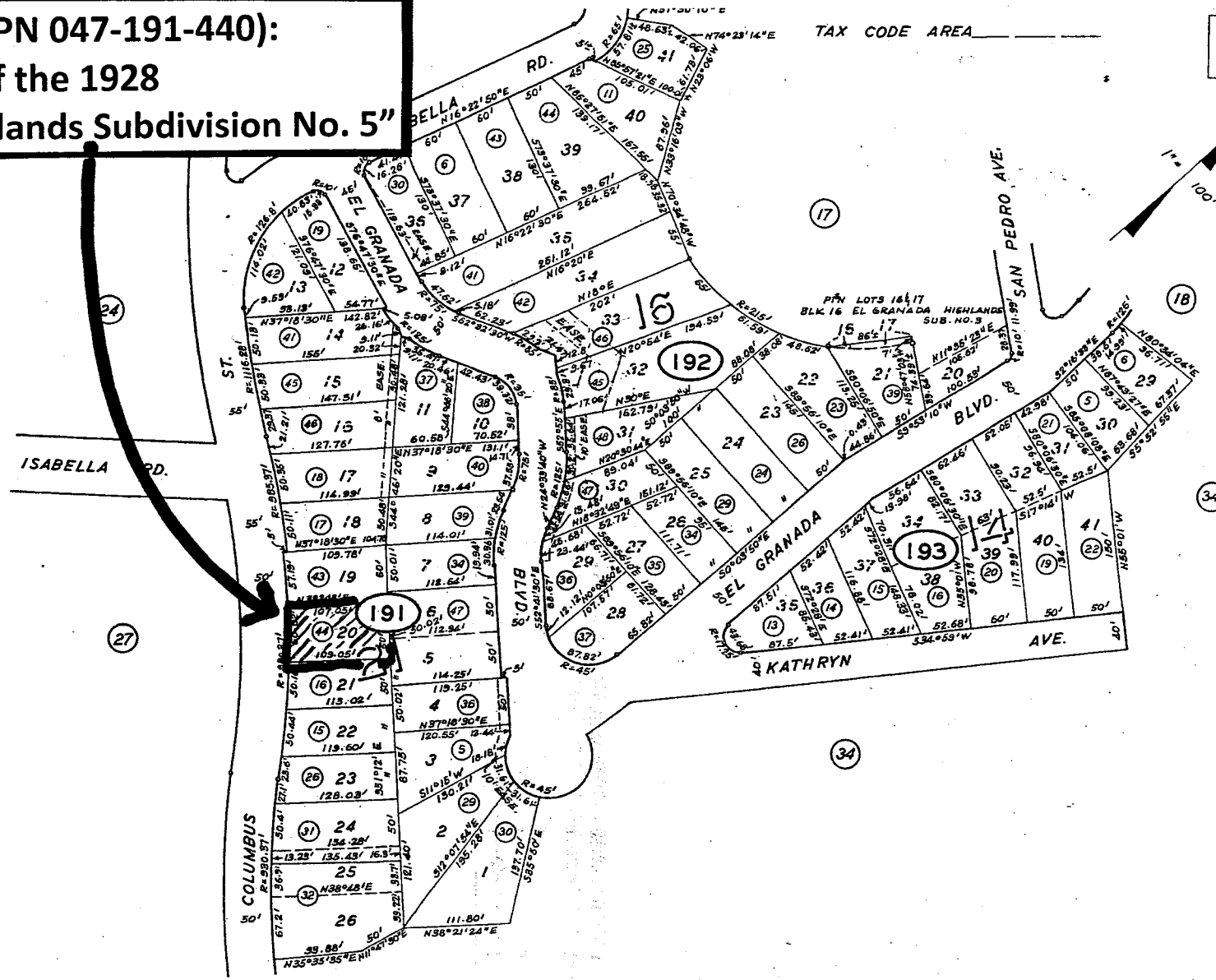
Current Planning Section

1. This approval applies only to the proposal as described in those plans, supporting materials, and reports submitted on March 5, 2020. 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 20, Block 21, 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 San Mateo County Local Coastal Program. The approval and issuance of a building permit 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 047-191-440, 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 meet with the project planner. Together they will go to the Recorder's Office where the owner will provide payment for the recording of the document.

PB:pac - PSBDD0172_WPU.DOCX

Subject Parcel (APN 047-191-440):
Lots 21, Blk. 21 of the 1928
"El Granada Highlands Subdivision No. 5"

47-19



EL GRANADA HIGHLANDS

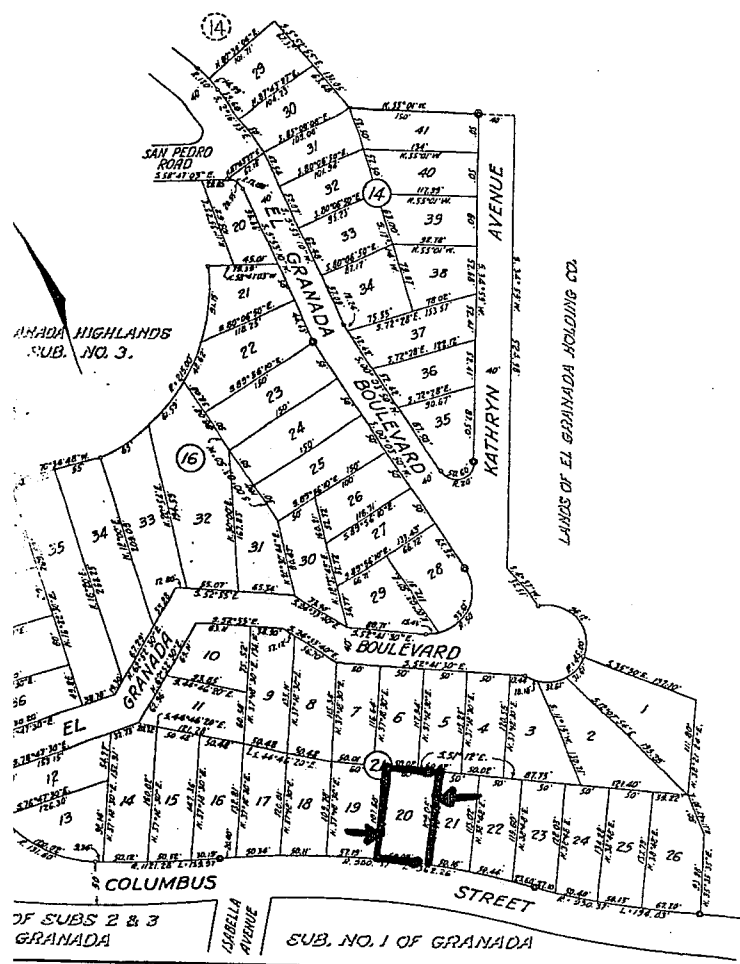
SUBDIVISION NO. 5
SAN MATEO COUNTY, CALIFORNIA

31

Surveyed and Subdivided by
GEO. A. KNEESE
Civil Engineer and Licensed Land Surveyor

and of request of El Granada Holding Company on the 19th day of
9, at 0 minutes past 10 o'clock A.M. in Vol. 17 of Maps at Page 31
County Records

T. R. ...
County Recorder.



KNOW ALL MEN BY THESE PRESENTS:

That the El Granada Holding Company, a corporation, owner in fee simple absolute of the lands embraced herein, and Harvee Nelson, J.G. Gillespie and Leila R. Loop as Trustees and A.R. Dias and Isabel Dias as beneficiaries hereby authorize the subdivision entitled "El Granada Highlands, Subdivision No. 5," and hereby consent to the making and filing of this map thereof and declare it to be a true map of the survey of said subdivision. The land delineated and designated hereon as El Granada Boulevard, Kathryn Avenue, and any part of Columbus Street or Isabel Road not previously dedicated to public use.

That the subscribers to this statement are all whose consents are necessary to the making and filing of this map.

IN WITNESS WHEREOF, the aforementioned parties have caused these presents to be duly executed this 14th day of December, 1928.

EL GRANADA HOLDING COMPANY
by *L. W. Martin* Pres.
by *M. S. Young* Secy.
Harvee Nelson
J. G. Gillespie
Leila R. Loop
Trustees

STATE OF CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO } 5.5.

On this 14th day of December, 1928 before me, *William B. ...*
a Notary Public in and for said City and County, residing therein, duly commissioned and sworn, personally appeared L.W. Martin and M.L. Young, known to me to be the President and Secretary, respectively, of the El Granada Holding Company, the corporation that executed the within instrument on behalf of the persons who executed the within instrument and they acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 14th day of December, 1928.

William B. ...
Notary Public in and for the City and County of San Francisco.

STATE OF CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO } 5.5.

On this 14th day of December, 1928 before me, *M. J. Patterson*
a Notary Public in and for the said City and County, residing therein, duly commissioned and sworn, personally appeared Harvee Nelson and J.G. Gillespie, known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same as Trustees.

M. J. Patterson
Notary Public in and for the City and County of San Francisco.

STATE OF CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO } 5.5.

On this 17th day of December, 1928 before me, *Elizabeth M. ...*
a Notary Public in and for the said City and County, residing therein, duly commissioned and sworn, personally appeared Leila R. Loop, known to me to be the person whose name is subscribed to the within instrument as Trustee and she acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Elizabeth M. ...
Notary Public in and for the City and County of San Francisco.

STATE OF CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO } 5.5.

On this 14th day of December, 1928 before me, *William B. ...*
a Notary Public in and for the said City and County, residing therein, duly commissioned and sworn, personally appeared A.R. Dias and Isabel Dias, known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same as beneficiaries.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

William B. ...
Notary Public in and for the City and County of San Francisco.

STATE OF CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO } 5.5.

L.W. Martin, being duly sworn, deposes and says:
"I am president of the El Granada Holding Company and make this affidavit of my own free will and as the act of said corporation, to wit:
That all parties whose consents are necessary to pass a clear title to the lands shown hereon have endorsed this map, which is entirely included on this one sheet.

Signed, *L. W. Martin*

Subscribed and sworn to before me
this 14th day of December, 1928
William B. ...
Notary Public in and for the City and County of San Francisco.

I, Geo. A. Kneese, Civil Engineer, hereby certify that the within map was made from a true and correct survey made by me on the ground of the lands embraced hereon. That this map shows the exact location of said lands in relation to adjacent property and indicates monuments as located and appearing on the ground.

3/8" Iron Pipe monuments are shown thus: @
Bearings are expressed in true meridian.
2"x2" White stakes are placed at each lot corner, curve point or angle point.

Geo. A. Kneese
Civil Engineer

I, J.J. Shields, County Auditor of the County of San Mateo, State of California, hereby certify that there are no liens for unpaid County taxes upon the tract of land or any part thereof as shown on the within map as
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 18th day of December, 1928.

J. J. Shields
County Auditor

We, D.F. Flynn, County Assessor, and Geo. A. Kneese, County Surveyor, of the County of San Mateo, State of California, hereby certify that we have carefully examined each and every lot as shown on the within map as to its value for residential or commercial purposes and hereby recommend said map for approval.

D. F. Flynn
County Assessor
Geo. A. Kneese
County Surveyor

STATE OF CALIFORNIA
COUNTY OF SAN MATEO } 5.5.

The Board of Supervisors of the said County of San Mateo, duly assembled hereby approves the within map of "El Granada Highlands, Subdivision No. 5" and accepts on behalf of said County and the Public, El Granada Boulevard, Kathryn Avenue and any part of Columbus Street or Isabel Road not previously dedicated to public use, therefore from and after the recording of this map, said streets shall be and thereupon become, dedicated to the public use.

IN WITNESS WHEREOF, said Board of Supervisors, pursuant to a resolution duly passed on the 17th day of December, 1928 has caused this certificate to be duly executed and signed by the Clerk of said Board this 17th day of December, 1928.

By: D. J. ...
County Clerk and ex-officio Clerk of said Board of Supervisors.