

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

DATE: February 17, 2022

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 of the County Subdivision Regulations, to legalize an existing undeveloped 11,535 sq. ft. parcel located on El Dorado Avenue in the unincorporated El Granada area of San Mateo County. The project is appealable to the California Coastal Commission.

County File Number: PLN 2017-00197 (McGwire/Robertson)

PROPOSAL

The applicant is seeking a Coastal Development Permit (CDP) and a Certificate of Compliance (Type B) to legalize an existing undeveloped 11,535 sq. ft. parcel (APN 047-055-090; Lot 12 and 13, Block 93) on El Dorado Avenue in the unincorporated El Granada area.

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificate of Compliance (Type B), County File Number PLN 2017-00197, by making the required findings and adopting the conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Summer Burlison, Project Planner; sburlison@smcgov.org

Owner: Nancy McGwire

Applicant: Jackson Robertson

Location: El Dorado Avenue, El Granada

APN: 047-055-090 (Lot 12 and 13, Block 93)

Size: 11,535 sq. ft.

Existing Zoning: R-1/S-17/DR/CD (One-family Residential/5,000 sq. ft. lot minimum/Design Review/Coastal Development)

General Plan Designation/Local Coastal Program: Medium Density Residential

Sphere-of-Influence: Half Moon Bay

Existing Land Use: Undeveloped

Water Supply: N/A; Coastside County Water District

Sewage Disposal: N/A; Granada Community Services District

Flood Zone: Zone X (Area of Minimal Flood Hazard), FEMA Map Panel 06081C0138F, effective August 2, 2017.

Environmental Evaluation: The project does not fall within an exempt class, but it can be seen with certainty that based on the circumstances of this case there is no possibility that this project would have a significant effect on the environment (CEQA Section 15061(b)(3)). No development or changes to existing conditions are proposed with the parcel's legalization.

Setting: The undeveloped parcel is located on the north side of El Dorado Avenue (paper street). The parcel is an infill parcel located within the unincorporated El Granada single-family residentially developed community. The adjacent parcels to the north, east and west range in size from 5,000 sq. ft. to 11,660 sq. ft. and are developed with single-family residences. To the adjacent south is an unimproved paper street, El Dorado Avenue, which connects Sevilla Avenue with San Carlos Avenue and Avenue Granada. El Dorado Avenue is a County accepted public right-of-way.

DISCUSSION

A. **KEY ISSUES**

1. **Conformance 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 the designations and densities in Table 8.1P 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 11,535 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 3.77 dwelling units/net acre it is still considered compliant as it is below the maximum.

2. Conformance with the Local Coastal Program

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, with the land use densities as specified in Tables 1.2 and 1.3.

The subject parcel is located in El Granada and has a Midcoast LCP land use designation of Medium Density Residential (6.1 – 8.0 dwelling units/acre). The 11,535 sq. ft. parcel results in a density of 3.77 dwelling units per acre, and therefore does not exceed the Midcoast land use designation.

Policy 1.29 (*Legalizing Parcels*) requires a Coastal Development Permit when issuing a Certificate of Compliance 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 January 30, 1958, 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 an interior parcel surrounded on three sides by existing single-family residential development. According to General Plan and Local Coastal Program maps, there are no mapped sensitive habitats or hazards 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.

The subject parcel (APN 047-055-090) was initially part of that certain map entitled "Plat of Subdivision No. 8 of Granada, San Mateo County, California", filed in the San Mateo County Recorder's office on June 7, 1909, in Book 6 of Maps at Page 65. A deed conveyance on January 30, 1958 of the subject parcel in its same configuration as the original 1909 subdivision map and current survey of the parcel meet 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.

Pursuant to Section 7134.6.b. of the County Subdivision Regulations, 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 parcel is located on El Dorado Avenue, a connecting paper street between Sevilla Avenue, San Carlos Avenue, and Avenue Granada. El Dorado Avenue is a County accepted public right-of-way. Surrounding

developed parcels are accessed from Sevilla Avenue, San Carlos Avenue, or Avenue Granada. The undeveloped project parcel is the only parcel in the area that requires access from El Dorado Avenue and therefore has never been improved.

The Coastside County Water District has confirmed that the parcel has one 5/8-inch (20 gpm) uninstalled non-priority water service connection and Granada Community Services District has provided confirmation that any new construction shall require a sewer permit and verification of sewer mainline location to serve the property.

Since no development is proposed at this time, conditions of approval are included in Attachment A to require these improvements be in conformance with the regulations and standards at the time of a future development proposal.

B. ENVIRONMENTAL REVIEW

The project does not fall within an exempt class, but it can be seen with certainty that based on the circumstances of this case there is no possibility that this project would have a significant effect on the environment (CEQA Section 15061(b)(3)). No development or changes to existing conditions are proposed with the parcel's legalization.

C. REVIEWING AGENCIES

Drainage Section
Department of Public Works
Coastside Fire Protection District
Granada Community Services District
Coastside County Water District
Midcoast Community Council
California Coastal Commission

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Topographic Survey
- D. Original Map of "Plat of Subdivision No. 8 of Granada, San Mateo County, California"

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2017-00197 Hearing Date: February 17, 2022

Prepared By: Summer Burlison
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. The project does not fall within an exempt class, but it can be seen with certainty that based on the circumstances of this case there is no possibility that this project would have a significant effect on the environment (CEQA Section 15061(b)(3)). No development or changes to existing conditions are proposed with the parcel's legalization.

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 the Locating and Planning New Development Component 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) 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 February 17, 2022. 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 12 and 13, Block 93, as a 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.
5. Future pursuit of development on the property would, at a minimum, require that adequate domestic water service and sanitary sewage service are available and provided in conformance with all applicable standards and requirements of the respective purveyors; and that adequate access be provided to the satisfaction of the local fire authority and County Department of Public Works, including design by a registered civil engineer of improvements on El Dorado Avenue along the project property's frontage on its half of the road right-of-way connecting to San Carlos Avenue and/or Avenue Granada.
6. Future pursuit of development on the property would, at a minimum, require a preliminary drainage plan and drainage calculations at the Planning permit stage, with final documents provided at the Building permit stage. The project would be required to demonstrate that it complies with the current County drainage policy.

If the combined impervious surface of the development onsite and any required offsite roadway improvements exceeds current Municipal Regional Permit Provision C.3 thresholds, the entire project will be required to comply with Provision C.3 stormwater treatment requirements.

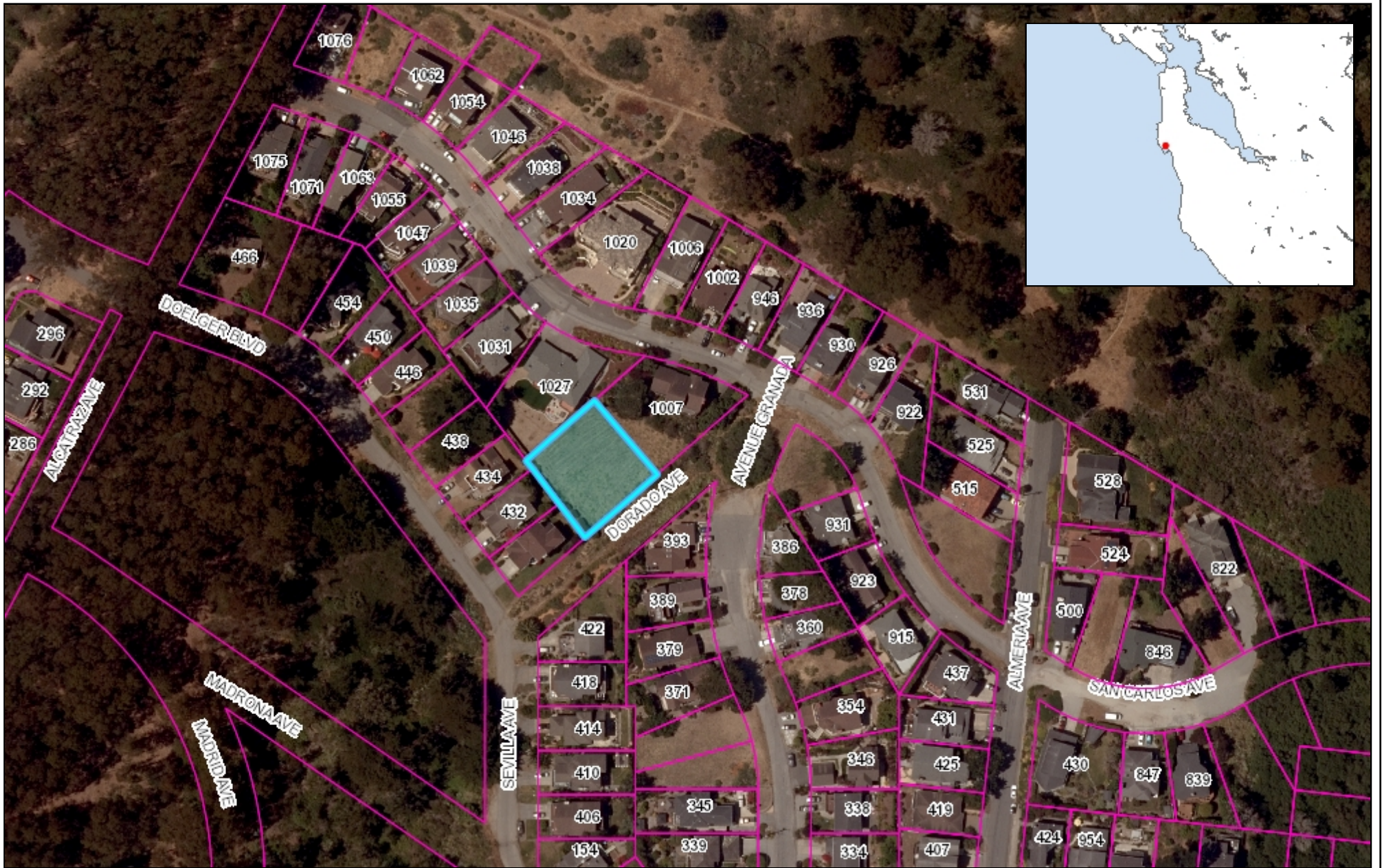
7. Future pursuit of development on the property would be required to meet minimum fire prevention requirements, including but not limited to, access and hydrant standards.

SSB:cmc: - SSBGG0024_WCU.DOCX



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT


ATTACHMENT B



0.07 0 0.04 0.07 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
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1:2,257



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



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ATTACHMENT C

BENCHMARK STATEMENT:
THE ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM.

SURVEYOR'S STATEMENT:
THIS TOPOGRAPHIC SURVEY WAS MADE BY ME OR UNDER MY DIRECTION ON THE GROUND AND REPRESENTS MEASUREMENTS MADE FEBRUARY 2021. THE BOUNDARY SHOWN IS A RECORD BOUNDARY ONLY. A TITLE REPORT WAS NOT PROVIDED TO THE SURVEYOR BY THE CLIENT. PROPERTY CORNERS WERE FOUND ON THE SUBJECT PROPERTY. NO EASEMENT ARE SHOWN. EASEMENTS MAY EXIST.



Savior P. Micallef
SAVIOR P. MICALLEF
LAND SURVEYOR, LS 8289
(805) 709-2423

02-24-21
DATE



Date	05-03-17	No.	
Scale	1"=10'	Revisions	
Design	SPM		
Drawn	SPM		
Approved	SPM		
Job No.			

TOPOGRAPHIC SURVEY OF
(APN 047-055-090) EL DORADO AVENUE, EL
UNINCORPORATED SAN MATEO COUNTY CALIFORNIA

SAVIOR P. MICALLEF LAND SURVEYING
141 WOOD DRIVE
SAN FRANCISCO, CA 94080
805/709-2423



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT D

