

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

**DATE:** June 15, 2017

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Certificate of Compliance (Type B) to legalize an existing 7,300 sq. ft. undeveloped parcel pursuant to Section 7134.2 of the County Subdivision Regulations, located adjacent to 159 Los Trancos Circle in the unincorporated Los Trancos Woods area of San Mateo County.

County File Number: PLN 2017-00124 (Catterson)

**PROPOSAL**

The applicant has applied for a Certificate of Compliance (Type B). The subject parcels' land division, by which this parcel was created, must be confirmed to be legal prior to further development approvals. Accordingly, the Certificate of Compliance (Type B) is required to confirm this legality and to comply with the County Subdivision Regulations.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Certificate of Compliance (Type B), (County File Number PLN 2017-00124) 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/Owner: Jane Catterson

Location: Adjacent to 159 Los Trancos Circle, Portola Valley (Los Trancos Woods)

APN: 080-091-150

Size: Approximately 7,300 sq. ft.

Existing Zoning: R-1/S-83 (Single-Family Residential/7,500 sq. ft. minimum parcel size)

General Plan Designation: Low Density Residential (0.3-2.3 dwelling units per acre)

Parcel Legality: Lot 104 as shown on that certain map entitled “Los Trancos Woods Tract No. 2,” San Mateo County, California, filed in the office of the County Recorder of San Mateo County on March 21, 1929 in Book 17 of Maps at page 38. This application intends to confirm the legality of the land division that created this lot.

Existing Land Use: Single-Family Residence

Water Supply: California Water Service Company

Sewage Disposal: West Bay Sanitary District

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X, Area of Minimal Flooding, Community Panel No. 06081C0402E, 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 in land use limitations.

Setting: The subject parcel is located on Los Trancos Circle, an improved County-maintained roadway approximately 1 mile from Alpine Road in the hills southwesterly of the Town of Portola Valley. The parcel is in a neighborhood of existing single-family residences built between 1928 and 1965. A completed sanitary sewer project by the West Bay Sanitary Sewer District has recently provided a gravity fall sewer system throughout the area with connections now available to both existing homes on septic and to existing vacant parcels.

## **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 Portola Valley (Los Trancos Woods) has a GP Land Use Designation of Low Density Residential (0.3-2.3 dwelling units/net acre). The proposal does not exceed this density, and this area is correspondingly zoned “Single-Family Residential/7,500 Sq. Ft. Minimum Lot Size” (R-1/S-83), with which the proposed project is not in compliance relative to lot size (the subject lot is approximately 7,300 sq. ft.). Although the lot is slightly less than the minimum parcel size, it is similar to other lots on the area which are also not in compliance with the current minimum lot size.

## 2. Conformance with Subdivision Regulations

Two recent appellate court cases – *Abernathy Valley, Inc., v. County of Solano* (2009; 173 Cal. App. 4th 42) and *Witt Home Ranch, Inc., v. County of Sonoma* (2008; 165 Cal. App. 4th 543) – have significantly affected the previously presumed legal status of lots within historic subdivisions recorded prior to 1937. These two court decisions established that the recordation of such subdivision maps does not, in and of itself, create legal parcels for land use and planning purposes. These decisions concluded that one or more contiguously owned lots of such a subdivision could only be considered separately legal if they had been transferred, separately or together, by deed conveyance apart from any other contiguous lots.

The County Subdivision Regulations, Section 7134, state that a Certificate of Compliance (CoC) is required to confirm the legality of parcels that were not created and approved pursuant to County Subdivision Regulations, to ensure compliance with provisions of the County and State subdivision laws in effect at the time of the parcel's creation. This process is required (with the CoC document being recorded) before any new development can proceed.

Section 7134.2 requires a CoC Type B when the subject parcel's land division history confirms that the parcel (Lot 104), in its current configuration, was not conveyed, by deed, until after the County's first Subdivision Ordinance, effective July 15, 1945. However, review of the "Chain of Title" for Lot 104 indicates a number of sale transactions wherein this lot was acquired with adjacent lots. Copies of grant deeds show Lot 104 and Lot 103 being acquired under one deed in 1965 and in 2007. Lot 104 was also acquired under one deed with Lot 105 in both 1932 and 1956. County Counsel has reviewed this application and has determined that, though never sold as a single lot, property lines for 104 have been established by previous recorded grant deed documents. The current property lines for Lot 104 match the property boundaries as shown on the recorded Tract Map of "Los Trancos Woods, Tract No. 2 recorded on March 21, 1929. Thus, a Type "B" CoC can be processed and recorded, per County Counsel's review and approval.

Section 7134.2.c(2) cites the conditions that the Community Development Director, at his discretion, may impose. Since the current owner did not acquire the parcel until 2007, Section 7134.2.c(2) states: "any conditions which would have been applicable to the division of the property at the time the applicant acquired her interest in the property...would be applicable to a current division of the property." In 1965, the parcels were zoned "R-1/B-2" and required a minimum parcel size of 6,000 sq. ft. The only condition that would have been applicable would have been the ability for the property to accommodate an on-site septic system. Today's zoning is "R-1/S-83" which

requires a minimum parcel size of 7,500 sq. ft. This increase in parcel size is the only change from the requirements in 1965. Septic system location and development is no longer required as future development may obtain a sewer connection from the West Bay Sanitary District. Access to a domestic water source and reasonable access via an existing roadway were required in both 1965 and 2007 and are still development requirements of today. Water service is provided by the California Water Service Company with access provided by Alpine Road and Los Trancos Circle. Given that the project includes such elements, Section 7134.2.c(2).c allows the Director to stipulate that the conditions of the CoC are not required to be met until the time the building permit is issued. Thus, while the CoC will confirm the parcel's legality upon its recordation, the improvement elements previously cited will occur, if and when, future development is proposed.

**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), where the legalization of the subject parcel would be considered an example. The process and documentation to legalize the parcel will allow construction of a single-family residence, which will be subject to separate environmental review in the future.

**C. REVIEWING AGENCIES**

County Counsel

**ATTACHMENTS**

- A. Recommend Findings and Conditions of Approval
- B. Location Map and Vicinity Map
- C. Original "Los Trancos Woods Tract No. 2"

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2017-00124

Hearing Date: June 15, 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 5, Section 15305 of the California Environmental Quality Act Guidelines (minor alterations to 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 (a) the County Subdivision Regulations Section 7134 (*Legalization of Parcels; Certificate of Compliance*) particularly Section 7134.2, and (b) Government Code Section 66499 et seq. (State Map Act).

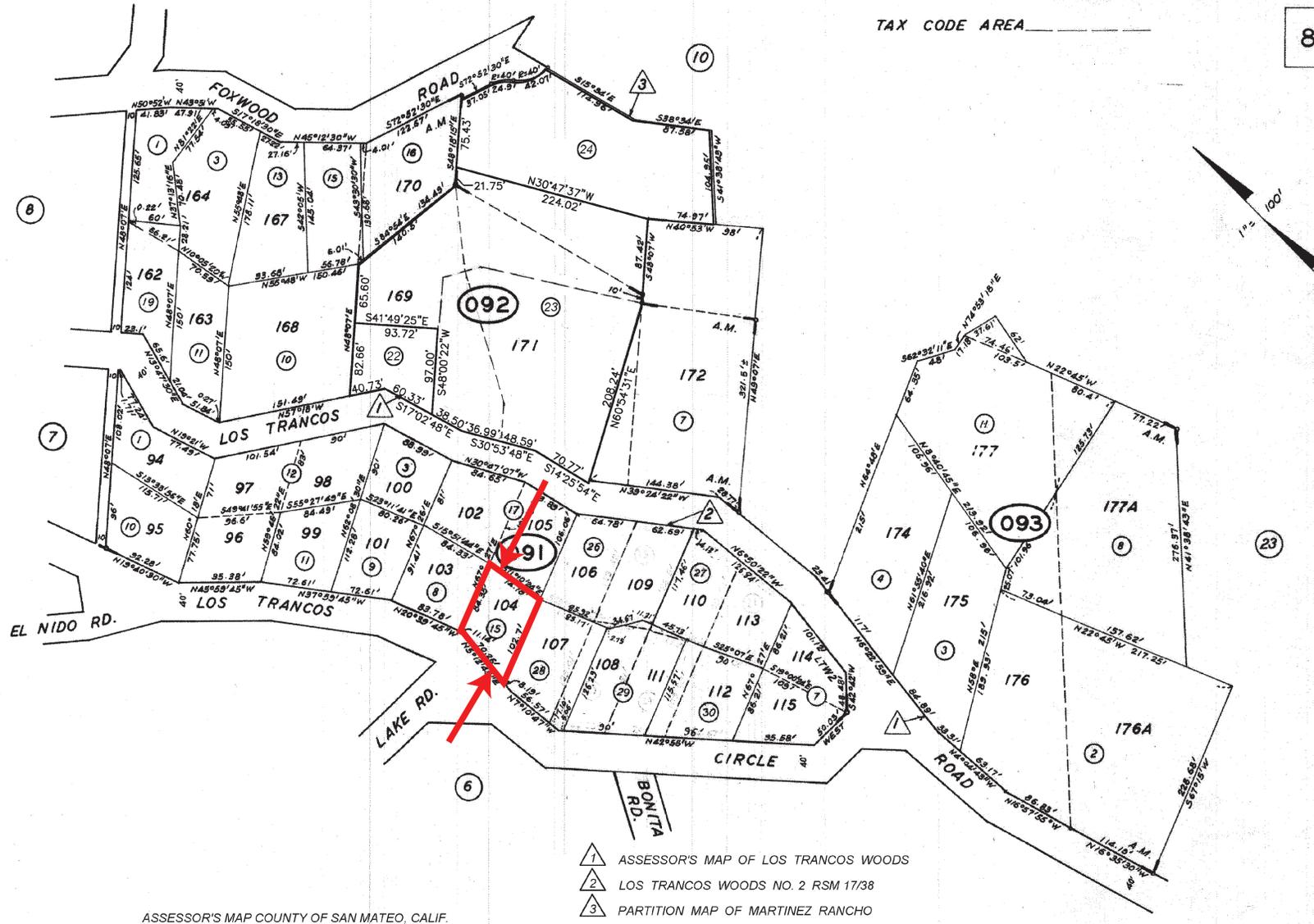
**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. This approval applies only to the proposal as described in this report and plans submitted and approved by the Zoning Hearing Officer on June 15, 2017.
2. The Certificate of Compliance (Type B) required to establish the legality of the existing parcel, APN 080-091-150, shall be recorded. The owner shall provide, to the project planner, a legal description of the parcel for recordation. Once recorded, the above-described parcel will constitute one (1) lot as shown on the attached Assessor's Map.
3. This approval does not authorize the removal of any trees. Any tree removal or tree trimming will require a separate tree removal/trimming permit.

4. All development activities associated and/or required to support any future residential development on the subject property (i.e., sanitary system, domestic water, water for fire suppression, energy/utility connections, improved road access) shall occur at such time that development is proposed. Any planning permits for such activities (i.e., grading permits) shall be applied for and approved prior to the issuance of any building permits or associated development.
5. The applicant is advised that prior to recordation of Certificate of Compliance descriptions, the owner/applicant shall provide the Project Planner with a check to cover the fees now being charged by the Record's Office to record the document. The fee is estimated to be between \$30.00 and \$40.00 and includes a confirmed copy. The Project Planner will confirm the exact amount proper to recordation.

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# San Mateo County Zoning Hearing Officer Meeting

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

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

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



**VICINITY MAP**

**San Mateo County Zoning Hearing Officer Meeting**

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

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

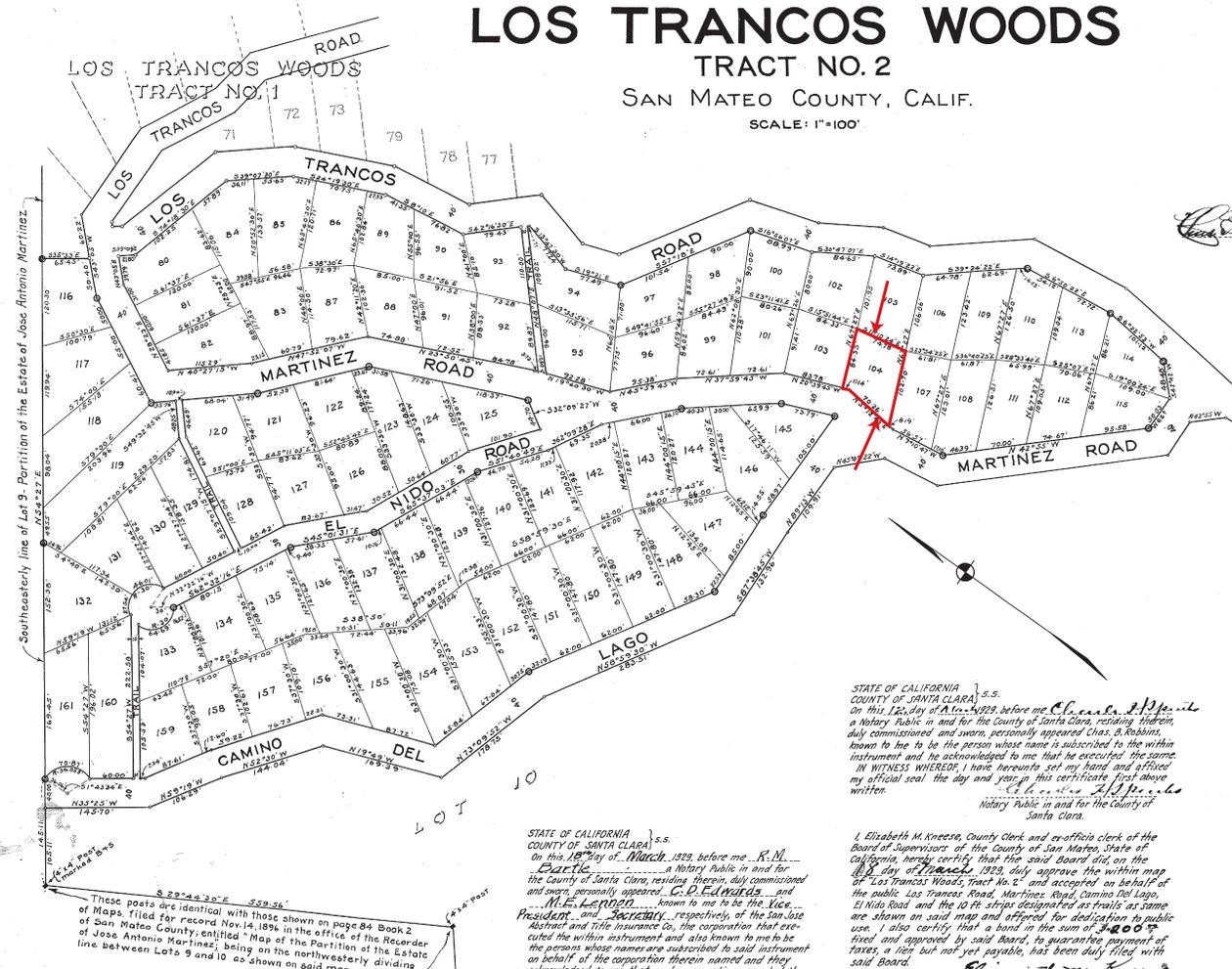
File Numbers: \_\_\_\_\_

# LOS TRANCOS WOODS

TRACT NO. 2

SAN MATEO COUNTY, CALIF.

SCALE: 1"=100'



Southeasterly line of Lot 9 - Partition of the Estate of Jose Antonio Martinez.

Note: 3/4" iron pipe monuments placed at all points shown thus: ⊙

These posts are identical with those shown on page 84 Book 2 of Maps Filed for record Nov. 14, 1896 in the office of the Recorder of San Mateo County, entitled "Map of the Partition of the Estate of Jose Antonio Martinez," being on the northwesterly dividing line between Lots 9 and 10 as shown on said map.

KNOW ALL MEN BY THESE PRESENTS:  
 That William D. Wasson, owner, Angie M. Wasson, his wife, San Jose Abstract and Title Insurance Co., a corporation, Trustee, and Chas. B. Robbins, Beneficiary authorized the subdivision entitled Los Trancos Woods, Tract No. 2 and hereby cause and consent to the making and filing of this map and are the only parties whose consent are necessary to such making and filing. That the lands delineated and designated thereon as Los Trancos Road, Martinez Road, Camino Del Lago, El Nido Road and the 10 foot strips designated as trails are intended and are hereby offered for public use for street purposes.  
 IN WITNESS WHEREOF, said William D. Wasson and Angie M. Wasson have hereunto set their hands this 12th day of March, 1929.

*Chas. B. Robbins*  
 Beneficiary

SAN JOSE ABSTRACT AND TITLE INSURANCE CO.  
 by *San J. Edwards*  
 President  
 by *M. S. Jennings*  
 Secretary

STATE OF CALIFORNIA } s.s.  
 COUNTY OF SANTA CLARA } s.s.  
 On this 12 day of March 1929 before me, *Charles H. Jenkins*, a Notary Public in and for the County of Santa Clara, State of California, residing therein, duly commissioned and sworn, personally appeared William D. Wasson and Angie M. Wasson, 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.

*Charles H. Jenkins*  
 Notary Public in and for the County of Santa Clara, State of California.

STATE OF CALIFORNIA } s.s.  
 COUNTY OF SANTA CLARA } s.s.  
 William D. Wasson, being first duly sworn, deposes and says: I am an owner and make this affidavit of and set my own pipe and act, that William D. Wasson, Angie M. Wasson, San Jose Abstract and Title Insurance Co., a corporation, as Trustee, and Chas. B. Robbins, as Beneficiary, are the only parties whose consent are necessary to pass a clear title to the lands embraced on the within map, which is entirely contained on this one sheet.

Signed *William D. Wasson*

Subscribed and sworn to before me this 12 day of March 1929.  
*Charles H. Jenkins*  
 Notary Public in and for the County of Santa Clara, State of California.

STATE OF CALIFORNIA } s.s.  
 COUNTY OF SANTA CLARA } s.s.  
 On this 12th day of March 1929, before me *Charles H. Jenkins*, a Notary Public in and for the County of Santa Clara, residing therein, duly commissioned and sworn, personally appeared Chas. B. Robbins, known to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he 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.

*Charles H. Jenkins*  
 Notary Public in and for the County of Santa Clara.

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 did, on the 11th day of March 1929, duly approve the within map of Los Trancos Woods, Tract No. 2, and accepted on behalf of the public Las Trancos Road, Martinez Road, Camino Del Lago, El Nido Road and the 10 ft strips designated as trails as same are shown on said map and offered for dedication to public use. I also certify that a bond in the sum of \$400.00 fixed and approved by said Board, to guarantee payment of taxes, a lien but not yet payable, has been duly filed with said Board.

*Elizabeth M. Kneese*  
 County Clerk and Ex-officio Clerk of said Board of Supervisors.

I, Geo. A. Kneese, Civil Engineer, 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 on the within map; that said map is a true plan of the subdivision of Los Trancos Woods, Tract No. 2, and shows 3/4" iron pipe monuments, thus as located and appearing on the ground.

*Geo. A. Kneese*  
 Civil Engineer.

We, D. P. Flynn, County Assessor and Geo. A. Kneese, County Surveyor 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 and we hereby recommend said map for approval.

*D. P. Flynn*  
 County Assessor  
*Geo. A. Kneese*  
 County Surveyor.

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 except taxes not yet payable on the tract of land or any part thereof, as shown on this map.

*J. J. Shields*  
 County Auditor.

March 31-1929  
 (1929)

FILE NO. 30799 B  
 Filed for record on the 21st day of March, 1929 at 10 minutes past 2 o'clock P.M. in Vol. 17 of Maps at page 38, San Mateo County Records.

*L. C. Chase*  
 County Recorder.

## San Mateo County Zoning Hearing Officer Meeting

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

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