

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

DATE: May 16, 2019

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 Stetson Street in the unincorporated Moss Beach area of San Mateo County. The project is appealable to the California Coastal Commission.

County File Number: PLN 2018-00321 (Moody)

PROPOSAL

The applicant has applied for a Coastal Development Permit (CDP) and a Certificate of Compliance (Type B) (CoC/B) to confirm the subject parcel's legality. The subject parcel's legality must be confirmed prior to the approval of any proposed development. A Certificate of Compliance (Type B) is required as part of this application to comply with the County Subdivision Regulations, and a CDP to comply with the County's Local Coastal Program.

A separate CDP and Design Review approval for a new single-family residence has been submitted (PLN 2018-00391) and will be considered by the Coastside Design Review Committee and the Planning Commission at a future date, pending approval of this CoC/B.

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificate of Compliance (CoC), County File Number PLN 2018-00321, 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: Paul Moody

Location: 882 Stetson Street, Moss Beach, at intersection with Sunshine Valley Road

APN: 037-144-260

Size: Approximately 5,900 sq. ft.

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

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

Parcel Legality: Lots 1 and 2 in Block 71 as shown on that certain map entitled "Map of Moss Beach Addition No. 2, San Mateo County, California," filed in the Office of the County Recorder of San Mateo County, State of California, on March 4, 1908, in Book 6 of Maps at Page 11.

Existing Land Use: Vacant

Water Supply/Sewage Disposal: 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 15, Section 15315, of the California Environmental Quality Act Guidelines (Minor Land Divisions).

Setting: The current parcel is nearly triangular in shape and located at the southwest corner of Stetson Street at its intersection with Sunshine Valley Road. The adjacent parcels to the South and West are also vacant. However, existing single-family residences are located across Stetson Street to the North and across Sunshine Valley Road to the Southeast.

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 – 8.7) dwelling units/net acre. This area is correspondingly zoned R-1/S-17 with a required minimum lot size of 5,000 square feet. The subject parcel size (at 5,900 sq. ft.) complies with the required lot size. The project also complies 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 and the applicable 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 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. The subject parcel is adjacent to a drainage feature (Dean Creek) which is along Sunshine Valley Road, and is in the Coastal Commission Appeals Jurisdiction. However, no conditions need to be added to this CoC, since at the time development is proposed in the future, a hearing-level Coastal Development Permit will be required along with a biologist’s report to delineate any riparian habitat that may be present on or adjacent to the parcel, and to evaluate potential impacts resulting from development.

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 with regard to allowed uses and density.

3. Conformance with the Subdivision Regulations

Pursuant to Section 7134, before development permits may be issued, the issuance of a CoC confirming the parcel’s legal status is required except as provided in Section 7134.1.

As a result of recent court case decisions, the division of land creating the subject parcel must be legally confirmed because it is an undeveloped lot of an antiquated subdivision; in this case, Lots 1 and 2 in Block 71 as shown on that certain map entitled “Map of Moss Beach Addition No. 2, San Mateo County, California, filed in the Office of the County Recorder of San Mateo County, State of California on May 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. As such, to qualify for a CoC (Type A) (pursuant to Section 7134.1), it must be confirmed that the lots comprising the subject project 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 1 and 2 were initially part of the cited "Map of Moss Beach Addition No. 2" recorded in 1908, they continued to be conveyed together with other parcels until May of 1985. 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. Since road access to the subject parcel exists, and water, power, and sanitary sewer services are available, there are no improvement conditions necessary to require 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 15315, Class 15: Minor Land Divisions, which include the division of property (which a certificate of compliance establishing a parcel's legal status can be considered) in urbanized areas zoned for residential use into four or fewer parcels, when the division is in conformance with the General Plan and zoning (the parcel size exceeds the 5,000 sq. ft. minimum), no variances are required, and all services and access to the parcel are available. As mentioned previously, Stetson Street, 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. Assessor's Parcel Map
- D. Original Map of Moss Beach Addition No. 2, filed on May 4, 1908.

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2018-00321

Hearing Date: May 16, 2019

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, related to minor land divisions.

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*), particularly Section 7134.2(a), (b), and (c).
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. Analysis of potential impacts to the riparian corridor will be included with the processing of a separate Coastal Development Permit required for future development proposed.
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 August 16, 2018. 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, Block 71, 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 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 037-144-260, 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.

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VICINITY MAP

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: Paul Moody

Attachment: B

File Numbers: PLN2018-00321

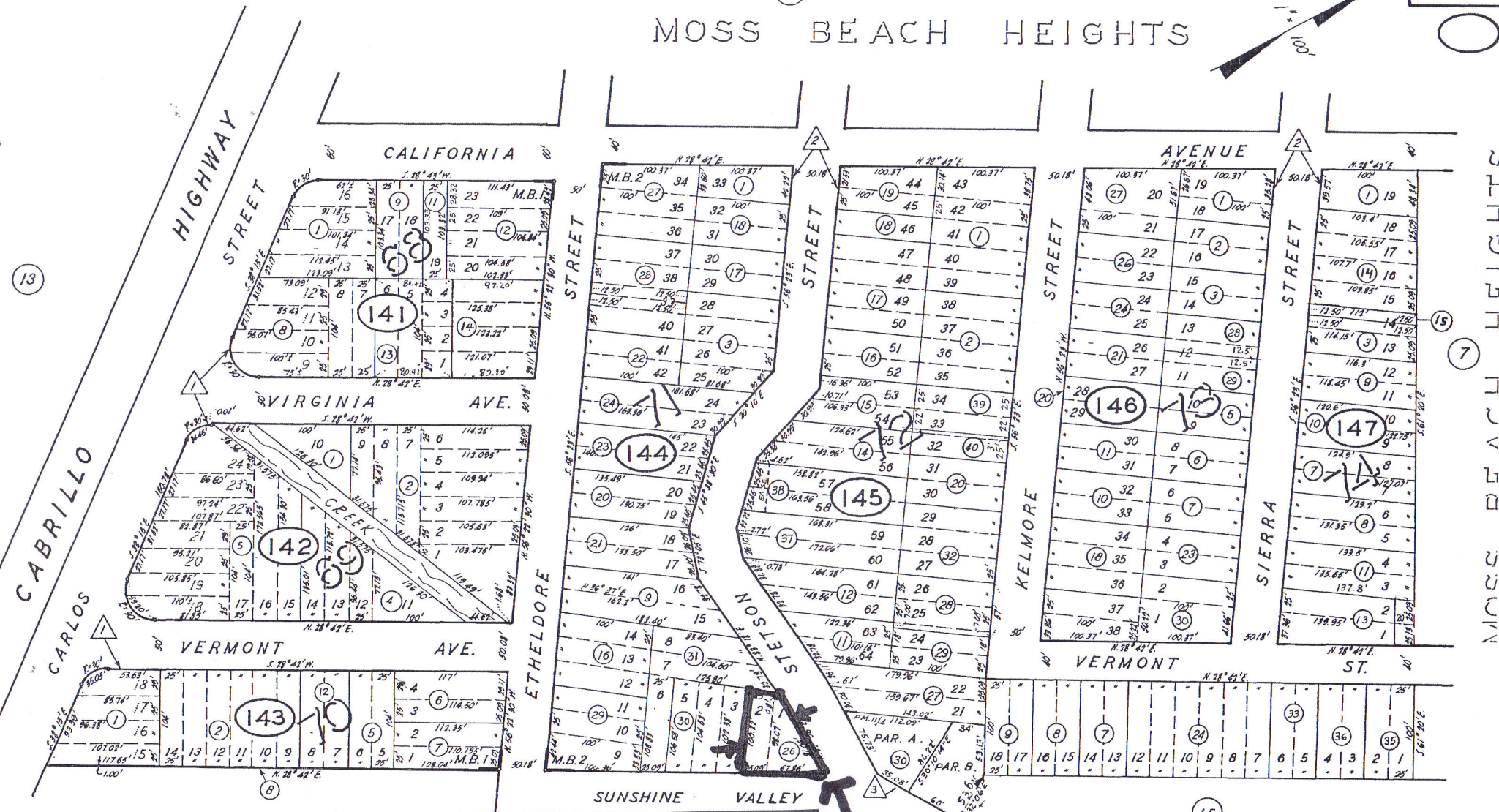
PLN 2018-00321

TAX CODE AREA _____

37-14

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MOSS BEACH HEIGHTS



**Parcel Legalized
with Certificate of Compliance:
037-144-260**

- 3 PARCEL MAP VOL. II/4
- 1 MOSS BEACH ADDITION NO. 1 RSM
- 2 MOSS BEACH ADDITION NO. 2 RSM

COUNTY OF SAN MATEO, CALIF.

MAP OF MOSS BEACH ADDITION NO. 2.

The owners and proprietors of, and the parties interested in the lands shown and delineated on the within and accompanying Map or Plat, do not by the filing and recording of said map or plat in any manner dedicate to the public the parcels of land designated as said map or plat as Vermont Street, Sierra St., Helmore St., California Avenue as shown on this map or plat. Said parcels of land are designated and being offered for public use, or dedicated to public use, and the same not being offered for sale, and said parcels and each of them being expressly reserved for the owners use.

Charles B. Smith and Nellie Crockett, as persons interested therein (said parties being the only parties in interest and the only parties whose consent is necessary to give a clear title to the lands and premises included in the within and accompanying map or plat) have consented and may in part of lands known as Moss Beach Addition No. 2 to be made, mapped and platted and we and each of us do hereby consent to the making, mapping and plating thereof, and we and each of us do hereby dedicate to the public the following streets, Etheldore and Stetson as shown on this map or plat, and we and each of us do hereby acknowledge the making, mapping and plating of said lands and our consent thereto, and the dedication of said above mentioned streets to public use and our consent to said dedication. In witness whereof and to certify hereunto we set our hands this 2nd day of May, 1908.

Charles B. Smith
Joe M. Nash, Attorney in fact for Nellie Crockett.

State of California } s.s.
County of San Mateo }
On this 2nd day of May, in the year one thousand and eight, before me, Joseph J. Bullock, a Notary Public in and for said San Mateo County, residing therein, duly commissioned and sworn, personally appeared Charles B. Smith, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he 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.

(SEAL) Joseph J. Bullock
Notary Public in and for said San Mateo Co. State of California.

State of California } s.s.
County of San Mateo }
On this, the 2nd day of May, in the year one thousand and eight, and eight, before me, Joseph J. Bullock, a Notary Public in and for said San Mateo Co., residing therein, duly commissioned and sworn, personally appeared Joe M. Nash, known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Nellie Crockett, and acknowledged to me that he subscribed the name of Nellie Crockett as principal and his own name as attorney in fact.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL) Joseph J. Bullock
Notary Public in and for the County of San Mateo, State of California.

I do hereby certify that there are no liens or unpaid State County or other taxes, against the lands, or any part of the lands shown on the within and accompanying map.
Dated:
this 1st day of May A.D. 1908.

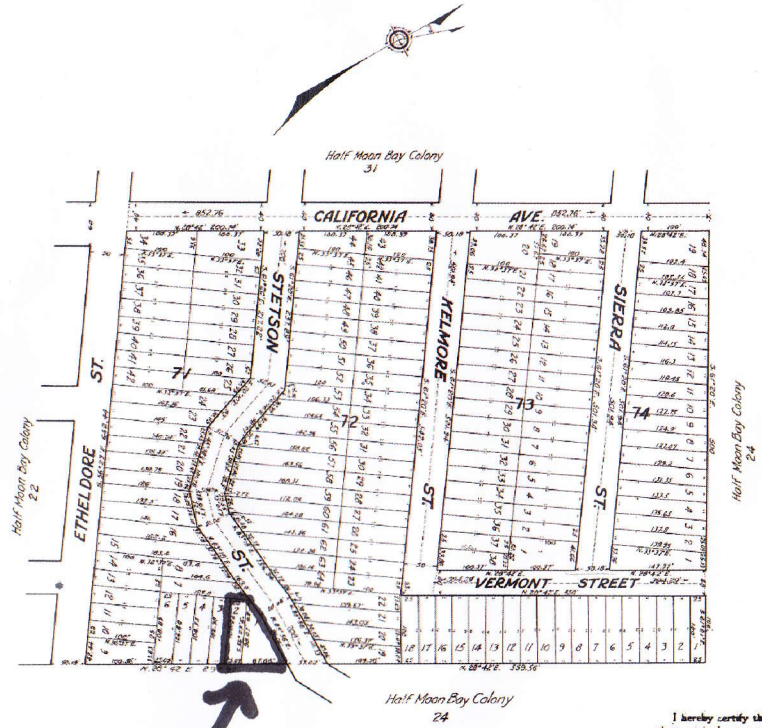
(SEAL) W. H. Underhill
County Auditor.

Etheldore and Stetson Streets as designated and delineated on this map are hereby accepted by the Board of Supervisors of the County of San Mateo, State of California, on behalf of the public as dedicated to public use, and Vermont, Sierra and Helmore Streets and California Avenue are accepted by said Board of Supervisors in accordance with and subject to the terms of the resolution of said Board of Supervisors adopted this 8th day of May A.D. 1908.

(SEAL) Joe M. Nash
Clerk of said Board.

Filed at request of C. B. Smith May 6th A.D. 1908 at 10 min. past 1 o'clock P.M. San Mateo County Records.

J. F. Johnston, County Recorder
by Pauline E. Hanson, Deputy Recorder



**Subject Parcel (APN 037-144-260):
Lots 1 & 2, Bk. 71 of the "1908 Moss Beach Addition No. 2"
Subdivision**

I hereby certify this to be a true copy of an original map recorded in Map Book E at page 11.
Geo. A. Lerner
County Surveyor and Notary
Deputy County Recorder of Mateo
Book 6, Page 11