

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

**DATE:** January 5, 2017

**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 of approximately 7,300 sq. ft. located adjacent to 618 Avenue Portola in the unincorporated El Granada area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2016-00441 (Sigma Prime Geo Sciences, Inc.)

**PROPOSAL**

The applicant has applied for a Certificate of Compliance (Type B) to confirm the legality of a single lot containing approximately 7,300 sq. ft. The subject lot to be legalized was initially Lot 4, Block 11, as shown on the "El Granada Highlands Subdivision No. 2 Map" recorded in 1927. The submitted "Chain of Title" data confirms that Lot 20 was not separately conveyed (by deed) from the surrounding adjacent lots until March 2005. Given the subject lot was conveyed after July 15, 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. The Certificate of Compliance (CoC) ensures compliance with the County Subdivision Regulations. The legalization of this lot 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 2016-00441), 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: Sigma Prime Geo Sciences, Inc.

Owner: Michael Kostivic, Jr. and Kayleen Pashel

Location: Avenue Portola, El Granada

APN: 047-144-370

Size: 7,300 sq. ft. ( $\pm$ )

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: Lot 4, Block 11, "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 lot is the purpose of this application and discussed in Section A.3 of this report.

Existing Land Use (of Subject Parcel 4): 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, related to minor land divisions.

Setting: The subject undeveloped parcel is an average of 50 $\pm$  ft. wide by 146 $\pm$  ft. deep on Avenue Portola easterly and Del Monte Road in El Granada. The parcel is surrounded by single-family residential development and R-1/S-17/DR Zoning. The adjacent parcel to the west is developed with a single-family residence built in 2008. A single-family residence to the east was also built in 2008.

Sanitary sewer and water lines are located within the road right-of-way, and fire hydrants are also located nearby. Approval of the Certificate of Compliance would allow development at a later date, at which point sanitary sewer and water connections would be obtained from the respective service districts.

## **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 R-1/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. Relative to LCP's Sensitive Habitats and Hazards Components, there are no such conditions or resources on or in proximity to the parcel. There is no basis to believe that, upon legalization of this lot as one (1) legally created 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 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, Lot 4, Block 11, 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 lot that comprises the proposed parcel (Lot 4) was initially part of the cited 1927 subdivision. The submitted Chain of Title data confirms that Lot 4 continued to be conveyed along with other adjacent lots until 2005, when it was finally sold as an individual lot apart from any adjacent lots. Given that the subject lot was conveyed separately after 1945, it has been determined that the lot, since its legality is sought as a single, legal 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 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 applicant acquired his or her interest in the property, and which had been established at the time by the Map Act or the County Subdivision Regulations." The subject lot, totaling approximately 7,300 sq. ft., would have been compliant with the zoning (minimum parcel size was then and still is 5,000 sq. ft.) in 2005 as well as with the applicable Subdivision Regulations at that time (road access, sewer, water and power availability). This portion of Avenue Portola 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 area in El Granada. Given these facts, there are no additional improvements typical of an urban subdivision that must be required via conditions. The only required improvements (i.e., 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 applicable planning and building 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 include 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 into four or fewer parcels, 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 are available. As mentioned previously, Avenue Portola, a publically maintained road, provides access to the parcel, and all water and sanitary service lines exist within the roadway.

**C. COUNTY AGENCY REVIEW**

Current Planning Section  
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 2016-00441

Hearing Date: January 5, 2017

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 in urbanized areas. The process and documentation to legalize the subject lot represent such a minor land division.

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 13, 2016 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 Lot 4 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 and sanitary sewer connections are available.
4. The Certificate of Compliance (Type B) required to establish the legality of the existing parcel, APN 047-144-370, 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 Project Planner will confirm the amount "prior to" recordation.
6. This approval does not authorize the removal of any trees or any ground disturbance of the parcel. Any tree removal or tree trimming will require a separate tree removal/trimming permit. No ground disturbance shall be allowed until such time as a building permit is issued for construction of a single-family residence.

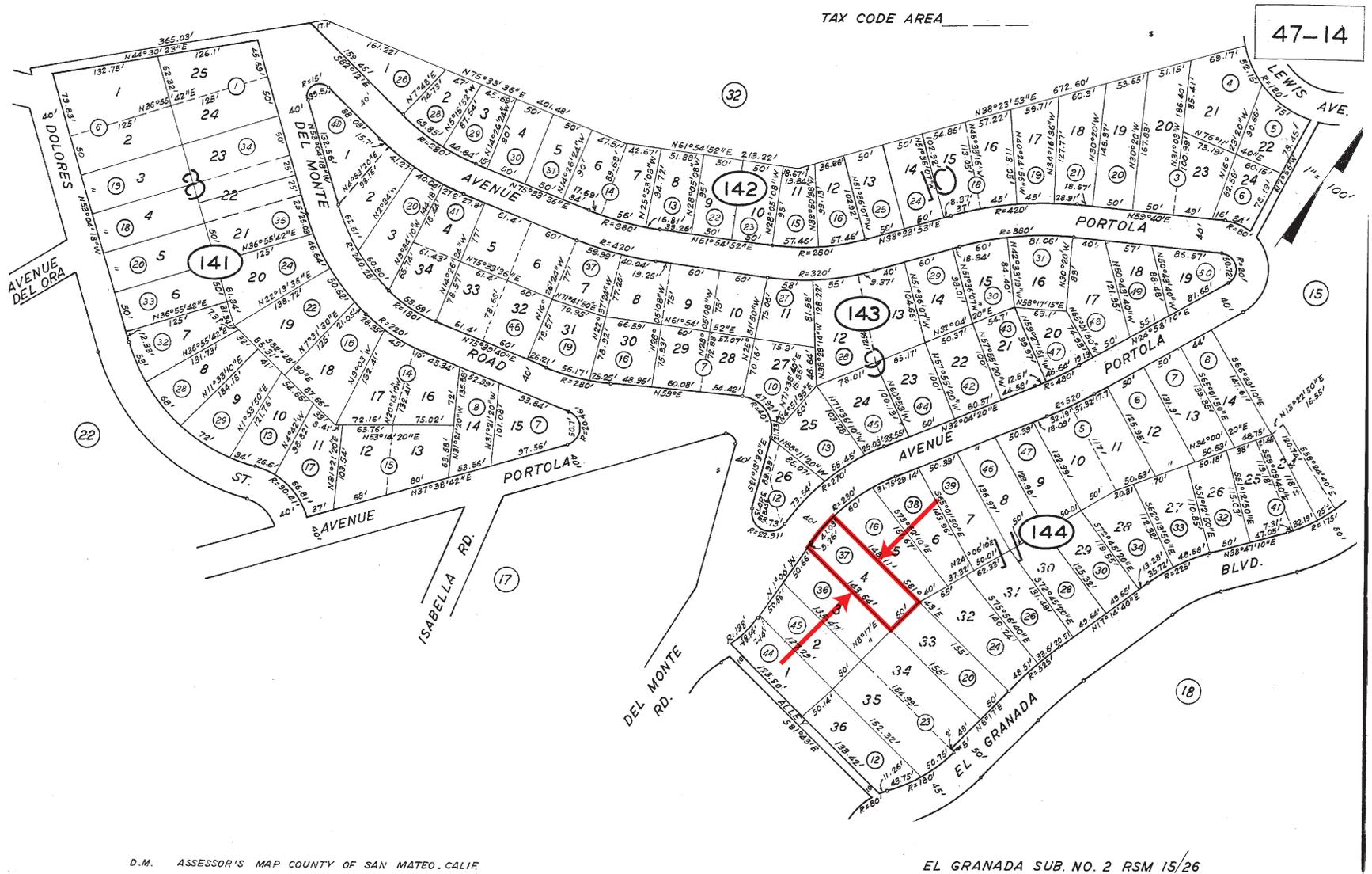
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**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: \_\_\_\_\_ Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_



D.M. ASSESSOR'S MAP COUNTY OF SAN MATEO, CALIF.

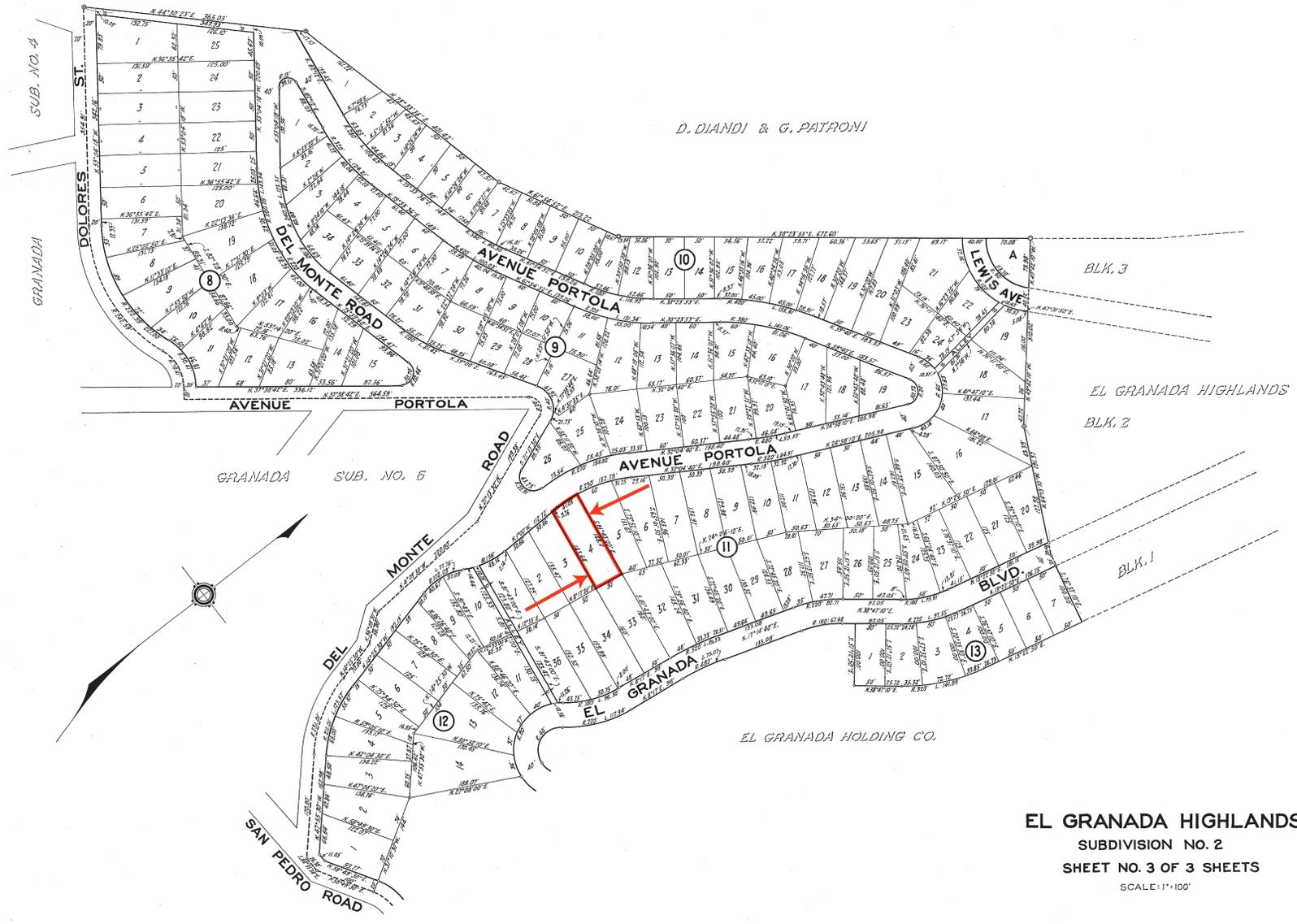
EL GRANADA SUB. NO. 2 RSM 15/26

# San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_



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

**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_

# EL GRANADA HIGHLANDS

## SUBDIVISION NO. 2

### SAN MATEO COUNTY, CALIFORNIA

Surveyed and Subdivided by  
**GEO. A. KNEESE**  
Civil Engineer and Licensed Land Surveyor  
Scale: 1"=50'

KNOW ALL MEN BY THESE PRESENTS:-- That the El Granada Holding Company, a corporation owner in fee simple absolute, Horace Nelson, J.G. Gilcrest, A.R. Dias and Isabel Dias authorize the subdivision entitled, "El Granada Highlands Subdivision No. 2" and hereby cause and consent to the making and filing of the within map, and declare it to be a true and correct plan of the survey of said subdivision.  
The land delineated and designated hereon as El Granada Blvd., Dolphine Ave., Highland Ave, Dolores St, Del Monte Road, Avenue Portalo, Lewis Ave. and San Pedro Road" is intended and is hereby offered for dedication to public use.  
That the subscribers to this statement are all who are necessary to pass a clear title to the land shown upon this map.  
IN WITNESS WHEREOF, the above named parties have caused these presents to be duly executed this \_\_\_\_\_ day of \_\_\_\_\_ 1927

El Granada Holding Company  
by \_\_\_\_\_ Pres.  
\_\_\_\_\_ Secy.  
Horace Nelson  
J.G. Gilcrest  
A.R. Dias  
Isabel Dias

STATE OF CALIFORNIA  
CITY & COUNTY OF SAN FRANCISCO } s.s.  
Lewis W. Martin, being first duly sworn, deposes and says: That he is President of the El Granada Holding Company and makes this affidavit of land as his own free will and act that said corporation is the record owner in fee simple of the lands embraced by this map; That the above statements as set forth are facts true to his own knowledge.  
That this map comprises three sheets, viz: Sheet No. 1, which includes the title, endorsements of affidavits, certificates, approvals, consent and certificates of acknowledgment, and Sheets No. 2 & 3 which include the delineation of lots, blocks and streets, and show monuments as located and appearing on the ground.

Subscribed and sworn to before me this 24th day of February 1927.  
Mark E. Levy  
Notary Public in and for the City and County of San Francisco, State of California

STATE OF CALIFORNIA  
CITY & COUNTY OF SAN FRANCISCO } s.s.  
On this 24th day of February 1927, before me, Mark E. Levy, a Notary Public in and for the said City & County of San Francisco, residing therein, duly commissioned and sworn, personally appeared Lewis W. Martin and \_\_\_\_\_ known to me to be the persons whose names are subscribed to the within instrument on behalf of the El Granada Holding Company as President and Secretary, respectively, and they acknowledged to me that said corporation exists.  
In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

STATE OF CALIFORNIA  
COUNTY OF SAN MATEO } s.s.  
On this 24th day of February 1927, before me, J.P. Batten court, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Horace Nelson and J.G. Gilcrest, 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.  
In Witness Whereof, I have hereunto set my hand and seal the day and year in this certificate first above written.

STATE OF CALIFORNIA  
COUNTY OF SAN MATEO } s.s.  
On this 24th day of February 1927, before me, J.P. Batten court, a Notary Public in and for the said County and State, 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.  
In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

I, Geo. A. Kneese, Civil Engineer and State Licensed Land Surveyor, hereby certify that the within map was made from a full, true and correct survey, made by me on the ground of the lands embraced herein. I further declare it to be a true and correct plan of the survey of said subdivision, and that this map of "El Granada Highlands, Subdivision No. 2" shows the exact location of said tract in reference to adjacent lands.

We, Geo. A. Kneese, County Surveyor, and D.P. Flynn, County Assessor of the County of San Mateo, State of California, hereby certify that we have examined each and every lot as shown on the within map as to its value for residential or commercial purposes, as required by law, and we hereby recommend the approval of this map of "El Granada Highlands, Subdivision No. 2."

ENGINEER'S NOTE:  
Bearings are from true meridian.  
Distances are in feet and decimals of a foot.  
All lot corners and angle points are staked with 2"x2" stakes.  
Iron Pipe Monuments shown thus: -

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. Dated \_\_\_\_\_ 1927.

I, Elizabeth M. Kneese, County Clerk and Ex-officio clerk of the Board of Supervisors of the County of San Mateo, State of California, hereby certify that the said Board, at its regular meeting held on the 21st day of \_\_\_\_\_ 1927, duly approved the within map of "El Granada Highlands, Subdivision No. 2" and rejected El Granada Blvd., Dolphine Ave., Highland Ave., Dolores St., Del Monte Road, Avenue Portalo and San Pedro Road as same are delineated and offered for dedication hereon, on behalf of the public.

FILE NO. 79587A  
Filed for record at request of Lewis W. Martin on the 1st day of March 1927, at 30 minutes past 1 o'clock P.M. in Volume 15 of maps at pages 26 and 28, San Mateo County Records.

## San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:  
File Numbers:

Attachment: