

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

**DATE:** November 19, 2015

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Minor Subdivision and Coastal Development Permit, pursuant to Section 7010 of the County Subdivision Regulations and Section 6328.4 of the County Zoning Regulations, to subdivide an existing 12,492 sq. ft. parcel into two parcels. The property is located at 1030 Birch Street in the unincorporated Montara area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2015-00098 (MOAB Investment Group, LLC)

**PROPOSAL**

The applicant has applied for a minor subdivision of a 12,492 sq. ft. developed parcel into one 6,231 sq. ft. parcel and one 6,261 sq. ft. parcel. Access for both parcels will be taken directly from Birch Street. Municipal water and sewer service will be supplied to the site by the Montara Water and Sanitary District. No trees are proposed for removal. The existing single-family residence will remain.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Minor Subdivision and Coastal Development Permit, County File Number PLN 2015-00098, by making the required findings and subject to the conditions of approval listed in Attachment A.

**BACKGROUND**

Report Prepared By: Angela Chavez, Project Planner; Telephone 650/599-7217

Applicant/Owner: MOAB Investment Group, LLC

Location: 1030 Birch Street, Montara

APN: 036-122-180

Size: 12,492 sq. ft.

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

General Plan Designation: Medium Density Residential (6.1 to 8.7 dwelling units per acre)

Local Coastal Program Designation: Medium Density Residential (6.1 to 8.0 dwelling units per acre)

Existing Land Use: Single-Family Residential

Parcel Legality: Lots 18, 19, 20 and 21, Block 31, Amended and Supplemental Map of Montara (Book 5, Page 35; Recorded October 16, 1907). The approval and subsequent recordation of this subdivision would establish legality of the resulting parcels.

Water Supply: Montara Water and Sanitary District

Sewage Disposal: Montara Water and Sanitary District

Flood Zone: FEMA Flood Zone Map indicates the parcel is located in Zone X, area of minimal flooding; Community Panel No. 06081C-0117E, effective October 16, 2012.

Environmental Evaluation: Categorically exempt per Section 15315, Class 15 of the California Environmental Quality Act for the division of property into four or fewer parcels in urbanized areas zoned for residential use.

Setting: The subject property is a 12,492 sq. ft. parcel, which fronts Birch Street and is located to the east of Highway 1 in the unincorporated Montara area of the County. Currently, the project site is developed with an approximately 1,500 sq. ft. two-story single-family residence and a detached garage. The site is relatively flat and has tall dense foliage along the front and right sides of the parcel. There are also eleven trees located at the rear of the property of which only five qualify as significant trees (no trees are proposed for removal as part of this project). The parcel is surrounded by residential development on all sides.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Compliance with the General Plan**

The County General Plan designates the subject property as Medium Density Residential (6.1 to 8.7 dwelling units/acre). The proposed land division has a density of 6.97 dwelling units per acre and is in compliance with this designation. The proposal is consistent with the surrounding residential land uses, per Policies 8.14 (*Land Use Compatibility*) and 8.35

(Uses), respectively. The proposed project also complies with Policy 8.29 (Infilling), which encourages the infilling of urban areas where infrastructure and services are available. Both sewer and water services are available to service this subdivision.

2. Compliance with Zoning Regulations

The subject property is zoned R-1/S-17/DR/CD, single-family residential development with a minimum lot size of 5,000 sq. ft. Both of the proposed parcels conform to the minimum lot size, with Lot A at 6,231 sq. ft. and Lot B at 6,261 sq. ft. and have demonstrated that an adequate building site envelope is provided. The S-17 zoning district also requires that each parcel have an average minimum width of 50 feet. Both Lot A and Lot B are designed so that each have an average width of 50 feet. Given that the proposed project does not include the construction of any new structures, the Design Review standards do not apply. However, any future development will be subject to a separate permitting process, which would include review against the applicable standards and issuance of a Coastside Design Review Permit and Coastal Development Permit Exemption (as the parcel is located in the single-family residential categorical exclusion area).

3. Conformance with the Local Coastal Program

Staff has reviewed the project and found it to be in compliance with the policies of the Local Coastal Program (LCP). The applicable policies with specific discussion are detailed below:

Locating and Planning New Development Component

Policies 1.4 and 1.5 (*Designation of Urban Areas and Land Uses, and Development Densities in Urban Areas*). The subject parcel is located within the Montara area which is defined as an Urban Area by Policy 1.4. Policy 1.5 calls for limiting the use and amount of development allowed on a parcel to the density and size of development permitted by the LCP. As discussed previously, the General Plan has a land use designation of Medium Density Residential. Per Table 1.2 (*Land Uses and Development Densities*), Medium Density Residential allows a density of 6.1 to 8.0 dwelling units per acre. Based on the parcel size, the proposed subdivision would result in 6.97 dwelling units per acre and therefore would be compliant with the allowable development density. The proposed subdivision does not include any alterations to the current zoning designation. Further, the design and size of the resulting parcels will allow for development which is consistent with the level of density of the surrounding area and has demonstrated that future development is capable of conforming to the standards detailed in the underlying zoning district. The existing single-

family residence will continue to comply with the development standards as they pertain to setbacks, lot coverage, floor area ratio, and height.

Policy 1.19 (*Ensure Adequate Public Services and Infrastructure for New Development in Urban Areas*) states that no permit for development in the urban area shall be approved unless it can be demonstrated that it will be served with adequate water supplies and wastewater treatment facilities. The subject property is located within the Montara Water and Sanitary District service boundaries for both water and wastewater treatment services. A referral was sent to the District on March 17, 2015, to determine whether the District had available adequate capacity to provide water and wastewater treatment facilities for the subdivision. On March 24, 2015, staff received a conditional approval from the District. On October 7, 2015, staff received a second response from the District providing recommendations of approval for the project which have been incorporated into the conditions of approval listed in Attachment A.

Policy 1.23 (*Timing of New Housing Development in the Midcoast*) limits the maximum number of new dwelling units built in the urban Midcoast to 40 units per calendar year so that roads, public services and facilities and community infrastructure are not overburdened resulting from new residential development. The proposed subdivision does not propose any construction at this time. Any future development will be subject to a separate review and approval process. As part of the consideration of future permits, staff will evaluate the number of building permits issued for that calendar year to ensure that the project will not exceed this limit.

#### Visual Resources Component

Policies 8.12 (*General Regulations*) and 8.13 (*Special Design Guidelines for Coastal Communities*) call for the implementation of design standards for single-family development in the Midcoast and provide guidelines for the development in the Montara, Moss Beach, El Granada, and Miramar communities. The proposed subdivision does not involve the construction of any new structures at this time. Any development proposed in the future would be subject to a separate permitting process, which would evaluate that project's compliance with the standards outlined in this section along with the design review standards outlined in Chapter 28.1 of the Zoning Regulations. However, the design of the newly created parcels is consistent with the design and size of the surrounding parcels which are developed with single-family residential development.

#### 4. Compliance with Subdivision Regulations

The proposed minor subdivision has been reviewed by staff with respect to regulations of the County Subdivision Regulations. The County's Building

Inspection Section, Environmental Health Division, Geotechnical Engineer, and the Department of Public Works, as well as Montara Water and Sanitary District, and Coastside Fire Protection District, have reviewed the project. The subdivision as proposed adheres to all subdivision design requirements. As conditioned, the project will be in compliance with the other standards and requirements of the County Subdivision Regulations. These conditions of approval have been included in Attachment A of this report. Indicated below are the required findings for the proposed subdivision.

a. Required Findings for a Subdivision Approval

This minor subdivision application has been processed in accordance with the County Subdivision Regulations which were adopted in accordance with the State Subdivision Map Act. Seven specific findings are required in conjunction with this subdivision application:

**(1) Find that, this tentative map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan.**

The Department of Public Works and Planning staff have reviewed the tentative map and found it consistent, as conditioned in Attachment A of this report, with the State and County land division regulations. The project is consistent with the County General Plan as discussed in Section A.1 of this report.

The applicant shall provide for the extension of existing sewer, water, gas, electric, cable, and television lines to service Parcel B. The residence (to remain) located on Parcel A is currently served by existing utility connections. Sewer, water, and gas lines will be run underground to each of the parcels. The extension of new electric, cable and television lines to Parcel B will also be installed underground. Water and sewer services will be provided to the parcel by the Montara Water and Sanitary District, storm drainage services by the County of San Mateo, fire protection services by the Coastside Fire Protection District, telephone services by AT&T, and gas and electric services by Pacific Gas and Electric.

**(2) Find that the site is physically suitable for the type and proposed density of development.**

The parcel is relatively flat and is capable of being served by water, sewer and other necessary utilities. In addition, the

proposed subdivision complies with the applicable zoning regulations. The size and width of the proposed parcels will be sufficient to accommodate development that meets the zoning regulations.

- (3) Find that the design of the subdivision and the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat.**

After review of the proposed subdivision, there is no evidence to suggest that the project will create a public health problem or cause substantial environmental damage. The standard conditions of approval associated with all projects are sufficient to address any temporary impacts to the site and surrounding neighborhood and conditions of approval have been included in Attachment A of this report to ensure that there are no impacts to surrounding properties. The proposed project does not include the removal of any significant trees.

The design of the subdivision and the proposed improvements will not substantially and avoidably injure fish or wildlife or their habitat, as the site is not located within 100 feet of a creek or stream. Additionally, Planning staff has included the standard conditions of approval in Attachment A to require that the project minimize the transport and discharge of pollutants from the project site into local storm drain systems and water bodies by adhering to the San Mateo Countywide Stormwater Pollution Prevention Program and General Construction and Site Supervision Guidelines.

#### Service to Proposed Parcels

The proposed subdivision will be served by public water and sewer systems, which have adequate capacity to serve this project. Review of the project by affected agencies, including the Environmental Health Division, yielded no objections.

#### Other Environmental Impacts

Construction of required improvements and future homes will not require substantial grading. The site is not located near identified sensitive habitats or watershed areas.

- (4) **Find that the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

There are no existing easements on the subject property.

- (5) **Find that the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.**

Future development on the two parcels could make use of passive heating and cooling to the extent practicable depending on the chosen design.

- (6) **Find that the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the State Regional Water Quality Control Board (RWQCB) pursuant to Division 7 (commencing with Section 1300) of the State Water Code as discharge would be typical of future residential homes and would not violate requirements of the RWQCB.**

The Montara Water and Sanitary District has confirmed that adequate sewer capacity and hookups are available to serve the additional parcel created by this subdivision. The discharge of waste into the existing community sewer system will not result in any violations of existing RWQCB requirements.

- (7) **Find that the benefits of additional housing are greater than any negative effects the subdivision would have on fiscal and environmental resources.**

The County has determined that the benefits of additional housing are greater than any negative effects from fiscal or environmental resources caused by implementation of the subdivision and that compliance with the best management construction practices are sufficient to ensure that any potential impacts will be less than significant.

5. Compliance with In-Lieu Park Fees

Section 7055.3 of the County Subdivision Regulations requires that, as a condition of approval of the tentative map, the subdivider must dedicate land or pay an in-lieu fee. Said fee is for the purpose of acquiring, developing or

rehabilitating County park and recreation facilities and/or assisting other providers of park and recreation facilities in acquiring, developing or rehabilitating facilities that will serve the proposed subdivision. The section further defines the formula for calculating this fee. The estimated fee for this subdivision is \$13,808.65 for in-lieu park fees though the final fee due is calculated at the time of payment and prior to recordation of the parcel map.

**B. ENVIRONMENTAL REVIEW**

The proposed minor subdivision is exempt from environmental review under Section 15315, Class 15 of the California Environmental Quality Act (CEQA). Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels, when the division is in conformance with the General Plan and Zoning Regulations, where no variances or exceptions are required, the parcel was not involved in a division of a larger parcel within the previous two years, and when the parcel does not have an average slope greater than 20%.

As indicated previously, the project conforms to the General Plan and applicable zoning district regulations. No variances or exceptions are required. All access and services meet local standards. The parcel has not been in a larger subdivision in the last two years and has an average slope of approximately 9%.

**C. OTHER REVIEWING AGENCIES**

Department of Public Works  
Environmental Health Division  
Building Inspection Section  
County Geotechnical Engineer  
Coastside Fire Protection District  
Montara Water and Sanitary District

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Proposed Tentative 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 2015-00098      Hearing Date: November 19, 2015

Prepared By: Angela Chavez  
Project Planner

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That this project is exempt from CEQA, under Section 15315 (Class 15) of the CEQA Guidelines, regarding the division of four or fewer parcels in an urbanized area.

Regarding 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 to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as described in the staff report.
3. That the project conforms to the findings required by policies of the San Mateo County Local Coastal Program, specifically with regard to the Locating and Planning New Development and Visual Resources Components, that the subdivision is located in the urban area of the Midcoast and is adequately designed to accommodate development consistent with the zoning district. The subdivision also complies with the density and size of development permitted by the Local Coastal Program.

Regarding the Minor Subdivision, Find:

4. That, in accordance with the County Subdivision Regulations, this tentative map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan. The proposal is compatible with surrounding residential densities and land uses. The applicant has provided a tentative parcel map demonstrating that infrastructure for access, sewer, water, and other services are available to serve this subdivision.

5. That the site is physically suitable for the type and proposed density of development. The size and width of the proposed parcels will be sufficient to accommodate reasonable development areas which meet the zoning regulations.
6. That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat. No evidence exists to suggest that the project will create a public health problem or cause environmental damage. The site is located in an urban area and is not within 100 feet of a creek or stream.
7. That the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision as no easements exist on the subject property.
8. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.
9. That the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the State Regional Water Quality Control Board (RWQCB) pursuant to Division 7 (commencing with Section 1300) of the State Water Code as discharge would be typical of future residential homes and would not violate requirements of the RWQCB. The Montara Water and Sanitary District has confirmed that adequate sewer capacity and hookups are available to serve this subdivision.
10. That the benefits of additional housing are greater than any negative effects the subdivision would have on fiscal and environmental resources. Staff has determined that any negative effects caused by implementation of the subdivision will be less than significant.

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Current Planning Section**

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Zoning Hearing Officer on November 19, 2015. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director or Zoning Hearing Officer, as deemed necessary, to determine if they are consistent with the intent of and in substantial conformance with this approval.
2. This subdivision approval is valid for two years, during which time a final parcel map shall be filed. An extension to this time period in accordance with Section

7013.5.c of the Subdivision Regulations may be issued by the Planning and Building Department upon written request and payment of any applicable extension fees if required.

3. No trees are permitted for removal as part of this permit. If any trees are required to be removed, a separate tree removal permit and process are required and then only those trees approved for removal shall be removed.
4. All new power and telephone utility lines from the street or nearest utility pole to any dwelling and/or other structure shall be installed underground. No new poles shall be installed for this subdivision.
5. Prior to the recordation of the final parcel map, the applicant shall pay to the San Mateo County Planning and Building Department \$13,808.65 (estimated) for in-lieu park fees as required by County Subdivision Regulations Section 7055.3 (to be calculated at the time of payment).
6. All future structures to be built on the project site shall be designed to incorporate permanent stormwater control measures in conformance with the Bay Area Stormwater Management Agencies Association (BASMAA) Guidelines. This requirement shall be included as a note on the final map and shall be recorded on all deeds for parcels created by this subdivision. Prior to the issuance of a building permit for any structure on the project site, all plans shall be reviewed by the Current Planning Section for conformance with this condition.

#### Geotechnical Section

7. The applicant will comply with all Geotechnical Section requirements at the building permit stage.

#### Coastside Fire Protection District

8. All future home construction on the new parcels shall comply with all requirements of the Coastside Fire Protection District, including, but not limited to, all future residences on new parcels are to be fire sprinklered.
9. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and clearing away flammable vegetation for a distance of not less than 30 feet and up to 100 feet around the perimeter of all structures, or to the property line, if the property line is less than 30 feet from any structure.

#### Department of Public Works

10. Prior to the issuance of a building permit or planning permit (if applicable), the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with

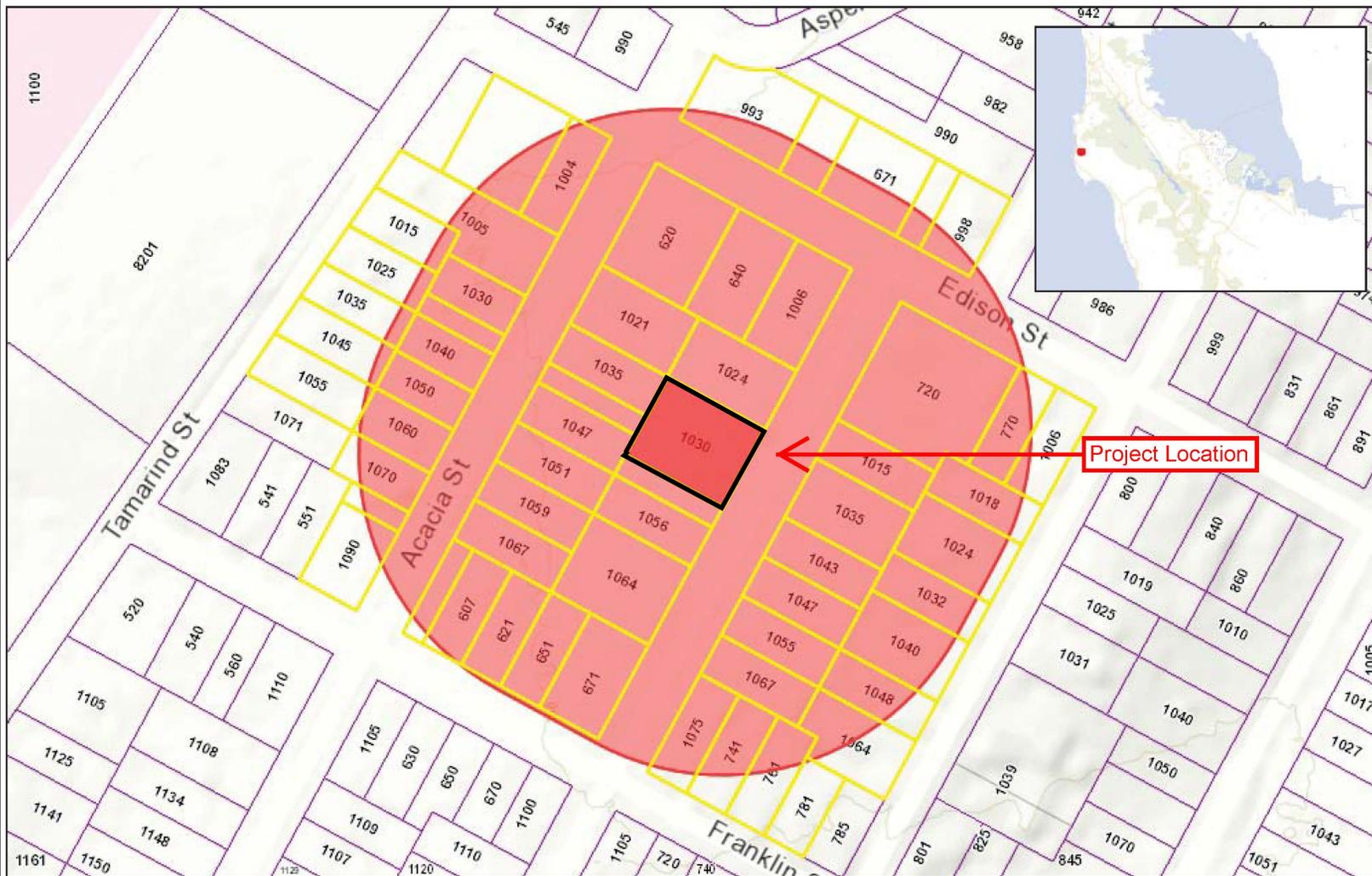
County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.

11. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. Applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
12. For projects exceeding 10,000 sq. ft. of new or reconstructed impervious surface: The applicant shall submit a permanent stormwater treatment plan in compliance with the County's National Pollution Discharge Elimination System (NPDES) permit for review and approval by the Department of Public Works. The applicant shall submit calculations and a narrative describing the method(s) used in the design of the proposed system and the manner in which proposed facilities achieve compliance with the NPDES permit for review and approval by the Department of Public Works. The applicant shall be required to execute and record an Operations and Maintenance Agreement for the approved facilities, and shall be responsible for ongoing maintenance and reporting. This requirement supplements all other conditions of approval related to storm drainage and stormwater pollution prevention.
13. Future development of any and all parcels resulting from the approved subdivision must comply with these requirements. The applicant shall note the requirement in the deeds for each parcel, copies of which shall be provided to the Planning Department, and shall disclose the requirement to any potential buyer(s). Each parcel shall be tagged by the Planning Department with this requirement, and no permits shall be issued for any development of the parcel(s) until this requirement is met. For future structures to be built on the individual parcels, prior to the issuance of a building permit for any structure on the project site, all plans shall be reviewed by the Planning Department for conformance with this condition.
14. The applicant shall submit a parcel map to the Department of Public Works County Surveyor for review, to satisfy the State of California Subdivision Map Act. The final map will be recorded only after all Inter-Department conditions have been met.
15. The applicant shall submit written certification from the appropriate utilities to the Department of Public Works and the Planning and Building Department stating that they will provide utility (e.g., sewer, water, energy, communication, etc.) services to the proposed parcels of this subdivision.

### Montara Water and Sanitary District

16. Separate utilities will have to be accommodated for the project. If necessary, easements for extension of water and sewer lines will be required.
17. Montara Water and Sanitary District will issue water and sewer permits for undeveloped parcels only in conjunction with San Mateo County Planning and Building Department's approval of a new construction project.
18. Applicant is required to obtain a sewer permit prior to the issuance of a building permit. Sewer connection fees must be paid prior to issuance of a connection permit.
19. Applicant is required to obtain a domestic water connection permit prior to the issuance of a building permit. A connection fee for domestic water must be paid prior to the issuance of a connection permit. Proof of well abandonment to San Mateo County Health Department standards may also be required.
20. The project applicant, not their contractors, will be required to apply directly to Montara Water and Sanitary District for the required permits.

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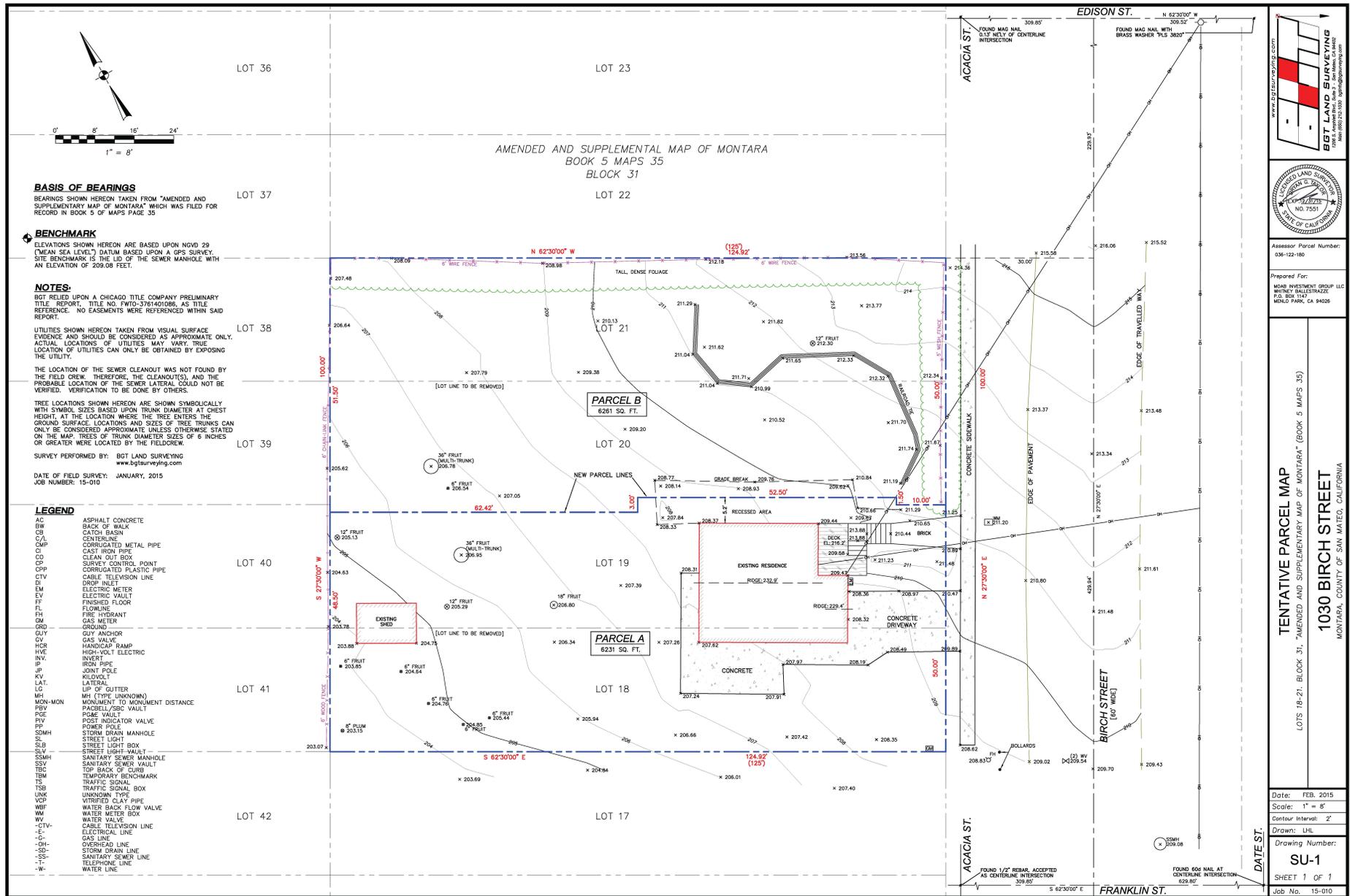
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## San Mateo County Zoning Hearing Officer Meeting

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

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

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



Assessor Parcel Number:  
036-12-08

Prepared For:  
MCAR INVESTMENT GROUP LLC  
1030 BIRCH STREET  
MONTARA, CA 94025

TENTATIVE PARCEL MAP  
 LOTS 18-21, BLOCK 31, "AMENDED AND SUPPLEMENTARY MAP OF MONTARA" (BOOK 5 MAPS 35)  
 1030 BIRCH STREET  
 MONTARA, COUNTY OF SAN MATEO, CALIFORNIA

Date: FEB. 2015  
 Scale: 1" = 8'  
 Contour Interval: 2'  
 Drawn: LHL  
 Drawing Number:  
**SU-1**  
 SHEET 1 OF 1  
 Job No. 15-010

# San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers: