

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

DATE: December 16, 2021

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 legalize four lots of record as a single 10,000 sq. ft. parcel, pursuant to Section 7134 of the County Subdivision Regulations, located on 2nd Street in the unincorporated Montara area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2021-00359 (Edwards)

PROPOSAL

The applicant is seeking a Coastal Development Permit (CDP) and a Certification of Compliance (Type B) to legalize four lots of record as one 10,000 sq. ft. parcel (APNs 036-014-200 and 036-014-210; Lots 1, 2, 3, and 4 Block 7) on 2nd Street in the unincorporated Montara area.

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificate of Compliance (Type B), County File Number PLN 2021-00359, by making the required findings and adopting the conditions of approval identified in Attachment A.

BACKGROUND.

Report Prepared By: Angela Chavez, Project Planner, Telephone (650) 599-7217

Applicant: Corie Edwards for Rustic Enterprises, Inc.

Owner: Rustic Enterprises, Inc. and Thomas I. Mahon

Location: 2nd Street at Farallone Avenue, Montara (adjacent to 246-2nd Street)

APNs: 036-014-200 and 036-014-210

Size: 10,000 sq. ft.

Existing Zoning: R-1/S-17/DR/CD (Single-Family Residential/5,000 sq. ft. minimum parcel size/Design Review/Coastal District)

General Plan Designation/Local Coastal Plan Designation: Medium Density Residential

Sphere-of-Influence: Half Moon Bay

Existing Land Use: Vacant

Water Supply/Sewage Disposal: Montara Water and Sanitary District

Flood Zone: FEMA Flood Insurance Rate Map designation defines the parcel to be located within a Zone X. Areas of 0.2 percent Annual Chance of Flood, Community Panel No: 06081C-001F, Dated August 2, 2017.

Environmental Evaluation: Categorically exempt under provisions of Class 15, Section 15315, of the California Environmental Quality Act Guidelines (Minor Land Divisions).

Setting: The subject parcel is an undeveloped corner parcel located within an urbanized single-family residential neighborhood. The parcels to the north, south, and west are developed with single-family residential development.

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

The proposal conforms with General Plan (GP) Policy 8.14 (*Appropriate Land Use Designations and Locational Criteria for Urban Unincorporated Areas*) which utilizes defined designations and densities to achieve stated land use objectives within unincorporated urban areas.

The project parcel has a GP land use designation of Medium Density Residential (6.1 – 8.7 dwelling units/net acre). The 10,000 sq. ft. parcel is zoned One-family Residential and exceeds the minimum lot size requirement of 5,000 sq. ft. (R-1/S-17). While the parcel size results in a proposed GP land use designation density of 4.36 dwelling units/net acre it is still considered compliant as it is below the maximum.

2. Conformance with the Local Coastal Program (LCP)

The proposal conforms with the following applicable Local Coastal Program (LCP) Policies:

Locating and Planning New Development

Policy 1.5 (*Land Uses and Development Densities in Urban Areas*) which incorporates the adopted Montara-Moss Beach-El Granada Community Plan into the Midcoast Land Use Plan and defines the land use densities for each land use designation.

The subject parcel is located in Montara and has a Midcoast LCP land use designation of Medium Density Residential (6.1 – 8.0 dwelling units/acre). As discussed in Section A.1, the 10,000 sq. ft. parcel results in a density of 4.36 dwelling units per acre, and therefore conforms with the Midcoast land use designation as it does not exceed the maximum.

Policy 1.29 (*Legalizing Parcels*) requires a Coastal Development Permit when issuing a Certificate of Compliance (Type B) to legalize parcels under Section 66499.35(b) of the California Government Code (i.e., parcels that were illegally created without benefit of government review and approval).

The County's first subdivision ordinance requiring a subdivision permit for parcel creation went into effect on July 20, 1945. Staff's review of a chain of title for the property shows the current parcel's first deed conveyance was on August 12, 1997, without the benefit of a subdivision permit. Therefore, pursuant to California Government Code 66499.35(b) and LCP Policy 1.29, a Certificate of Compliance (Type B) and Coastal Development Permit, respectively, are being sought under the subject application.

Policy 1.30.d. (*Coastal Development Permit Standards of Review for Legalizing Parcels*) allows on undeveloped parcels created before Proposition 20 (effective date January 1, 1973) or the Coastal Act of 1976, that a coastal permit shall be issued to legalize the parcel if 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 and a separate Coastal Development Permit, subject to all applicable LCP requirements, shall be required for any development of the parcel.

The subject parcel is a corner parcel which is surrounded on two sides by existing single-family residential development and the parcels on each of the opposing corners are developed with single-family residential development. There are no mapped sensitive habitats on the parcel or nearby and future development on the parcel is unlikely to impact coastal resources including public views or shoreline access. Further, the property is within the Categorical Exclusion Area for single-family development. Based on Staff's review there is no evidence to suggest that legalizing the parcel's

configuration will have any substantial adverse impacts on coastal resources.

3. Conformance with the Subdivision Regulations

Pursuant to Section 7134.2.b.(2) of the County's Subdivision Regulations, a parcel depicted as a lot on a subdivision map approved and recorded by the County prior to July 20, 1945 shall be issued a Certificate of Compliance (Type B) upon demonstrating that the current parcel boundaries match those depicted on the approved subdivision map and the parcel was first conveyed separately from adjoining lands on or after July 20, 1945. Furthermore, Section 7134.4.c requires such Certificate of Compliance (Type B) to be subject to conditions of legalization, if necessary, and a Coastal Development Permit if within the Coastal Zone. Pursuant to Section 7134.6.b. conditions of approval may include any conditions which would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property except that compliance with the conditions is not required until the time at which a building permit or other grant of approval for development of the property is issued by the County and that the Community Development Director may defer placing conditions which relate to future development of the property, such as access and utility improvements, to such time that specific development is proposed on the property.

The subject parcel (APNs 036-014-200 and 036-014-210) was initially part of that certain map entitled "Map of Re-Subdivision of all of Farallone City Except block 6-13-14-19-20-23-27 and 28 Thereof as Shown on the Original Map of said tract "Entitled Map of Farallone City being lots 45, 46, 47, 48, 49, 50, and 51 of Half Moon Bay Colony Tract, California", filed in the office of the County Recorder of San Mateo County, State of California on March 10, 1908 in Book 6 of Maps at page 2. A deed conveyance on August 12, 1997 of the subject parcel in its same configuration as the original 1908 subdivision map and meets the criteria for issuance of a Certificate of Compliance (Type B). Furthermore, because the parcel is located within the Coastal Zone, a Coastal Development Permit is also being sought.

Regarding conditions of approval, Section 7134.6(b) of the County Subdivision Regulations, states that the Community Development Director may impose any conditions which would have been applicable to the division of property at the time the applicant acquired his/her interest in the property. However, since road access to the subject parcel exists, and water, power, and sanitary sewer services are available, there are no improvement conditions applicable to the division of the property that have not been met.

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. The parcel is accessible from both 2nd Street and Farallone Avenue. Water and sanitary service lines exist to serve the parcel.

C. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

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

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2021-00359 Hearing Date: December 16, 2021

Prepared By: Angela Chavez,
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is categorically exempt from the California Environmental Quality Act Guidelines pursuant to Section 15315, Class 15, related to minor land divisions (which a Certificate of Compliance (Type B) establishing a parcel's legal status can be considered) in an urbanized area zoned for residential use that is in conformance with the General Plan and zoning, no variances are required, all services and access to the parcel are available, and the parcel has an average slope of no more than 20 percent.

For the Coastal Development Permit, Find:

2. 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 with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP), specifically with regard to Locating and Planning New Development Component of the Local Coastal Program.
3. That the project is not located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, and therefore is not subject to conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).
4. That the project conforms to specific findings required by policies of the San Mateo County LCP with regard to Locating and Planning New Development and Sensitive Habitats Components as legalization of the parcel conforms with the Midcoast land use designation of Medium Density Residential, the requirement for a Coastal Development Permit to legalize the parcel is being pursued under the subject application, and as conditioned there is no evidence to suggest that legalization of the parcel's configuration will have any adverse impact on coastal resources.

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

5. That the processing of the Certificate of Compliance (Type B) is in full conformance with the County Subdivision Regulations Section 7134 (Legalization of Parcels; Certificate of Compliance).
6. That the processing of the Certificate of Compliance (Type B) is in full conformance with Government Code section 66499, et seq.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

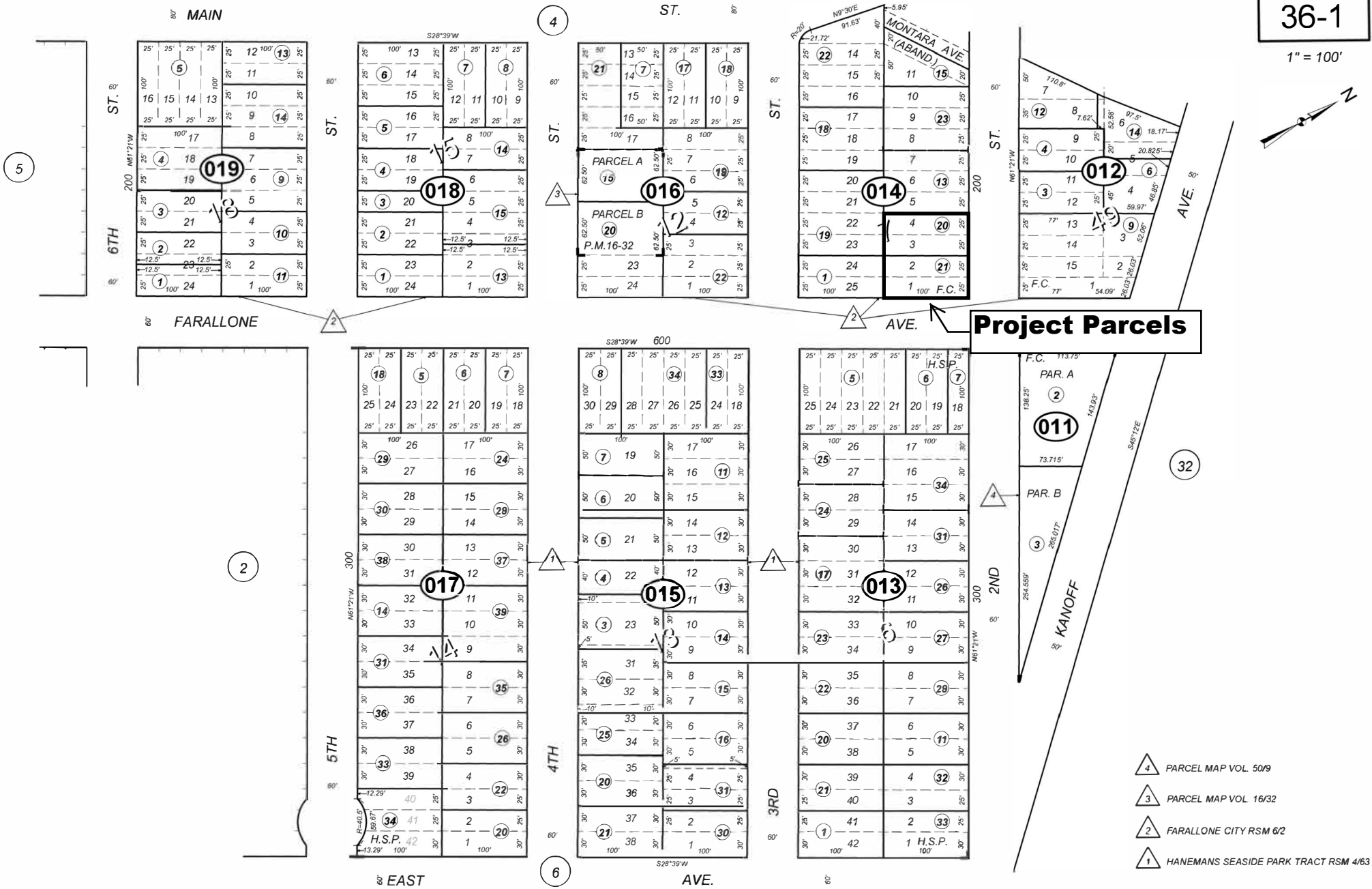
1. This approval applies only to the proposal as described in the plans, supporting materials, and reports approved by the Zoning Hearing Officer on December 16, 2021. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director, 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, 2, 3, and 4 Block 7, as a 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 advised that prior to recordation of the Certificate of Compliance, the owner/applicant shall provide the project planner with a check to cover recording fee costs, generally between \$50.00 and \$100.00. The project planner will confirm the amount prior to recordation.
4. The applicant is hereby informed that any future development on this parcel would be subject to compliance with the zoning regulations, all applicable policies of the County's Local Coastal Program and conformance with the California Environmental Quality Act guidelines for environmental review, at that time.

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B





COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

