

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

DATE: April 7, 2016

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 (consisting of two (2) original lots) totaling approximately 11,500 sq. ft. located adjacent to 106 Dolphine Avenue in the unincorporated El Granada area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2013-00437 (Comerach, LLC)

PROPOSAL

The applicant has applied for a Certificate of Compliance (Type B) to confirm the legality of a single parcel, consisting of two (2) lots, approximately 11,500 sq. ft. The subject parcel to be legalized was initially Lots 1 and 2, Block 5, as shown on the "El Granada Highlands Subdivision No. 2 Map" recorded in 1927. The submitted "Chain of Title" data confirms that Lots 1 and 2 were not separately conveyed (by deed) from the surrounding adjacent lots until September 1999. Given the subject parcel 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 parcel is proposed at this time. The Certificate of Compliance (CoC) ensures compliance with the County Subdivision Regulations. The legalization of this parcel 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 2013-00437), 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: Pat Power

Owner: Comerach, LLC

Location: Dolphine Avenue, El Granada

APN: 047-164-220 and -230

Size: Approximately 11,500 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: Lots 1 and 2, Block 5, "El Granada Highlands Subdivision No. 2," recorded in San Mateo County Records on March 1, 1927, into Book 15 at pages 26, 27, and 28. Confirmation of the legality of this parcel is the purpose of this application and discussed in Section A.3 of this report.

Existing Land Use (of Subject Lots 1 and 2): 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 15, Section 15315, of the California Environmental Quality Act Guidelines.

Setting: The subject parcel, consisting of Lots 1 and 2 as referenced above, is approximately 145 feet wide and 100 feet deep at the southeast intersection of El Granada Boulevard and Dolphine Avenue in El Granada. Both roadways adjacent to this parcel are County maintained. The adjacent parcel to the east of this parcel is developed with a single-family residence built in 1989. The adjacent parcel to the south on El Granada Boulevard is undeveloped while the parcel across Dolphine Avenue is developed with a single-family residence built in 1980.

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 a sanitary sewer connection would be obtained and water connection from the respective serviced districts.

Chronology of Permit Activity on Subject Parcels:

<u>Date</u>	<u>Action</u>
October 16, 2013	- Certificates of Compliance submitted for both parcels (047-164-220 and -230; PLN 2012-00437 and -00438), with the intent of recording a CoC on each parcel.
October 21, 2013	- Deemed incomplete due to inadequate chain of title information; if it is determined that parcels were never conveyed separately, it will take a formal subdivision to obtain two separate legal parcels.
August 8, 2014	- VIO 2014-00151 opened due to submitted complaint and confirmation of illegal clearing of most vegetation on both parcels. No tree removal occurred.
September 24, 2014 to April 22, 2015	- First, second, and third citations sent.
May 4, 2015	- PLN 2015-00189 submitted - the "after-the-fact" CDP and Clearing permit to resolve the clearing that occurred.
May 29, 2015	- While additional title data is submitted, the Certificate of Compliance application is still missing additional deed documentation.
January 5, 2016	- Due to inadequate deed information to secure a CoC/Type B on each parcel, the applicant decides to move forward with a single CoC that will, upon approval and recordation, legalize both parcels together as one resultant parcel.
January 16, 2016	- PLN 2015-00189 is approved. Whereby the initial clearing activity required compliance with the County Grading Ordinance, staff relied on Sections 8607.1 and 8607.4 and concluded that there did not appear to include any removal of sensitive habitat plant species or trees with the initial clearing activity and that, upon inspection, both parcels had since become heavily revegetated. Thus, it was not deemed necessary to require any additional remediation or restoration of the parcels. With that, the necessary criteria of those cited

sections were met, leading to the “after-the-fact” clearing and CDP being approved.

- February 2, 2016 - The appeal period for PLN 2015-00189 ends, and approval is considered final. With the closure of one of the two CoC permits above, and the citation fees paid by the applicant, a refund reconciles all remaining fee issues. The violation case is officially closed.

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, zoning compliant and developable parcel, does not exceed this density, and this area is correspondingly zoned R-1/S-17, with which the proposed project is in compliance relative to lot size (the subject lot exceeds 5,000 sq. ft.). 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 the 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 lots' legality must be confirmed because it is an undeveloped lot of an antiquated subdivision, in this case, Lots 1 and 2, Block 5, of the "El Granada Highlands Subdivision No. 2" recorded in 1927. 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 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 lots that comprise the proposed parcel (Lots 1 and 2) were initially part of the cited 1927 subdivision. The submitted Chain of Title data confirms that Lots 1 and 2 continued to be conveyed along with other adjacent lots until 1999, when it was finally sold as an individual parcel, consisting of Lots 1 and 2, 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 (as a single, zoning compliant parcel) complies with public health and safety standards.

Regarding the 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 lot, totaling approximately 11,500 sq. ft., would have been compliant with the zoning (minimum parcel size was then and still is 5,000 sq. ft.) in 1999 as well as with the applicable Subdivision Regulations at that time (road access, sewer, water and power availability). This portion of El Granada Boulevard and Dolphine Avenue is maintained by the County and provides access to 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 15315, Class 15: Minor Land Divisions, which includes the division of property (which a certificate of compliance to confirm a parcel's legal status can be considered) in urbanized areas zoned for residential use (as is the case here) into four or fewer parcels (this CoC legalizes one parcel), when the division is in conformance with the General Plan and zoning (the parcel size well exceeds the 5,000 sq. ft. minimum), no variances are required, and all services and access to the parcel is available (Dolphine Avenue, a publically maintained road, provides access to the parcel and all water and sanitary service lines exist within the roadway).

C. COUNTY AGENCY REVIEW

County Counsel

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location and Vicinity Map
- C. Original 1927 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 2013-00437

Hearing Date: April 7, 2016

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 15, Section 15315, of the California Environmental Quality Act Guidelines which exempts minor land divisions, of which the Certificate of Compliance can be considered.

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:

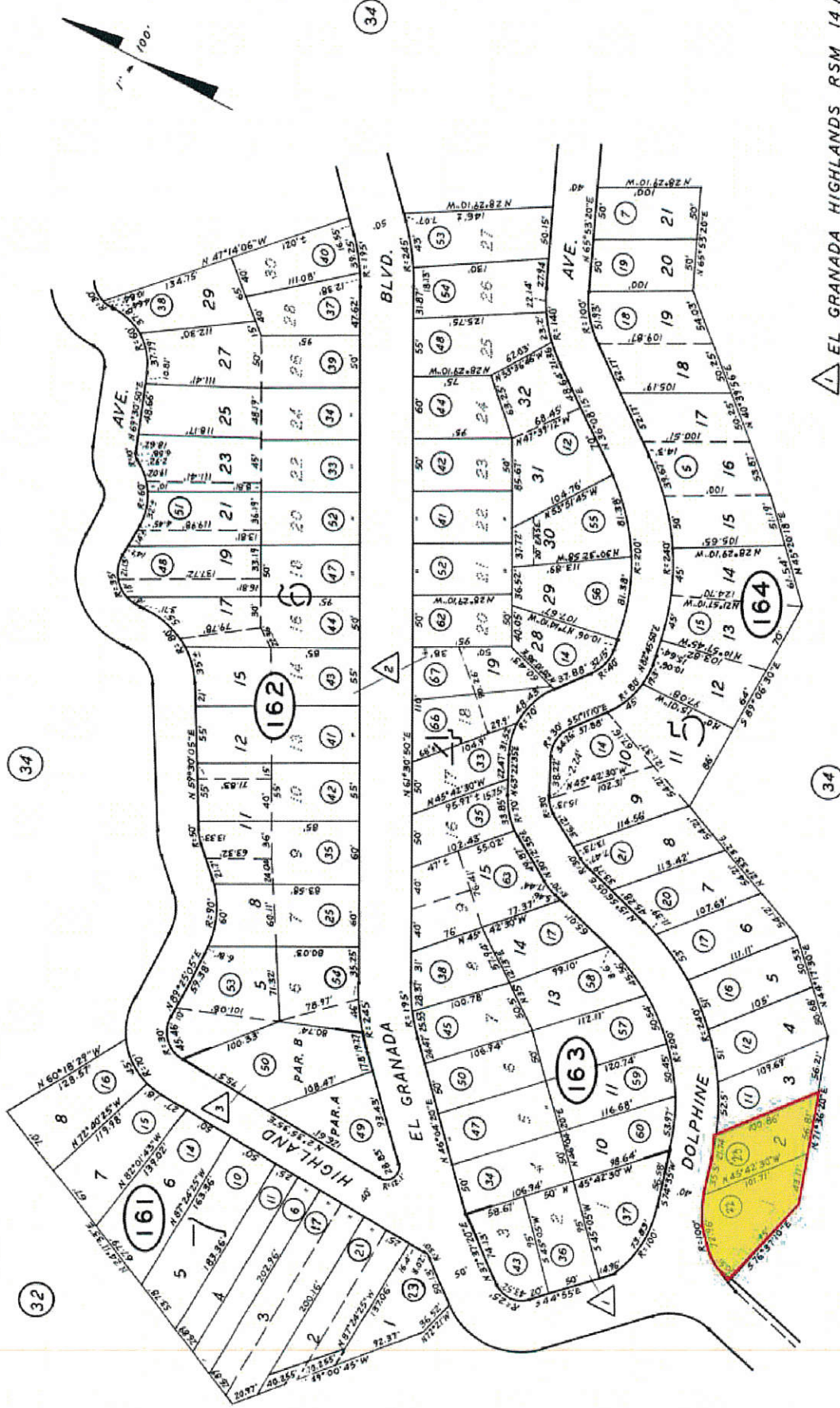
4. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program. The project includes no other development 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 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 October 16, 2013 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 Lots 1 and 2 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 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 parcel, APN 047-164-220 and -230, 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. The fee is estimated to be \$40.00. 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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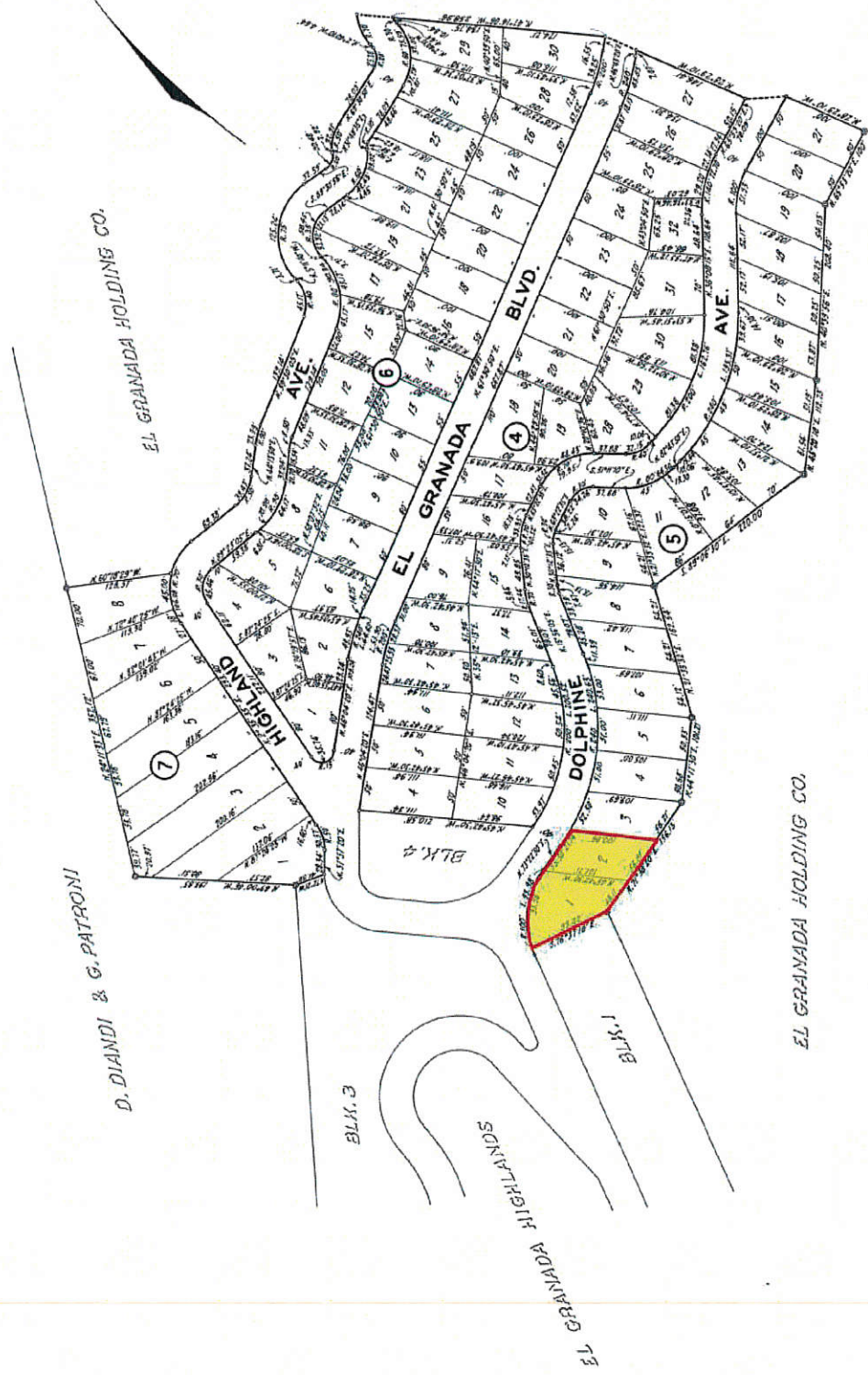
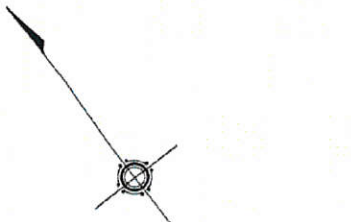
- 1 EL GRANADA HIGHLANDS RSM 14/22-23
- 2 EL GRANADA HIGHLANDS SUB. NO.2 RSM 15/26
- 3 PARCEL MAP VOL. 29/33-34

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: **COMERAGH, LLC**

File Numbers: **PLN2013-00437**

Attachment: **B**



EL GRANADA HIGHLANDS
 SUBDIVISION NO. 2
 SHEET NO. 2 OF 3 SHEETS
 SCALE: 1"=100'

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: **COMERAGH, LLC**

File Numbers: **PLN2013-00437**

Attachment: **C**