

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

DATE: September 3, 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 2019-00289 (Fuli Li)

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 2019-00289, by making the required findings and adopting the conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Summer Burlison, Project Planner, E-mail: sburlison@smcgov.org

Applicant/Owner: Fuli Li/Fuli Li

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

APN: 036-031-280 (Lots 11 and 12, Block 28)

Size: Approximately 6,000 sq. ft.

Existing Zoning: R-1/S-17/DR/CD

General Plan Designation: Medium Density Residential (6.1 - 8.0 dwelling units/net acre)

Parcel Legality: Lots 11 and 12 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. 06081C0138E, dated October 16, 2012.

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 11 and 12 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 8.13 (*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 - 8.0 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 8.14 (*Land Use Compatibility*), in that the parcel's future and potential development with a single-family residence 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

The division of land creating the subject parcel is comprised of undeveloped lots of an antiquated subdivision; in this case, Lots 11 and 12 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 allows for either a CoC (Type A) or CoC (Type B) to confirm a parcel's legality. To qualify for a CoC (Type A), 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 11 and 12) 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 October 22, 2019, when lots 11 and 12 were acquired as a

single parcel. Section 7134.4c allows for the approval and recordation of a CoC subject to a public hearing and the imposition of conditions of legalization, if necessary.

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 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 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. Original Map of Haneman's Seaside Park Tract

PB:LAA:SSB:pac – PSBDD0595_WPU-T.DOCX

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2019-00289 Hearing Date: September 3, 2020

Prepared By: Summer Burlison
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*).
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

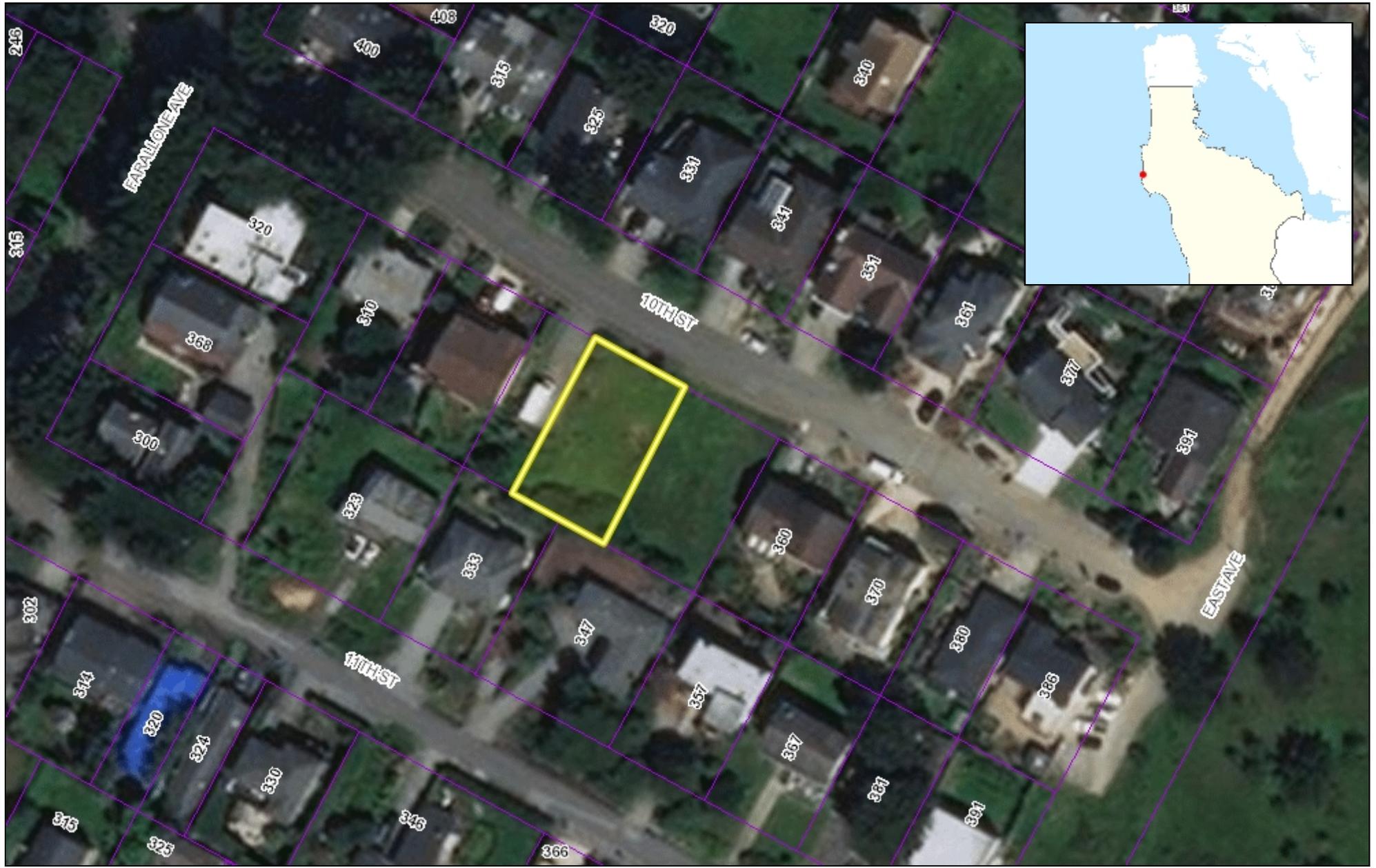
1. This approval applies only to the proposal as described in those plans, supporting materials, and reports submitted on August 2, 2019. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director, if they are consistent with the intent of and in substantial conformance with this approval.
2. The subject Certificate of Compliance (Type B), which shall represent Lots 11 and 12, 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 of permits for future development 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 036-031-280, 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.

PB:LAA:SSB:pac – PSBDD0595_WPU-T.DOCX



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B



WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Latitude Geographics Group Ltd.

1:1,128 

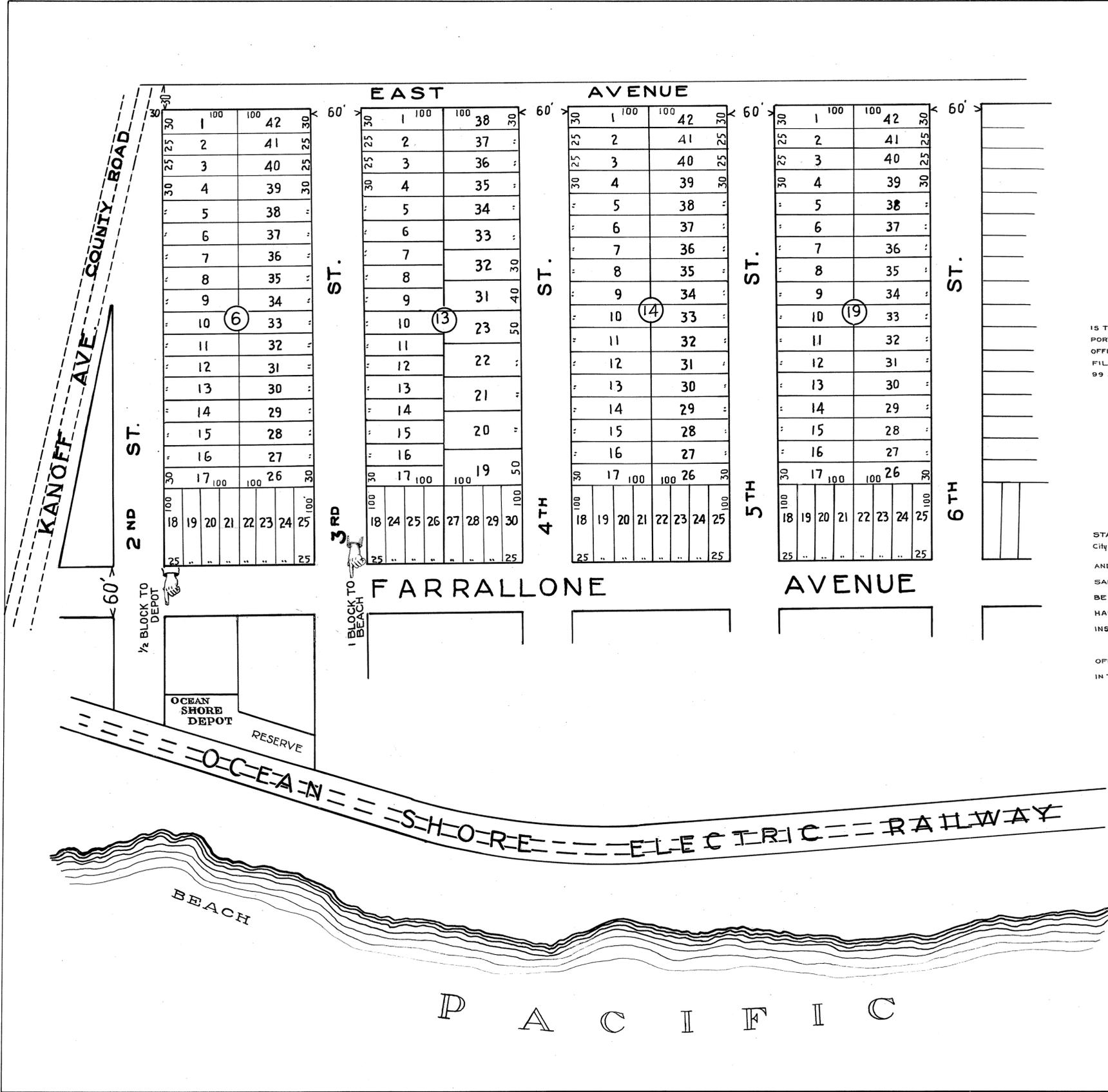
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C



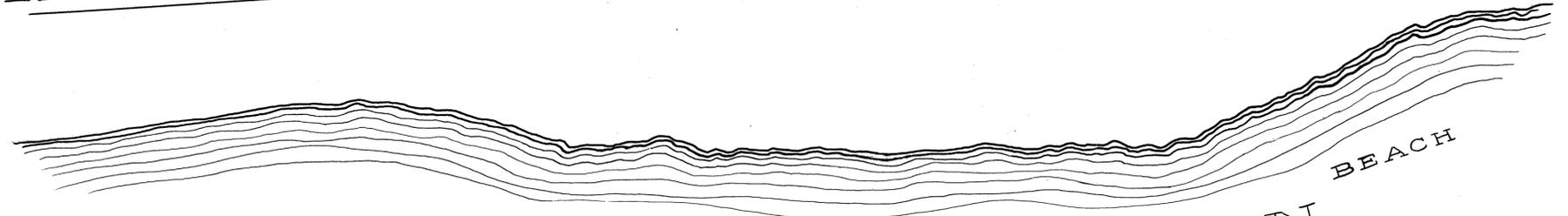
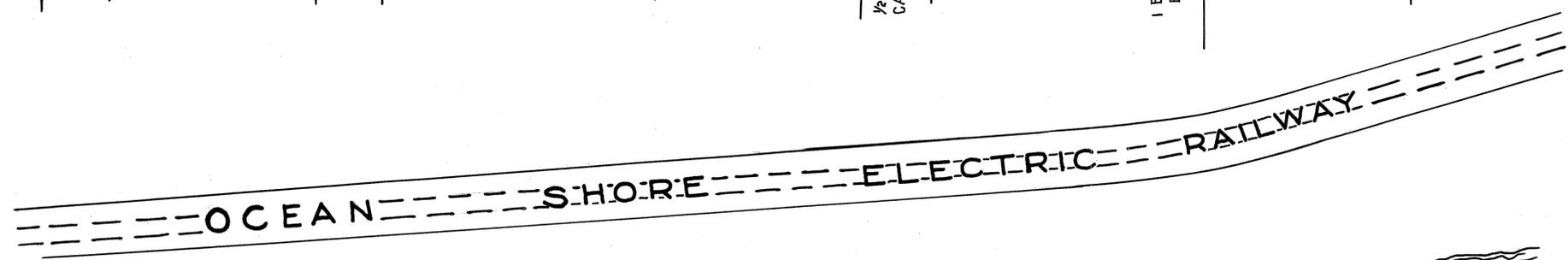
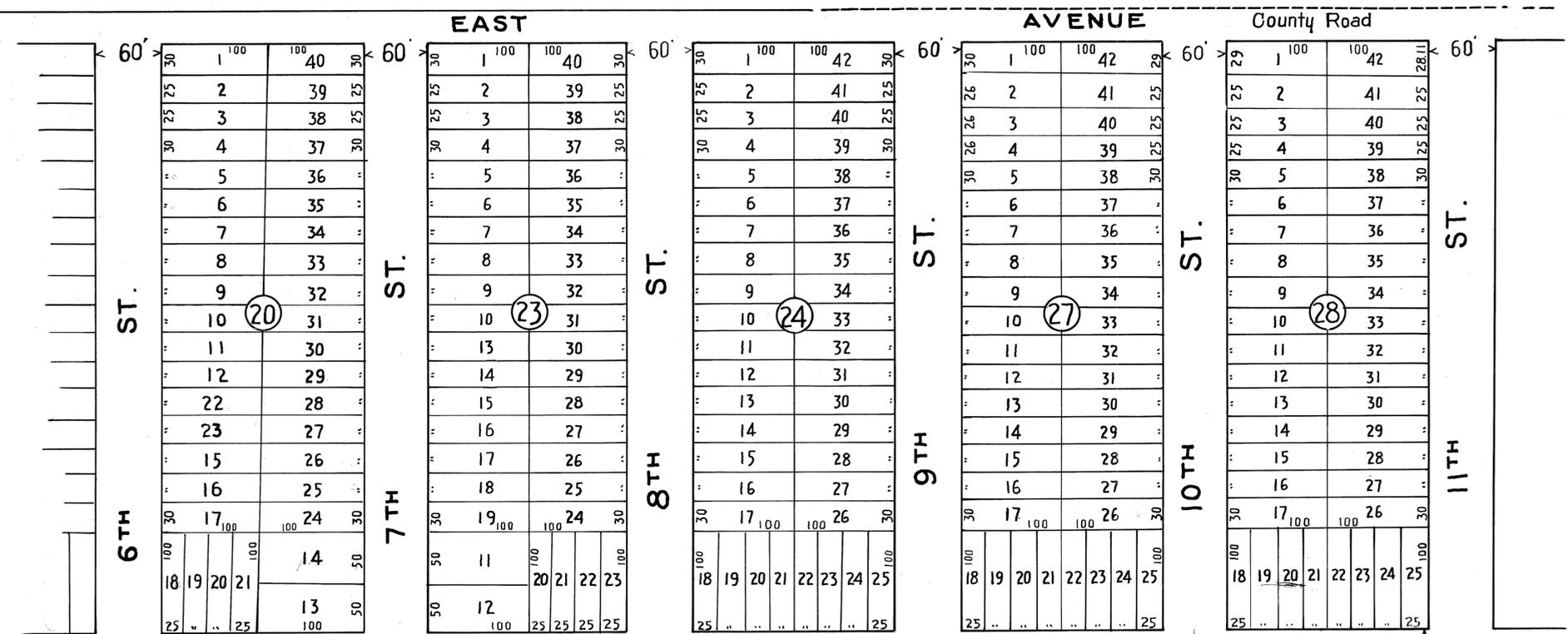
MAP OF
HANEMAN'S SEASIDE PARK TRACT
BEING A RE-SUB OF BLKS 6, 13, 14, 19
20, 23, 24, 27 and 28 of FARRALLONE CITY

THIS IS TO CERTIFY THAT THE *HALF MOON BAY TOWNSITE CO., A CORPORATION*, IS THE SOLE OWNERS OF THE HANEMAN'S SEASIDE PARK TRACT, SAID TRACT BEING A PORTION OF FARRALLONE CITY, THE MAP OF WHICH IS RECORDED IN THE COUNTY RECORDER'S OFFICE AT REDWOOD CITY, SAN MATEO COUNTY, STATE OF CALIFORNIA. SAID MAP WAS FILED FOR RECORD ON JANUARY 2nd, 1906, AND IS RECORDED IN MAP BOOK NO. 3 PAGES 99 AND 100.

HALF MOON BAY TOWNSITE COMPANY
By FRANK CRITCHETT
President,
And W. C. GRAY,
Secretary.

STATE OF CALIFORNIA } S.S.
City and County of San Francisco }
ON THIS 10TH DAY OF APRIL, ONE THOUSAND, NINE HUNDRED AND SEVEN, BEFORE ME, *N.E.W. SMITH*, NOTARY PUBLIC IN AND FOR THE COUNTY OF SAN FRANCISCO, PERSONALLY APPEARED *FRANK CRITCHETT*, KNOWN TO ME TO BE THE PRESIDENT, AND *W.C. GRAY*, KNOWN TO ME TO BE THE SECRETARY OF THE HALF MOON BAY TOWNSITE CO., THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN THE COUNTY OF SAN FRANCISCO THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

(SEAL)
N. E. W. SMITH
Notary Public in and for the County of San Francisco,
California.



O C E A N

FILED FOR RECORD AT REQUEST OF FRANK CRITCHETT
 APRIL 11TH A. D. 1907 AT 35 MIN. PAST 2 O'CLOCK P. M.
 SAN MATEO COUNTY RECORDS.
 J. F. JOHNSTON
 County Recorder.
 By Pauline E. Hanson, Deputy Recorder.

I HEREBY CERTIFY THIS TO BE A TRUE COPY
 OF AN ORIGINAL MAP RECORDED IN VOL. C
 MAPS PAGE 55
J. F. Johnston
 DEPUTY COUNTY SURVEYOR AND EX OFFICIO
 DEPUTY RECORDER.

HANEMAN'S SEASIDE PARK TRACT