

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

DATE: May 7, 2015

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Certificate of Compliance (Type B), pursuant to Section 7134.2 of the County Subdivision Regulations to legalize an existing undeveloped parcel, located off La Honda Road (Highway 84) in the unincorporated Woodside area of San Mateo County.

County File Number: PLN 2013-00044 (Jouaux)

PROPOSAL

The applicant has applied for a Certificate of Compliance (Type B) to legalize an existing undeveloped parcel of approximately 100 acres. The Type B Certificate of Compliance is required because the subject parcel was not created under criteria required by the County Subdivision Regulations. No development on the subject parcel is proposed at this time. While the parcel is located within the Resource Management (RM) District, the COC/Type B does not require an RM Development Review Permit, since the legalization of a single parcel is not considered "the division or subdivision of land into two or more parcels" (pursuant to Zoning Regulations Section 6313; RM Development Review Permit Required). The Certificate of Compliance (CoC) ensures compliance with the County Subdivision Regulations.

RECOMMENDATION

That the Zoning Hearing Officer approve the Certificate of Compliance (County File Number PLN 2010-00044), 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

Applicants/Owners: Francois Jouaux

Location: La Honda Road, Woodside

APN: 078-190-200

Size: 100 Acres MOL

Existing Zoning: Resource Management

General Plan Designation: Open Space

Existing Land Use: Vacant

Water Supply: Domestic Well (Required for future development.)

Sewage Disposal: Septic System (Required for future development.)

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X, Area of 0.2% annual chance flood, Community Panel No. 06081C0384E, dated October 16, 2012.

Environmental Evaluation: This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) under Section 15305, Class 5, related to minor alterations in land use which do not result in any changes in land use or density.

Setting: The subject parcel is located on La Honda Road, an improved State maintained highway approximately 1-1/2 miles easterly of the Town of La Honda and approximately 2 miles westerly of Skyline Boulevard. The parcel is undeveloped and is adjacent to other undeveloped parcels to the east including a vacant agricultural preserve owned by the National Audubon Society. The parcel to the south is zoned Timberland Preserve Zone (TPZ) and is also vacant. A number of parcels to the north, ranging in size from +/- 2 acres to +/- 15 acres have been developed with single-family residences.

DISCUSSION

A. KEY ISSUES

1. Conformance with General Plan

This parcel was first conveyed in 1951 in its current configuration. In 1951, the zoning of this general area was either Zoning Districts A-1/B-4 or RE (Residential Estates). A-1/B-4 was a rural zoning district applied to all unincorporated areas that were otherwise not specifically zoned. The RE Zoning District specifically allowed single-family residences. In either case, the minimum parcel size was 1-acre. At the time, parcels being subdivided were not required to show a confirmed on-site water source, septic capability or explicit access. That said, it can be assumed that had a subdivision been submitted at that time, for the purpose of creating a 100-acre parcel (as is the size of the subject parcel), it would have been

deemed in compliance with both the zoning and subdivision regulations. The parcel complied with General Plan requirements at that time and continues to meet them in 2015. Parcels were required by the San Mateo County Subdivision Ordinance (Section 7134.2.b(1)) and the State Subdivision Map Act (Government Code Section 66499.35(b)) to conform to the provisions of the General Plan in effect at that time. The County adopted its General Plan in 1960 and has since designated the area in which the parcel is located as Open Space. The General Plan indicates that Open Space lands are those which contain, among others, very low density residential uses. The parcel currently is undeveloped, and upon legalization will conform to the provisions of the General Plan.

2. Conformance with Zoning Regulations

The subject 100-acre parcel is located in the Resource Management (RM) zoning district. While the RM regulations have no minimum parcel size, the subject parcel does have roadway access fronting the parcel, and is large enough to support an eventual septic system and domestic water system.

Future development of the parcel will be subject to a separate RM Development Review Permit and shall comply with all RM regulations.

3. Conformance with Subdivision Regulations (Certificate of Compliance)

The County Subdivision Regulations, Section 7134, states that a Certificate of Compliance (CoC) is required to legalize parcels (that were not otherwise created and approved pursuant to County Subdivision Regulations) to ensure compliance with provisions of the County and State subdivision laws in effect at the time of the parcel's creation. This process is required (with the CoC document being recorded) before any new development can proceed.

Section 7134.2 cites the requirements for a CoC (Type B) when the subject parcel's land division history confirms that the parcel, in its current configuration, was not created (e.g., conveyed by deed) until after the County's first Subdivision Ordinance, effective July 15, 1945. Given that CoC (Type Bs) must be considered at a public hearing, the conditions of approval would require that the CoC document (which confirms the parcel's legality) be recorded prior to any other permit approvals being considered. As previously stated, this parcel was first conveyed by deed in its current configuration in 1951.

Section 7134.2b(1) (Currently Conforming or Conforming at Time of Division) identifies the procedures for addressing procedural violations of the State Map Act or the County Subdivision Regulations, as is the case here, in that there was a failure to file a subdivision map.

Regarding 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.”

Given the above facts, along with the nature and intent of the previously cited County policy mandating that this parcel’s legality be confirmed, there are no additional improvements (typical of an urban or rural subdivision) that must be required via conditions. The only additional and applicable improvements (i.e., building permits, on-site sanitary drainfield and well, and energy line connections from the nearest roadway to a future house) will be triggered and required if and when development is proposed and the necessary permits approved. 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

This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) under Section 15305, Class 5, related to minor alterations in land use which do not result in any changes in land use or density.

C. REVIEWING AGENCIES

County Counsel
Current Planning Section

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Assessor’s Map Showing Parcel

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2013-00044

Hearing Date: May 7, 2015

Prepared By: Pete Bentley
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That this project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) under Section 15305, Class 5, related to minor alterations in land use which do not result in any changes in land use or density.

For the Conditional Certificate of Compliance (Type B), Find:

2. That the processing of the Certificate of Compliance (CoC) (Type B) is in 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 conformance with Government Code Section 66499 et seq.

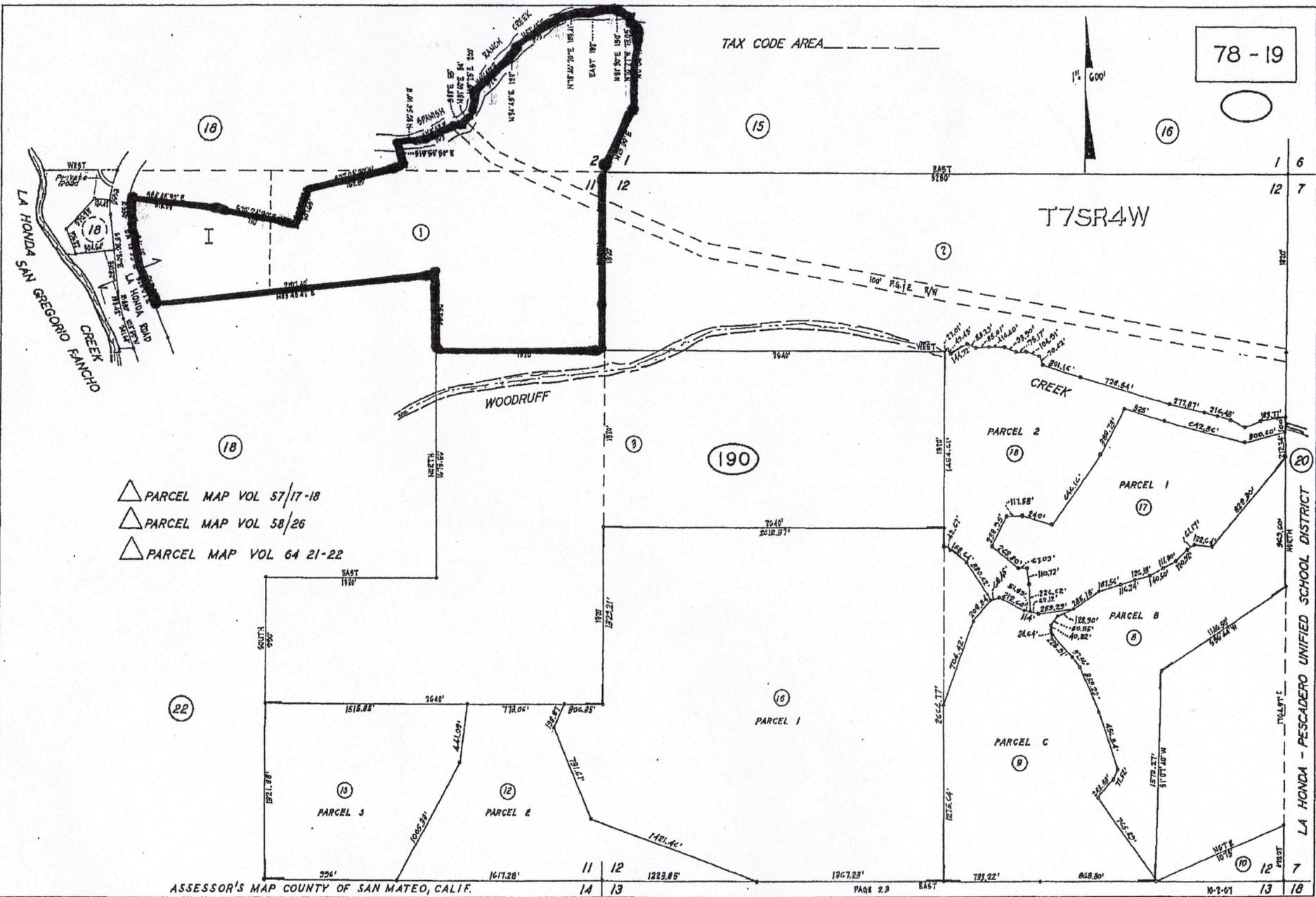
RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal as described in those plans, supporting materials and reports approved by the Zoning Hearing Officer on May 7, 2015. 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), shall be recorded prior to the issuance of any other permits related to any development on this property.
3. This approval does not authorize the removal of any trees. Any tree removal or tree trimming will require a separate tree removal/trimming permit.

4. 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.

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San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____