

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

DATE: July 2, 2020

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 7133 of the County Subdivision Regulations, located on 10th Street in the unincorporated Montara area of San Mateo County. The project is appealable to the California Coastal Commission.

County File Number: PLN 2019-00214 (Timothy Walley)

PROPOSAL

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

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificate of Compliance (CoC), County File Number PLN 2019-00214, by making the required findings and adopting the conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Ruemel Panglao, Project Planner, Telephone 650/363-4582

Applicant/Owner: Timothy Walley

Location: 10th Street, Montara, between East Avenue and Farallone Avenue

APN: 036-031-100 (Lots 9 and 10, Block 28)

Size: Approximately 6,000 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 9 and 10 in Block 28, as shown on that certain map entitled "Map of Haneman's Seaside Park Tract," filed in the Office of the County Recorder of San Mateo County, State of California, on April 11, 1907 in Book "C" of Maps at Page(s) 55 and a copy thereof entered in Book 4 of Maps at Page 63. Confirmation of the legality of this parcel is the purpose of this application and is discussed in Section A.3 of this report.

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. 06081C0117F, 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 current Lots 9 and 10 are rectangular in shape and located on the southerly side of 10th Street between East Avenue and Farallone Avenue. The adjacent parcel to the west is vacant. However, existing single-family residences are located to the east on 10th Street.

DISCUSSION

A. KEY ISSUES

1. Conformance with the General Plan

The proposal complies with General Plan (GP) Policy 8.14 (*Appropriate Land Use Designations and Locational Criteria for Urban Unincorporated Areas*), in that this portion of unincorporated Montara has a GP Land Use Designation of Medium Density Residential (6.1 - 8.7 dwelling units/net acre). The proposal does not exceed this density, and this area is correspondingly zoned "Single-Family Residential/5,000 sq. ft. Minimum Lot Size" (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 8.15 (*Land Use Compatibility*), in that the parcel's future and potential development with a single-family residence in compliance with the development standards of the R-1/S-17 regulations and with 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 Coastal Development Permit (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. There is no evidence or reason to believe that the current parcel legalization would result in future development impacting coastal resources, since a review of the parcel does not reveal proximity to any coastal resources regulated by the LCP.

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 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 legality of the division of land creating the subject parcel must be confirmed because it is comprised of undeveloped lots of an antiquated subdivision; in this case, Lots 9 and 10 in Block 28 as designated on the Map entitled, "Map of Haneman's Seaside Park Tract," which Map was filed in the Office of the Recorder of the County of San Mateo, State of California, on April 11, 1907, in Book "C" of Maps at page 55 and copied into Book 4 of Maps at page 63.

The County Subdivision Regulations Section 7134.4 allows for either a CoC (Type A) or CoC (Type B) to resolve and confirm a parcel's legality. 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) shall be required, as is the case with this application.

The subject parcel (Lots 9 and 10) were initially part of that certain map entitled "Map of Haneman's Seaside Park Tract," filed in the Office of the County Recorder of San Mateo County, on April 11, 1907 in Book "C" of Maps at Page 55. They continued to be conveyed together with other parcels until June 11, 2019, when lots 9 and 10 were acquired as a single parcel., thus requiring the CoC (Type B). Section 7134.6b .4.c allows for the approval and recordation of a CoC subject to a public hearing and the imposition of conditions which would have been applicable at the time the applicant acquired his/her interest in the property. Regarding conditions of approval, since road access to the 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.necessary to require prior to the recording of 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 meets the 5,000 sq. ft. minimum), no variances are required, and all services and access to the parcel are available. As mentioned previously, 10th Street provides access to the parcel, and all 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 "Haneman's Seaside Park Tract," filed April 11, 1907

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2019-00214

Hearing Date: July 2, 2020

Prepared By: Ruemel Panglao
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.
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 June 10, 2019. 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 9 and 10, Block 28, 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 036-031-100, 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, generally between \$50.00 and \$100.00. The project planner will confirm the amount prior to recordation.

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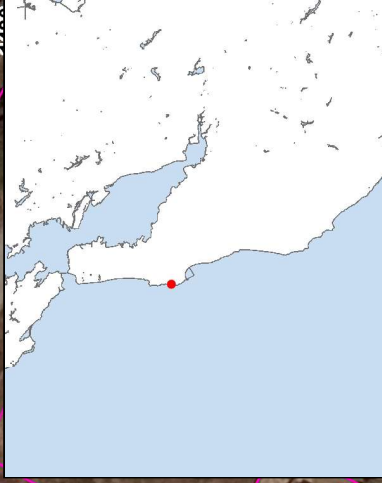
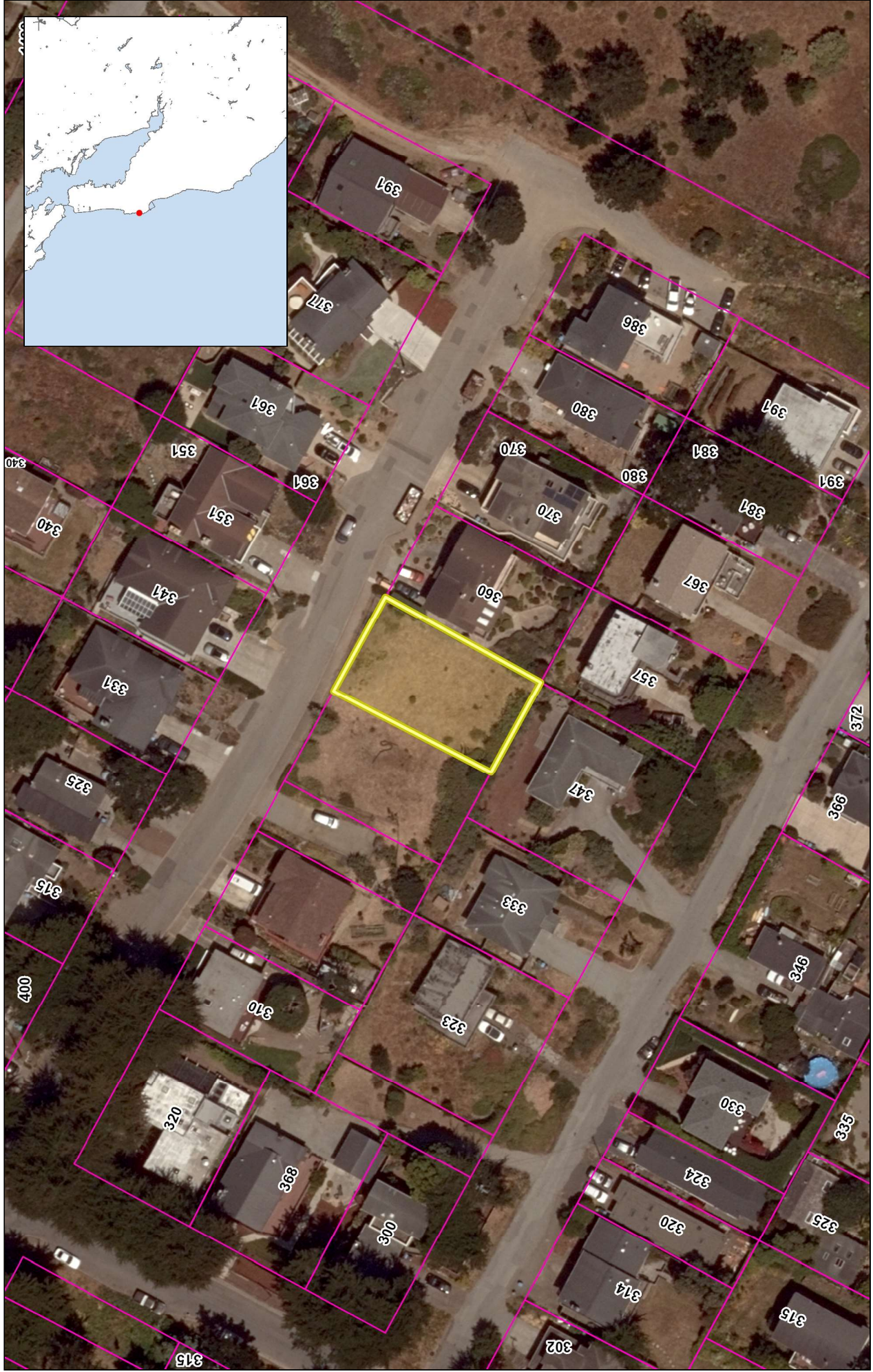
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ATTACHMENT B



San Mateo County

PLN2019-00214 (Walley)



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 1,128

0.04 Miles



0.04

WGS_1984_Web_Mercator_Auxiliary_Sphere

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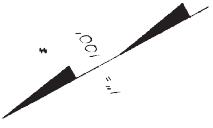


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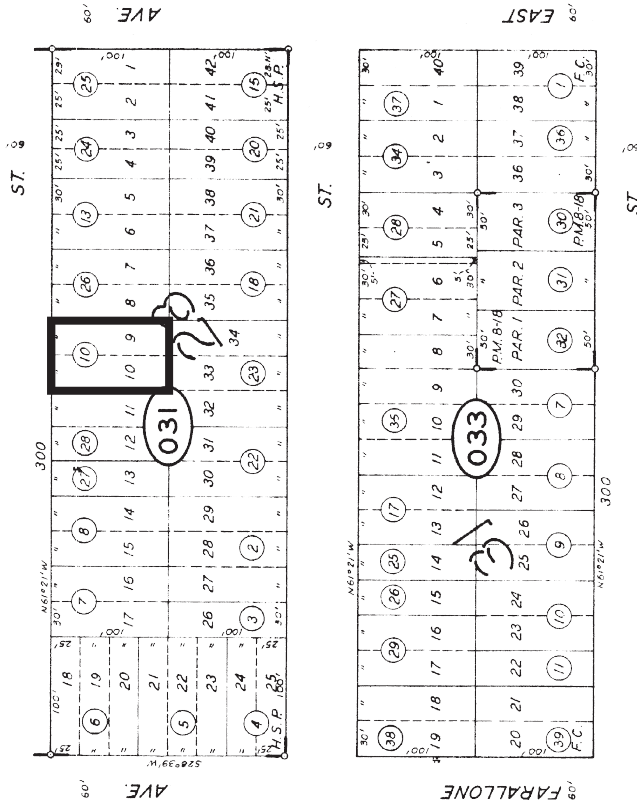
ATTACHMENT C

TAX CODE AREA

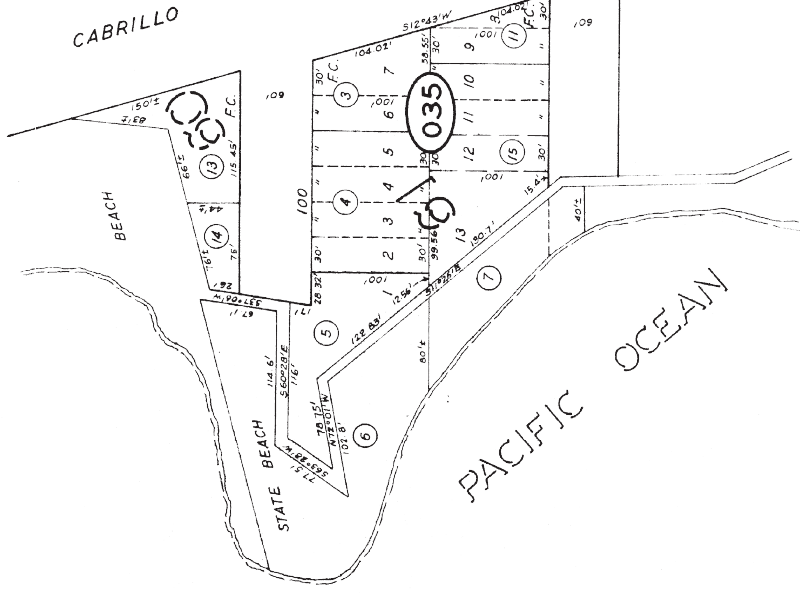
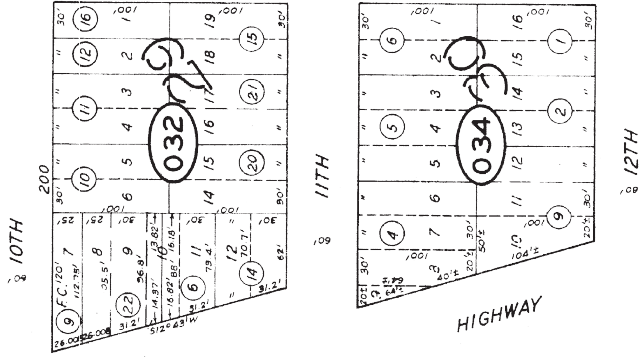
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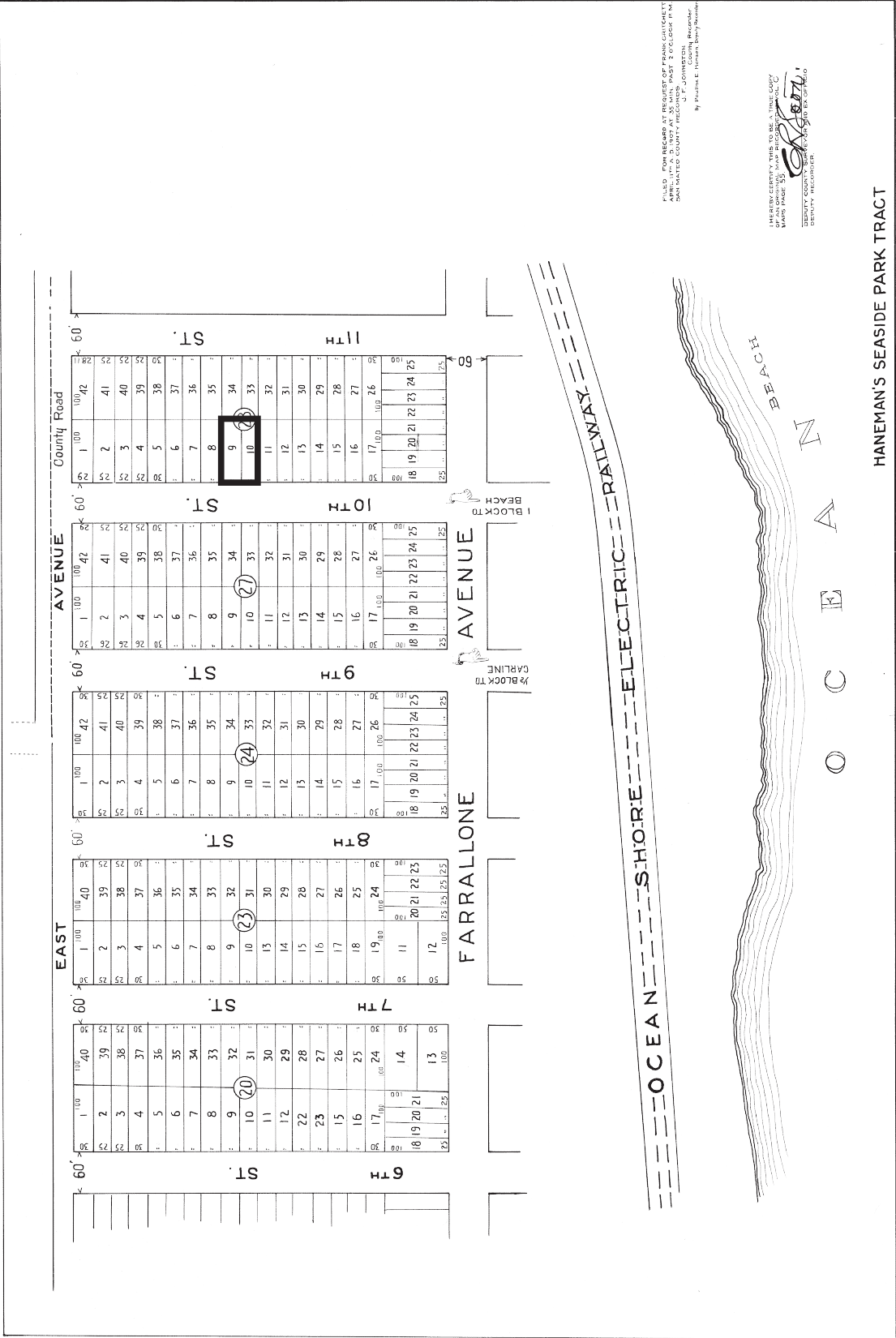
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- 1 HANEMAN'S SEASIDE PARK TRACT RSM 4/63
- 2 FARALLONE CITY BEING LOTS 45-46-47-48-49-50-51 RSM 6/2
- 3 PARCEL MAP VOL 8/18



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ATTACHMENT D



FULL FOR RECORD AT REQUEST OF FRANK GUILLET
 COUNTY RECORDER
 SAN MATEO COUNTY RECORDERS
 J. J. JOHNSON, COUNTY RECORDER
 COUNTY RECORDER
 By Notarize E. Hines, Deputy Notarize

THIS INSTRUMENT IS TO BE A TRUE COPY
 OF THE ORIGINAL INSTRUMENT
 FILED IN THE COUNTY RECORDERS
 OFFICE ON THIS DATE
 COUNTY RECORDER

HANEMAN'S SEASIDE PARK TRACT