

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

DATE: April 20, 2023

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Coastal Development Permit, pursuant to Section 6328.7 of the County Zoning Regulations; a Certificate of Compliance (Type B) and a Lot Line Adjustment, pursuant to Sections 7133 and 7124 of the County Subdivision Regulations to legalize one vacant parcel and adjust the property boundary between it and the neighboring developed parcel, located at 477 Portola Avenue in the unincorporated El Granada area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2022-00263 (French)

PROPOSAL

The applicant is seeking a Lot Line Adjustment (LLA), Certificate of Compliance (Type B), and Coastal Development Permit (CDP) to adjust the property boundary between two parcels. The LLA would result in the transfer of 2,650 sq. ft. of land from Parcel B (APN 047-222-310) to Parcel A (APN 047-222-100) by adjusting a common property line that runs between the two properties. The LLA requires that the legality of parcels involved in the transfer is confirmed. Therefore, the Certificate of Compliance (Type B) is included in this application to legalize undeveloped Parcel B. The project parcels are located at and adjacent to 477 Avenue Portola in the unincorporated El Granada area of San Mateo County.

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit, Certificate of Compliance (Type B), and Lot Line Adjustment, County File Number PLN 2022-00263, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Katheryne Castro Rivera, Project Planner, Telephone 650/ 599-1554; kcastrorivera@smcgov.org

Applicant: Lorien and Chris French

Owners: Lorien and Chris French, Susan and Anton Zoughbie

Public Notification: Ten (10) day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing posted in a newspaper of general public circulation (San Mateo Times and Half Moon Bay Review).

Location: 477 Avenue Portola and the vacant parcel located at the corner of Avenue Portola and Columbus Street, El Granada

APN(s): 047-222-100 (Parcel A), 047-222-310 (Parcel B)

Existing Parcel Sizes:

Parcel A - 8,032 sq. ft

Parcel B - 7,711 sq. ft

Proposed Parcel Sizes:

Parcel A - 10,682 sq. ft

Parcel B - 5,061 sq. ft

Existing Zoning: R-1/S-17/DR/CD (Single-Family Residential/5,000 sq. ft. Minimum Parcel Size/Design Review/Coastal Development District)

General Plan Designation/Local Coastal Plan Designation: Medium-Density Residential

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Single Family Residential (Parcel A), vacant lot (Parcel B)

Water Supply: Existing service by Coastside County Water District (Parcel A). Parcel B also within CCWDs service area.

Sewage Disposal: Existing service provided by Granada Community Services District (Parcel A). Parcel B also within Granada Community Services District service area.

Flood Zone: Zone X (Area of Minimal Flood Hazard), [Community Panel Number 06081C0138F, effective date August 2, 2017]

Environmental Evaluation: This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15305 Class 5 (a) of the California Environmental Quality Act as a minor lot line adjustment not resulting in the creation of any new parcel(s) and Section 15315, Class 15: Minor Land Divisions, which include the division of property in urbanized areas zoned for residential use.

Setting: Parcel A is currently developed with an existing single-family dwelling and Parcel B is an undeveloped corner parcel. The two subject parcels are located within an urbanized single-family residential neighborhood. All adjacent parcels are developed with single-family residences.

Chronology:

<u>Date</u>	<u>Action</u>
August 24, 2022	- Application Submitted
March 28, 2023	- Project Deemed Complete
April 20, 2023	- Zoning Hearing Officer Meeting

DISCUSSION

A. KEY ISSUES

1. Compliance 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 defined designations and densities to achieve stated land use objectives within unincorporated urban areas.

The two subject parcels have a GP land use designation of Medium Density Residential (6.1 – 8.7 dwelling units/net acre). Both Parcel A (8,032 sq. ft.) and Parcel B (7,711 sq. ft.) are zoned One-family Residential and exceed the minimum lot size requirement of 5,000 square feet. The proposed LLA results in a proposed density of 4.08 dwelling units/net acre. While decreasing in size, Parcel B is still considered compliant as the resulting parcel size exceeds the minimum. The requested LLA would not result in the creation of any new parcels or any zoning nonconformities.

2. Conformance with the Local Coastal Program (LCP)

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-EI Granada Community Plan into the Midcoast Land Use Plan and defines the land use densities for each land use designation.

The two subject parcels are located in El Granada and have a Midcoast LCP land use designation of Medium Density Residential (6.1 – 8.0 dwelling units/acre). As discussed in Section A.1, the parcels are compliant with the assigned density designation. The LLA does not create new parcels and the resulting parcels are compliant with the minimum parcel size defined by the underlying zoning district.

Policy 1.29 (*Legalizing Parcels*) requires a Coastal Development Permit when issuing a Certificate of Compliance (Type B) 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 the chain of title for Parcel B shows the parcel's first separate deed conveyance was on October 21, 1966, 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 to be legalized (Parcel B) is a corner parcel which is surrounded on two sides by existing single-family residential development and two of the three parcels on the opposing corners are developed with single-family residential development. There are no mapped sensitive habitats 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

For the Lot Line Adjustment

Pursuant to Section 7124 of the County's Subdivision Regulations, all lot line adjustments are subject to approval by the County and shall be consistent with Section 66412(d) of the Map Act. Section 7125 of the County's Subdivision Regulations provides the application submittal requirements and required form and content for LLA applications. As part of this review Section 7125.1.f. requires that evidence, as required by the Community Development Director, that the lots involved in the LLA have been legally created. Staff was unable to confirm the legality of Parcel B and therefore the COC-Type B is also included as part of this application.

This lot line adjustment is consistent and in conformity with Section 66412(d) as the lot line adjustment is between four or fewer existing adjoining parcels; the land taken from one parcel is being added to an adjoining parcel; and a greater number of parcels than originally existed is not being created.

Section 7126.1 of the County's Subdivision regulations provides the criteria for review of lot line adjustments and require that the parcels resulting from the lot line adjustment shall conform to the County General Plan and any applicable specific plan, the Local Coastal Program, and County zoning and building regulations. The specific criteria are discussed below:

- a. **Conformity with applicable General Plan, specific plan, LCP, and Zoning and Building Regulations, although existing legal non-conforming situations may continue provided, they are not aggravated by the lot line adjustment.**

As discussed in Sections A.1 and A.2, the resulting parcels conform with the GP land use and Midcoast land use designations. The resulting parcels are also compliant with the minimum parcel size of 5,000 sq. ft. as required by the underlying zoning district. The requested LLA would not result in the creation of any new parcels or any zoning nonconformities.

- b. **Suitability of building sites created by the lot line adjustment.**

While no physical development is proposed as part of the project, the reconfigured parcels are of adequate size and configuration to provide suitable building sites. Any future development would be required to comply with all applicable County land use regulations and policies at the time of development.

- c. **Provision for adequate routine and emergency access.**

All affected parcels have adequate existing access for routine and emergency purposes.

d. **Provision for adequate water supply and sewage disposal.**

The area is within CCWD and GSD's service area and capacity is potentially available to serve future development.

e. **Avoiding or minimizing impacts upon scenic corridors, wetlands, coastal resources, or authorized coastal development.**

The project is not located within a scenic corridor or within an area that would result in adverse impact on wetlands, coastal resources, or authorized coastal development.

For the Certificate of Compliance

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.

Parcel B, to be legalized was initially created as part of that certain map entitled "Plat of Re-Subdivision of Subdivisions nos. 2 and 3 of Granada, San Mateo County, California", filed in the office of the County Recorder of San Mateo County, State of California on August 4th, 1908, in Book 6 of Maps at page 29. The first time the subject parcel was conveyed separately from any other adjacent parcel was via deed conveyance on October 21, 1966. At that time, Parcel B was conveyed in its same configuration as the original 1908 subdivision map and therefore meets the criteria for issuance of a Certificate of Compliance (Type B). However, because the parcel is

located within the Coastal Zone, a Coastal Development Permit is also being sought as part of this permit application.

Regarding conditions of approval, Section 7134.6(b) of the County Subdivision Regulations, states that the Community Development Director may impose any conditions which would have been applicable to the division of property at the time the applicant acquired his/her interest in the property. However, since road access to the subject parcel exists, and water, power, and sanitary sewer services are available, there are no improvement conditions applicable to the legalization of the property that have not been met.

B. ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15305 Class 5 (a) of the California Environmental Quality Act as a minor lot line adjustment not resulting in the creation of any new parcel(s) and Section 15315 Class 15 as a 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 project does not include a variance and all utility services and access to the parcel are available or existing.

C. REVIEWING AGENCIES

California Coastal Commission
Department of Public Works
Granada Community Services District
Coastside County Water District (?)

ATTACHMENTS

- A. Recommend Findings and Conditions of Approval
- B. Location Map
- C. Proposed Lot Line Adjustment Map
- D. Current Assessor's Parcel Map
- E. Original Subdivision 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 2022-00263

Hearing Date: April 20, 2023

Prepared By: Katheryne Castro Rivera,
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 (CEQA), pursuant to Section 15305 Class 5 (a) of the California Environmental Quality Act as a minor lot line adjustment not resulting in the creation of any new parcel(s) and 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 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 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 as a result of the Lot Line Adjustment and parcel legalization is being pursued under the subject application, and as conditioned there is no

evidence to suggest that legalization of the parcel's configuration and proposed Lot Line Adjustment 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 B) is in full conformance with Government Code section 66499, et seq.

For the Lot Line Adjustment, Find:

7. The processing of the lot line adjustment is in full conformance with Subdivision Map Act Section 66412(d) and Section 7124 of the San Mateo County Subdivision Regulations. Section 7124 states all lot line adjustments are subject to approval by the County and are to be consistent with Section 66412(d) of the Map Act. This lot line adjustment is consistent with and is in conformance with Section 66412(d) as the lot line adjustment is between four or fewer existing adjoining parcels; the land taken from one parcel is added to an adjoining parcel; and a greater number of parcels than originally existed has not been created. No zoning non-conformities, relative to post-adjusted lot size or zoning district regulations for existing development on either parcel, will be created or exacerbated.

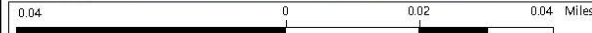
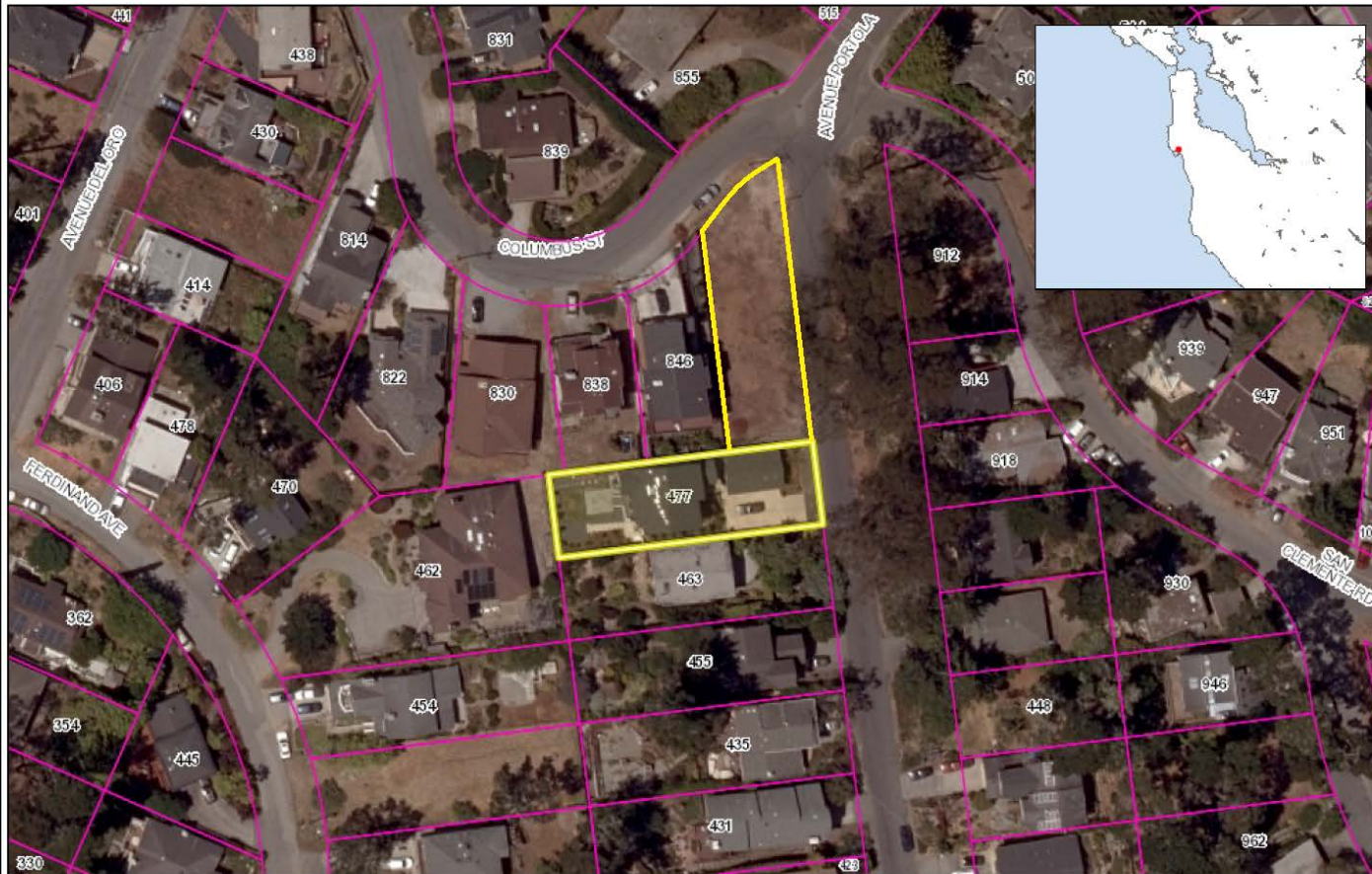
RECOMMENDED CONDITIONS OF APPROVAL

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 April 20, 2023. 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 applicant shall coordinate, with the project planner, the recordation of the legalized and reconfigured parcel descriptions. Once recorded, the applicant shall then immediately record the appropriate "grant deed" transferring the applicable parcel area per the previously recorded legal descriptions.
3. A "parcel tag" shall be placed on the subject parcels indicating conditional approval of this Lot Line Adjustment, Coastal Development Permit, and Certificate of Compliance (Type B) pending recordation of the legalized and reconfigured parcel descriptions followed by immediate recordation of the grant deeds. The staff approved parcel descriptions and grant deeds shall be recorded prior to the issuance of any other permits related to any development on this property.

4. 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.
5. The applicant is hereby informed that any future development on these parcels 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.

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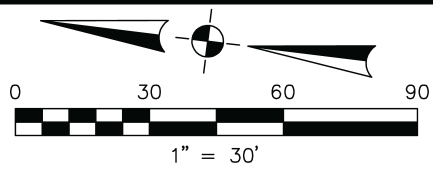
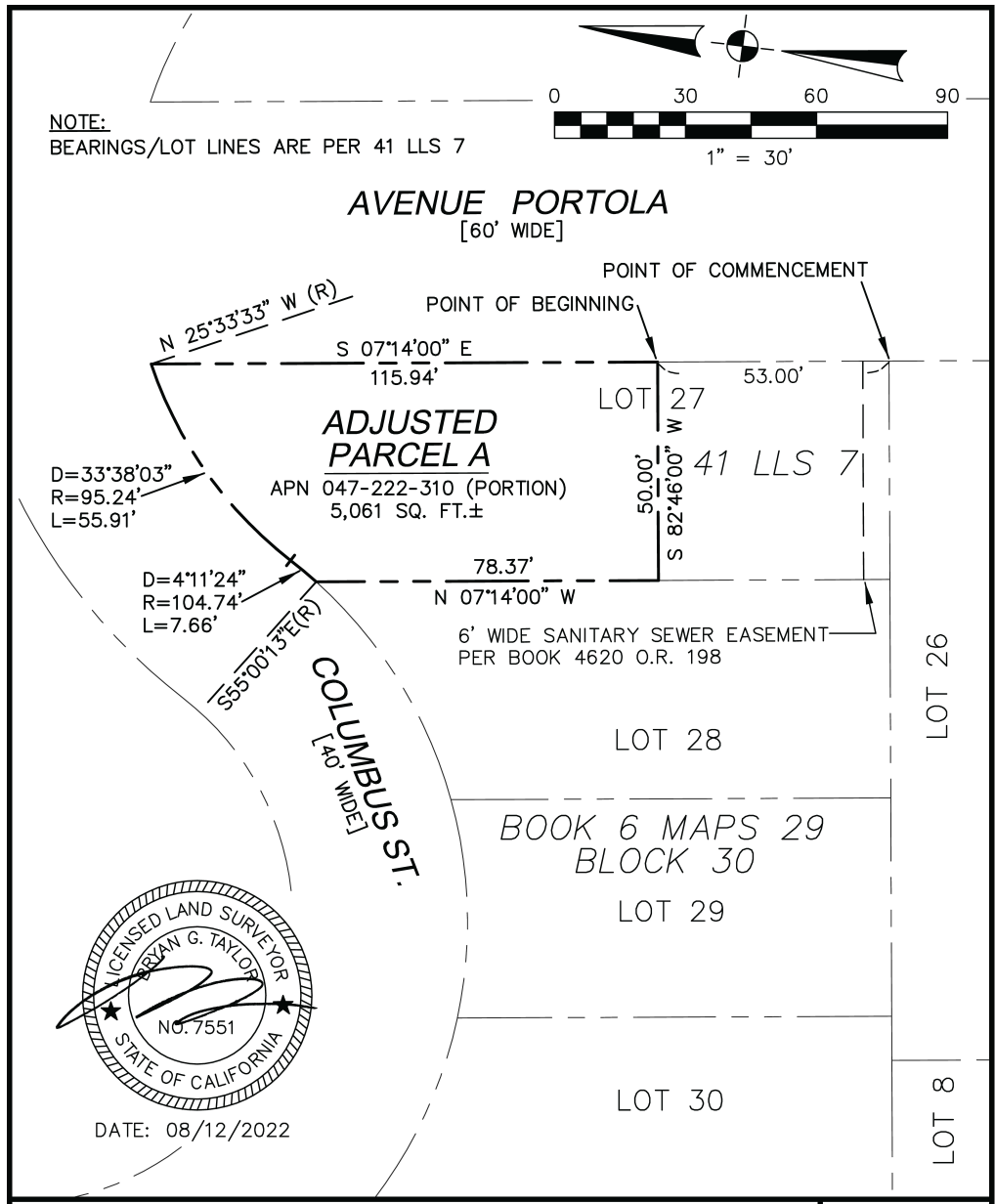
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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B

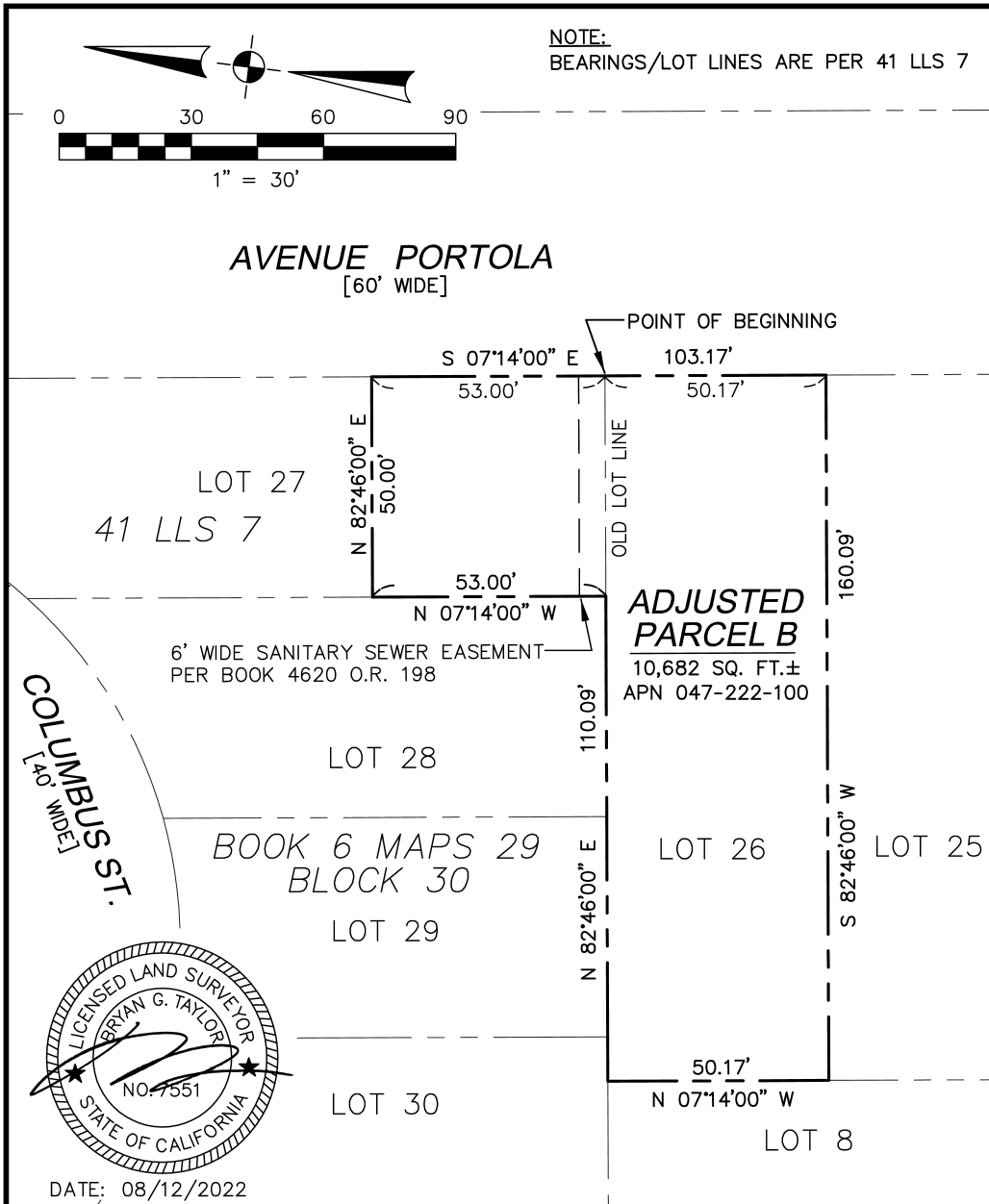


COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C



EXHIBIT "B" - PLAT ACCOMPANYING LEGAL DESCRIPTION		PARCEL A
	NEW 0 COLUMBUS STREET (VACANT) APN 047-222-310 (PORTION) EL GRANADA, SAN MATEO COUNTY, CALIFORNIA	SCALE PAGE 1"=30' 2 OF 2 JOB 22-158



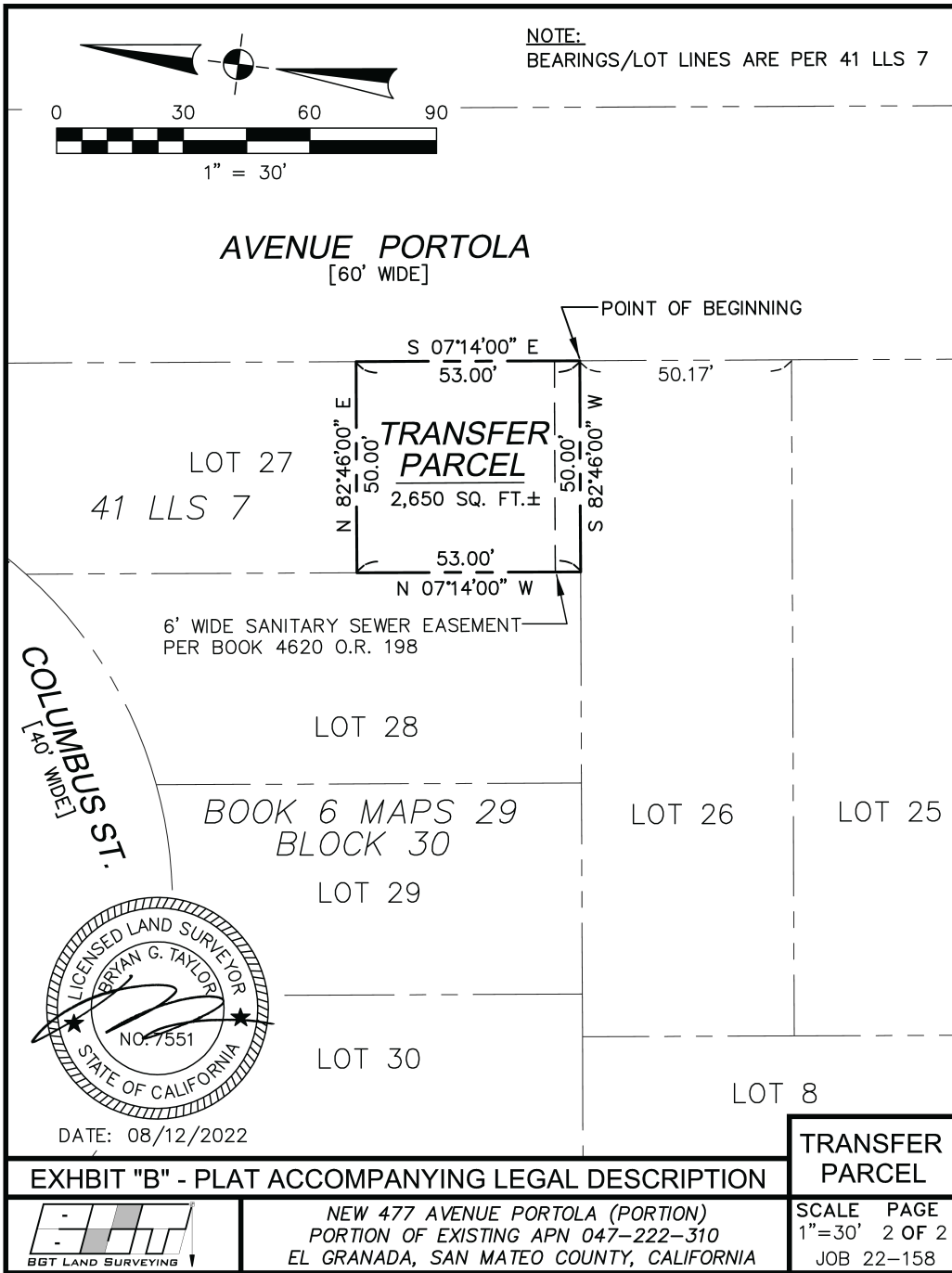
DATE: 08/12/2022

EXHIBIT "B" - PLAT ACCOMPANYING LEGAL DESCRIPTION		PARCEL B
	NEW 477 AVENUE PORTOLA APN 047-222-100 AND 047-222-310 (PORTION) EL GRANADA, SAN MATEO COUNTY, CALIFORNIA	SCALE PAGE 1"=30' 2 OF 2 JOB 22-158

COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT



ATTACHMENT C



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT



ATTACHMENT C



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ASSESSOR'S MAP COUNTY OF SAN MATEO, CALIF.

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT D



For Abandonment Affecting this... See Minutes of Board of Supervisors Vol. 16 Page 245, Vol. 17 Page 162 & Vol. 24 Page 9 (in clerk's office) ROAD ACCOUNT No 254 GRANADA



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT E