

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

DATE: September 3, 2015

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 three (3) individual lots, located adjacent to 9 Avenue Alhambra in the unincorporated El Granada area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2015-00112 (Jin/Silveira)

PROPOSAL

The applicant has applied for a Certificate of Compliance (Type B) to confirm the legality of a single parcel of 6,485 sq. ft. The Type B is required because the subject parcel (Lots 1, 2 and 3, Block 96 of the "Plat of Subdivision No. 8 of Granada," recorded in 1909) was not conveyed separately from the surrounding adjacent lots until after July 1945, the effective date of the County's first subdivision ordinance. The Certificate of Compliance (CoC) is required by the County Subdivision Regulations in order to establish the legality of this parcel. The creation of this parcel constitutes development, which triggers the accompanying Coastal Development Permit as required by the County's Local Coastal Program. No other development on the subject lot is proposed at this time.

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificate of Compliance (County File Number PLN 2015-00112), 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: Daniel Silveira

Owner: Edmund Jin

Location: Adjacent to 9 Avenue Alhambra, El Granada

APN: 047-043-240

Size: 6,485 sq. ft.

Existing Zoning: R-1/S-17/DR/CD (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, 2 and 3, Block 96, "Plat of Subdivision No. 8 of Granada," recorded in San Mateo County Records on June 7, 1909, in Volume 6 at page 65. 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 Parcel, Lots 1, 2 and 3): Vacant

Water Supply: Coastside County Water District

Sewage Disposal: Granada Sanitary District

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X, Area of Minimal Flooding, Community Panel No. 06081CO138E, dated October 16, 2012.

Environmental Evaluation: Categorically exempt under provisions of Class 5, Section 15305 of the California Environmental Quality Act Guidelines, related to minor alterations of land use limitations.

Setting: The subject undeveloped property is comprised of the subject parcel (Lots 1, 2 and 3), trapezoid in shape (approximately 75 ft. wide by 88 ft. deep) on Avenue Alhambra, an improved, County-maintained roadway, at the corner of Madrid Avenue. The parcel is surrounded by single-family residential development. Specifically, adjacent Lot 22 (to the northwest) is developed with a single-family dwelling built in 2005. Adjacent Lots 4 and 5 (to the west) are developed with a single-family dwelling built in 1988. Sanitary sewer lines are located within the road right-of-way. Fire hydrants are also located nearby. Approval of the Certificate of Compliance would allow the property owner to apply for development permits at a later date, at which point a sanitary sewer connection and a domestic water source would need to be secured.

DISCUSSION

A. KEY ISSUES

1. Conformance 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). The proposal – confirming the legality of the parcel as a single, zoning compliant and potentially developable parcel – does not exceed this density, and this area is correspondingly zoned R-1/S-17/DR/CD, with which the proposed project is in compliance relative to lot size (the subject parcel exceeds 5,000 sq. ft.). The project also complies with Policy 8.14 (Land Use Compatibility), in that upon resolution of the parcel’s legality, the possible future development of 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 parcel 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 parcel 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 a sensitive habitat area or coastal view shed.

The project – legalization of the parcel – has no application to other LCP Component policies, since the parcel is not near or in any proximity to any sensitive habitats, nor are any Visual Resource policies impacted. It is understood that future development of the parcel, assuming compliant with all R-1/S-17 Zoning Regulations and Design Review Standards, will qualify for a Coastal Development Exemption, since the parcel is located within the Single-Family Categorical Exclusion Zone.

3. Conformance with 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 parcel's legality must be confirmed because it is an undeveloped parcel of an antiquated subdivision, in this case, Lots 1, 2 and 3 of the "Plat of Subdivision No. 8 of Granada," recorded in 1909. 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 parcel comprising the subject lots was conveyed separately from any surrounding lots (beyond the subject property whose legality is to be confirmed) 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, 2 and 3) were initially part of the cited 1909 subdivision. The submitted Chain of Title data confirms that Lots 1, 2 and 3 continued to be conveyed along with other adjacent lots (as opposed to either separately or individually), until 1974. Given that the subject parcel was conveyed after 1945, it has been determined that the parcel – 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 parcel (as a single, zoning compliant parcel) complies with public health and safety standards.

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 parcel was created through separate sale, and which had been established at that time in the Map Act or the County Subdivision Regulations. The subject lot, totaling 6,485 sq. ft., would have been compliant with the zoning (minimum parcel size was then and still is 5,000 sq. ft.) in 1974 as well as with the applicable Subdivision Regulations at that time (road access, sewer, water and power availability). Additionally, the roadway, 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., 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.

B. ENVIRONMENTAL REVIEW

The proposed parcel legalization is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15305, Class 5: minor alterations in land use limitations that do not result in any change in land use or density. The process and documentation to legalize the subject parcel represents a minor alteration in a land use limitation.

C. COUNTY AGENCY REVIEW

County Counsel

ATTACHMENTS

- A. Recommend Findings and Conditions of Approval
- B. Location and Assessor's Parcel Map
- C. Original 1909 Subdivision Map

PSB:fc – PSBZ0496_WFU.DOCX

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00112 Hearing Date: September 3, 2015

Prepared By: Pete Bentley
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

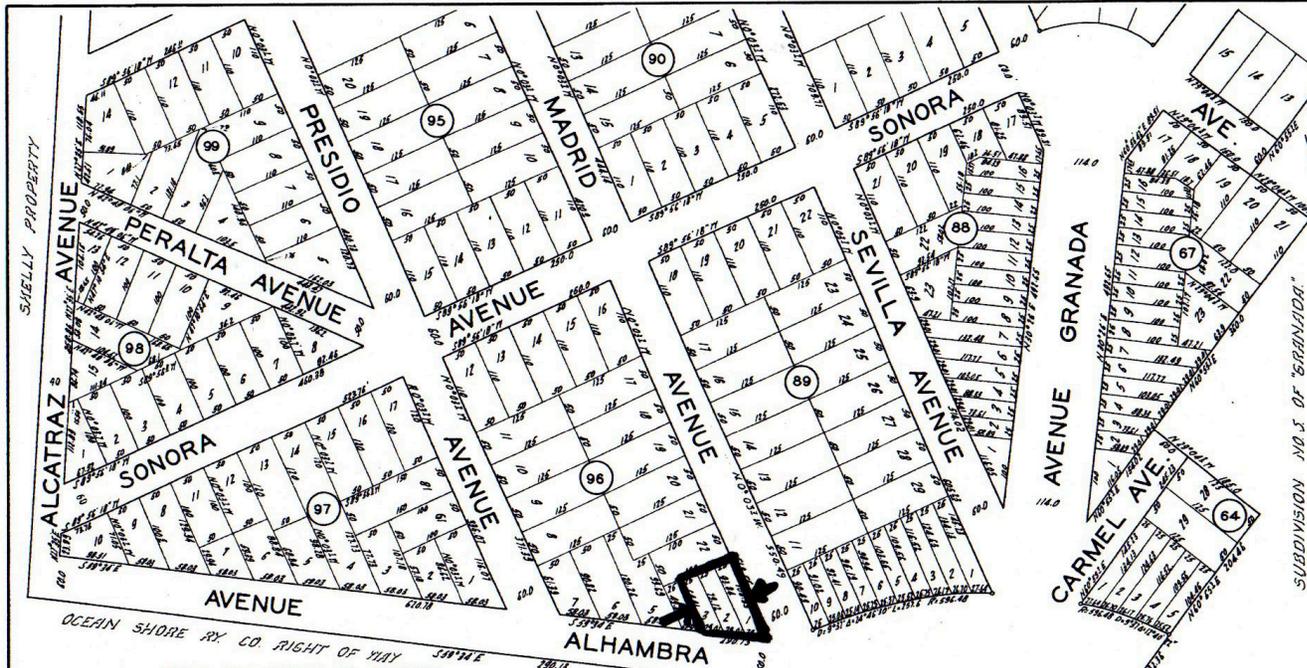
1. That the project is categorically exempt under provisions of Class 5, Section 15305 and Section 15304, Class 4(c) of the California Environmental Quality Act Guidelines which exempts minor alterations in land use limitations that do not result in any change in land use or density, whereby the process and documentation to legalize the subject parcel represent such a minor alteration in land use limitations.

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 (LCP). The potential for future residential



I, the undersigned, hereby consent to the platting of those certain lands situate in the County of San Mateo, State of California, being the lands embraced within the lines as shown upon the map or plat thereof to which this consent is affixed, and I hereby join in and consent to the dedication of the respective parcels of ground marked and delineated upon said plat and set aside for streets, avenues, and public places, as shown upon said map or plat, to and for the use of the public.
 WITNESS my hand and seal this 21st day of May, 1908.
 A. Britano.

State of California
 County of San Mateo } ss.
 On this 21st day of May in the year A.D. 1908, before me, Jno. Pitcher a Notary Public in and for said state and County, personally appeared Angelo Britano, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.
 Witness my hand and official seal the day and year in this certificate first above written.
 (SEAL) Jno. Pitcher
 Notary Public in and for the County of San Mateo, State of California.

State of California
 County of San Mateo } ss.
 I, H. Underhill, County Auditor in and for the County of San Mateo, State of California, do hereby certify that there are no liens for unpaid State County, municipal, or other taxes, excepting any taxes for the year 1908, second installment, not yet payable, against the real property said tract or parcel of land, or any part thereof, embraced within or shown and described upon the plat or map to which this certificate is attached.
 WITNESS my hand and official seal this 4 day of June, A.D. 1908.
 H. H. Underhill
 County Auditor, in and for the County of San Mateo, State of California.

Filed at request of The Abstract of Title Company of San Mateo Co. June 7th A.D. 1908 at 3:35 min past 3 o'clock PM San Mateo County Records.
 J. F. Johnston - County Recorder.
 by Pauline E. Hanson - Deputy.

I hereby certify this to be a true copy of an original map recorded in Map Book 6 at page 65.
 Geo. A. Johnson - SA - AR.
 County Surveyor and Ex-officio Deputy County Recorder of Maps

PLAT OF
SUBDIVISION NO. 8
OF
GRANADA
 SAN MATEO COUNTY CALIFORNIA
 SCALE 1 INCH=100 FT.

Plat of Subdivision No. 8 - Granada - Sheet 1 of 2 - Book 6 - Page 65.

TABLE OF LENGTHS OF STREETS

STREET	SIDE	FROM	TO	LENGTH
ALHAMBRA	NLY SIDE	BOUNDARY LINE SLY	NLY SIDE ALCATRAZ	1213.97
	ELY "	BOUNDARY LINE	ELY "	1000.29
SONORA	SLY "	52 "	ELY "	1252.76
	NLY "	NLY SIDE SONORA	ELY "	442.92
PERALTA	ELY "	NLY SIDE MADRIDA	ELY "	466.61
ESCONDIDA	SLY "	NLY "	SEVILLA	700.13
	NLY "	NLY "	SEVILLA	772.92
MADRIDA	SLY "	NLY "	GRANADA	748.24
	NLY "	NLY "	GRANADA	826.71
SAN CARLOS	SLY "	NLY "	MONTICITO	1441.74
	NLY "	NLY "	MONTICITO	1022.16
BALBOA	SLY "	NLY "	"	357.04
	NLY "	NLY "	VALENCIA	409.80
VALENCIA	NLY "	NLY "	ALHAMBRA	831.57
	NLY "	NLY "	BALBOA	591.24
MONTICITO	NLY "	CENTER LINE VALENCIA	NLY "	746.40
	ELY "	ELY "	SAN CARLOS	240.00
ALMERIA	NLY "	NLY "	GRANADA	812.50
	ELY "	NLY "	BOUNDARY LINE	816.92
GRANADA	NLY "	NLY "	CARMEL	1740.87
	ELY "	CENTER LINE ALHAMBRA	SLY "	2242.89
	ELY "	ELY "	SEVILLA	1631.80
SEVILLA	NLY "	NLY "	GRANADA	2044.81
	ELY "	NLY "	ALHAMBRA	2594.80
	ELY "	NLY "	ALHAMBRA	2014.81
MADRIDA	NLY "	CENTER LINE	ELY "	1672.89
	ELY "	CENTER LINE	ELY "	1872.80
PRESIDIO	NLY "	NLY "	ELY "	1101.79
	ELY "	CENTER LINE	ELY "	1048.10
	ELY "	NLY "	ELY "	1348.49
PALOMA	NLY "	ELY "	GRANADA	488.40
	ELY "	CENTER LINE	CENTER LINE	710.00
	ELY "	SLY "	BOUNDARY LINE	468.41
SOLANO	SLY "	NLY "	GRANADA	244.85
	ELY "	ELY "	NLY "	473.85
ELDONADO	SLY "	NLY "	SEVILLA	248.89
	ELY "	NLY "	SAN CARLOS	248.19
ALCATRAZ	NLY "	NLY "	ALHAMBRA	318.79
	ELY "	ELY "	NLY "	112.76

OCEAN SHORE RY. CO. RIGHT OF WAY
 OCEAN SHORE RY. CO. RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS:
 That the SHORE LINE INVESTMENT COMPANY a corporation under the Laws of the State of California the owner of the real property set forth in the map or plat upon which this certificate is endorsed, said real property being situate in the County of San Mateo, State of California, hereby consents to the making of said plat or map in the manner and form set forth therein and thereby; and that the land embraced within the boundaries of said plat or map, and described therein, shall be hereafter referred to and known as "GRANADA" That all of said real property embraced within and shown or marked upon said map or plat as streets, avenues, alleys and highways are hereby dedicated to the public for public use. Said SHORE LINE INVESTMENT COMPANY further certifies that it is the owner of the fee simple title to said real property; that the same is unencumbered saving and excepting the taxes for the year 1908, not yet due or payable.
 IN WITNESS WHEREOF the SHORE LINE INVESTMENT COMPANY has caused this certificate to be made to and on its behalf by its President duly attested by its Secretary, and the seal of the said corporation affixed, this day of May, A.D. 1908
 ATTEST: J. M. Conkey Secretary
 J. Donney Harvey - President

State of California
 City and County of San Francisco } ss.
 On this 24th day of May, A.D. 1908, before me, Nathan Brady, a Notary Public in and for said City and County, personally appeared J. Donney Harvey, known to me to be the President of the SHORE LINE INVESTMENT COMPANY the corporation that executed the within instrument and acknowledged to me that such corporation 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.
 Nathan Brady
 Notary Public in and for the City and County of San Francisco, State of California.
 (Seal).