

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

DATE: June 17, 2021

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 7,070 sq. ft. parcel located on San Carlos Avenue in the unincorporated El Granada area of San Mateo County. The project is appealable to the California Coastal Commission.

County File Number: PLN 2020-00448 (Lacasia)

PROPOSAL

The applicant is seeking a Coastal Development Permit (CDP) and a Certification of Compliance (Type B) to legalize an existing undeveloped 7,070 sq. ft. parcel (APN 047-105-020; Lot 3, Block 77) on San Carlos 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 2020-00448, 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/Applicant: Rodrigo Lacasia Barrios

Location: San Carlos Avenue, El Granada

APN: 047-105-020 (Lot 3, Block 77)

Size: 7,070 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: Coastside County Water District

Sewage Disposal: Granada Community Services District

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

Environmental Evaluation: Categorically Exempt Pursuant to Section 15315, Class 15, of the California Environmental Quality Act Guidelines for minor land divisions (which a Certificate of Compliance Type B establishing a parcel's legal status can be considered).

Setting: The rectangular parcel is located on the south side of San Carlos Avenue. The parcel is located on the eastern edge of the Montecito Riparian Corridor, adjacent to a single-family residence to the east, undeveloped parcels to the west and south and single-family residential and undeveloped parcels to the north, across San Carlos Avenue. According to a past biological report, the property does contain riparian vegetation over the rear portion of the property consisting primarily of arroyo willow along with Sitka willow and pink-flowering current. Other native plant species include twinberry, thimbleberry, California blackberry, poison oak, and California bee plant.

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 7,070 sq. ft. parcel is zoned One-family Residential/5,000 sq. ft. lot minimum (R-1/S-17), which conforms with both the GP land use designation density (at 6.17 dwelling units/net acre) and minimum zoning lot size requirement.

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). As discussed in Section A.1, the 7,070 sq. ft. parcel results in a density of 6.17 dwelling units per acre, and therefore conforms with 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 May 4, 1960, 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.

There is no evidence to suggest that legalizing the parcel's configuration will have any substantial adverse impacts on coastal resources based on staff's discussion in the Sensitive Habitats section below.

Sensitive Habitats

Policy 7.3 (*Protection of Sensitive Habitats*), Policy 7.7 (*Definition of Riparian Corridors*), Policy 7.8 (*Designation of Riparian Corridors*), Policy 7.11 (*Establishment of Buffer Zones*), and Policy 7.12 (*Permitted Uses in Buffer Zones*) prohibit land use or development that would have significant adverse impacts on sensitive habitat areas, define and establish riparian corridors along all perennial and intermittent streams, establish a 50-foot buffer zone from the limit of riparian vegetation for perennial streams, and establish permitted uses within buffer zones.

While no development is currently proposed on the property, a previous biological report by Coast Ridge Ecology, dated July 25, 2013, confirmed that the rear portion of the property does contain riparian vegetation, including arroyo willow, Sitka willow and pink-flowering current as a result of the creek (measured in 2020) approximately 116 feet away from the property. Limited uses may be permitted within a riparian buffer zone, pursuant to Policy 7.12 of the LCP, including but not limited to residential uses on existing legal building sites, set back 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if no other building site on the parcel exists. The 50-foot riparian buffer zone would encumber a significant portion of the property; however, this alone does not strictly preclude the opportunity to pursue development absent of filing the appropriate applications, plans and technical studies (e.g., biological study, riparian buffer delineation, survey) to determine what, if any, development may be permitted on the property. Condition of approval No.4 is included to disclose that any future pursuit of development on the property is subject to further review.

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. Pursuant to Section 7134.6.b. 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 subject parcel (Lot 3) was initially part of that certain map entitled "Subdivision No. 5 of Granada", filed in the San Mateo County Recorder's office on December 7, 1908 in Book 6 of Maps at Page 50. A deed conveyance on May 4, 1960 of the subject parcel in its same configuration as the original 1908 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.

Although road access to the parcel exists, and water, power and sanitary sewer services are available, no development is currently proposed to necessitate these improvements at this time. Therefore, conditions of approval are included to require these improvements be in conformance with the regulations and standards at the time of a future development proposal.

B. ENVIRONMENTAL REVIEW

The proposed parcel legalization is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315, Class 15 for minor land divisions, which include the division of property (which a Certificate of Compliance Type B 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, all services and access to the parcel are available, and the parcel has an average slope of no more than 20 percent. San Carlos Avenue provides access to the parcel and water and sewer service lines exist within the roadway. Furthermore, the parcel has an average slope of 19.14 percent.

C. REVIEWING AGENCIES

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

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Topographic Survey
- D. Original Map of "Subdivision No. 5 of Granada"

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2020-00448

Hearing Date: June 17, 2021

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 from the California Environmental Quality Act Guidelines pursuant to Section 15315, Class 15, related to minor land divisions (which a Certificate of Compliance Type B establishing a parcel's legal status can be considered) in an urbanized area zoned for residential use that is in conformance with the General Plan and zoning, no variances are required, all services and access to the parcel are available, and the parcel has an average slope of no more than 20 percent.

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 and Sensitive Habitats Components 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 Locating and Planning New Development and Sensitive Habitats Components 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 June 17, 2021. 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 Lot 3, Block 77, 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 for the property at a minimum would require a current boundary survey, riparian delineation, biological study, drainage report and plans and C.3 and C.6 Development Checklist for review as part of any necessary discretionary permits. The ability to develop the property would also in part require that adequate domestic water service and sanitary sewage service are available, and that adequate access be provided to the satisfaction of the local fire authority and County Department of Public Works.

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