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

DATE: June 15, 2023

- **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 legalize four lots of record as a single 10,145 sq. ft. parcel, pursuant to Section 7134 of the County Subdivision Regulations, located on Crescent Avenue in the unincorporated Moss Beach area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2023-00059 (Desler/Callan)

# PROPOSAL

The applicant is seeking a Coastal Development Permit (CDP) and a Certificate of Compliance (Type B) to legalize four lots of record as one 10,145 sq. ft. parcel (APN 037-157-060 and 037-157-080; Lots 1, 2, 3, and 4 - Block 1) on Crescent Avenue in the unincorporated Moss Beach area.

### RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and a Certificate of Compliance (Type B), County File Number PLN 2023-00059, by making the required findings and adopting the conditions of approval identified in Attachment A.

### BACKGROUND

Report Prepared By: Sam Becker, Project Planner, Phone 650/382-4493, Email <u>sbecker@smcgov.org</u>

Applicant: Brian Desler

Owner: Thomas Callan Trust

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 (San Mateo Times and Half Moon Bay Review) of general public circulation.

Location: Crescent Avenue, Moss Beach (abuts 630-680 Vermont Street and 1900-1924 Sunshine Valley Road)

APN(s): 037-157-060 and 037-157-080

Size: 10,145 sq. ft.

Existing Zoning: R-1/S-17/DR/CD (One-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: Half Moon Bay

Existing Land Use: Vacant

Water Supply/Sewage Disposal: Montara Water and Sanitary District, both water and sewer line connections are available for future development.

Flood Zone: FEMA Flood Insurance Rate Map designation defines the parcel to be located within a Zone X. Areas of 0.2 percent Annual Chance of Flood, Community Panel No: 06081C-0119F, Dated August 2, 2017.

Environmental Evaluation: Categorically exempt under provisions of Class 15, Section 15315, of the California Environmental Quality Act Guidelines (Minor Land Divisions).

Setting: The subject parcel is an undeveloped parcel located within an urbanized single-family residential neighborhood. The parcels to the north, south, and west are developed with single-family residential development

Chronology:

<u>Date</u>		Action
February 23, 2023	-	Application Filed
April 14, 2023	-	Application Deemed Complete
June 15, 2023	-	Zoning Hearing Officer Meeting

### **DISCUSSION**

#### A. <u>KEY ISSUES</u>

#### 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 project parcel has a GP land use designation of Medium Density Residential (6.1 - 8.7 dwelling units/net acre). The 10,145 sq. ft. parcel is zoned One-family Residential and exceeds the minimum lot size requirement of 5,000 sq. ft. (R-1/S-17). The density results in a density of 4.29 dwelling units per acre, which does not exceed the maximum and therefore conforms.

#### 2. Conformance with the Local Coastal Program (LCP)

Staff has reviewed the project and found it to be compliant with the policies of the Local Coastal Program. The applicable policies with specific discussion are detailed below:

### 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 and defines the land use densities for each land use designation.

The subject parcel is located in Moss Beach 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 10,145 sq. ft. parcel results in a density of 4.29 dwelling units per acre, and therefore conforms with the Midcoast land use designation as it does not exceed the maximum.

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 a chain of title for the property shows the Lots 1-4 (subject parcel) in Block 1 were conveyed together with the adjacent lots 5-6 in Block 1 until October 15, 1969. 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 a vacant parcel which is surrounded by residential development on either side and across Crescent Avenue. There are no mapped sensitive habitats on the parcel and future development on the parcel is unlikely to impact coastal resources including public views or shoreline access due to the distance from public viewpoints and location of the parcel on the east side of Highway 1. 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. <u>Conformance with the Subdivision Regulations</u>

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 (APNs 037-157-060 and 037-157-080) was initially part of that certain map entitled "Map of Re-Subdivision of Marine View Terrace Tract, San Mateo County, California, which was filed in the office of the recorder of the County of San Mateo, State of California on October 30, 1907, in Book 5 of Maps, at Page 39. The submitted legal descriptions describe Lots 1-4 on Block 1 in their current configuration. The first separate conveyance of the subject parcel in its same configuration as the original 1907 subdivision map occurred via a grant deed on October 15, 1969, and therefore meets 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 as part of this 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 division of the property that have not been met.

# B. <u>ENVIRONMENTAL REVIEW</u>

The project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines under the general rule in Section 15061(b)(3)) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that approval of a Certificate of Compliance (CoC) and Coastal Development Permit (CDP) to confirm the legality of the parcel will not significantly affect the environment since the parcel is a conforming residential parcel surrounded by similarly developed parcels in an urban area where access and utilities are available. Crescent Avenue provides access to the parcel, and water and sanitary sewer lines exist within the roadway. Subsequent development of the parcel will be subject to separate discretionary permit(s).

C. <u>REVIEWING AGENCY</u>

Montara Water and Sanitary District

# **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Current Assessor's Parcel Map
- C. 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 2023-00059

Hearing Date: June 15, 2023

Prepared By: Sam Becker 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) guidelines under the general rule in Section 15061(b)(3)) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that approval of a Certificate of Compliance (CoC) and Coastal Development Permit (CDP) to confirm the legality of the parcel will not significantly affect the environment since the parcel is a conforming residential parcel surrounded by similarly developed parcels in an urban area where access and utilities are available. Crescent Avenue provides access to the parcel, and water and sanitary sewer lines exist within the roadway. Subsequent development of the parcel will be subject to separate discretionary permit(s).

### For the Coastal Development Permit, Find:

- 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 Components 1.1-1.5.
- 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 including 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 conformity with the County Subdivision Regulations Section 7134 (Legalization of Parcels; Certificate of Compliance).

# **RECOMMENDED CONDITIONS OF APPROVAL**

# Current Planning Section

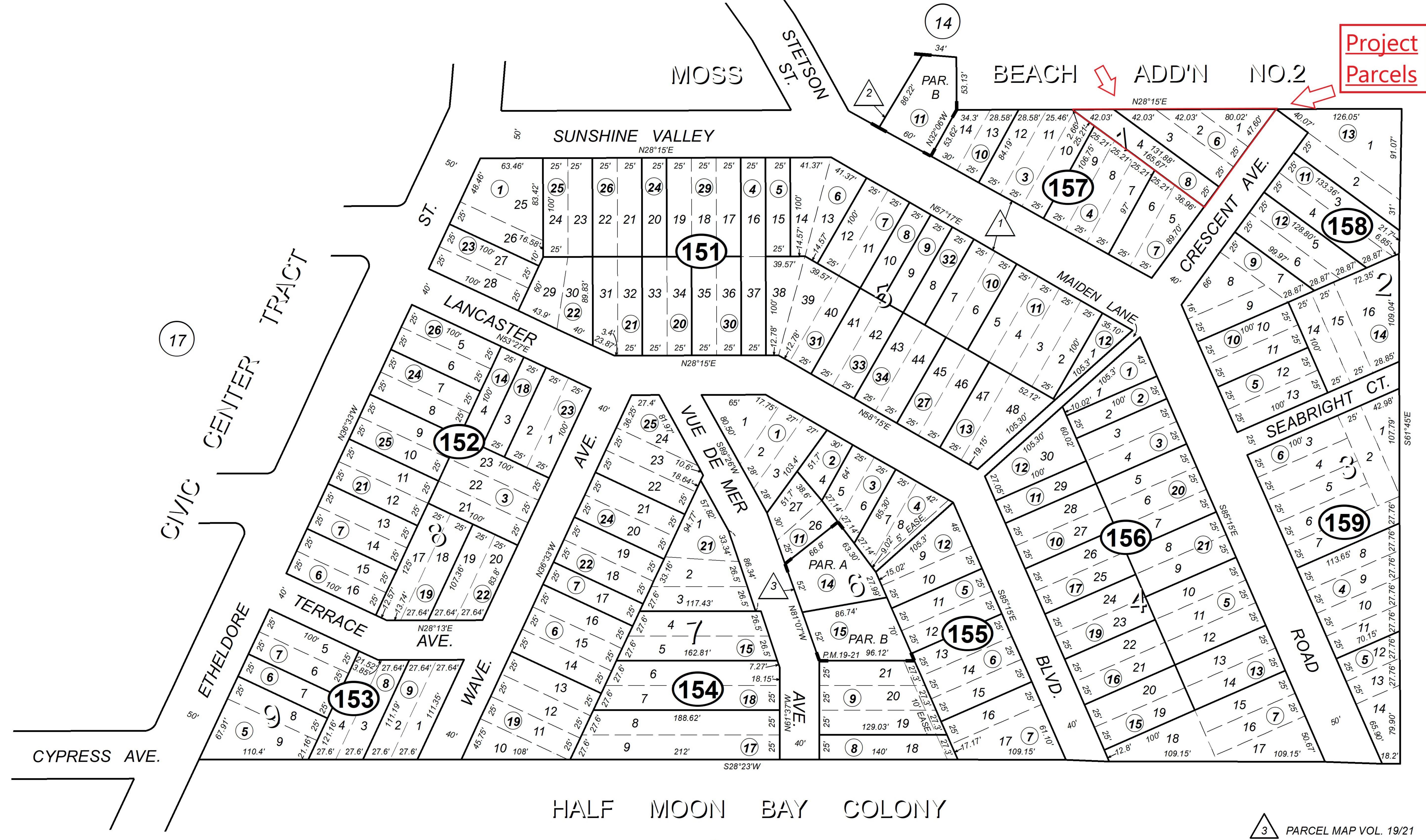
- 1. This approval applies only to the proposal as described in the plans, supporting materials, and reports approved by the Zoning Hearing Officer on June 15, 2023. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director, if they are consistent with the intent of and in substantial conformance with this approval.
- 2. The subject Certificate of Compliance (Type B), which shall represent Lots 1, 2, 3, and 4 Block 1, as a 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 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.

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# ATTACHMENT B

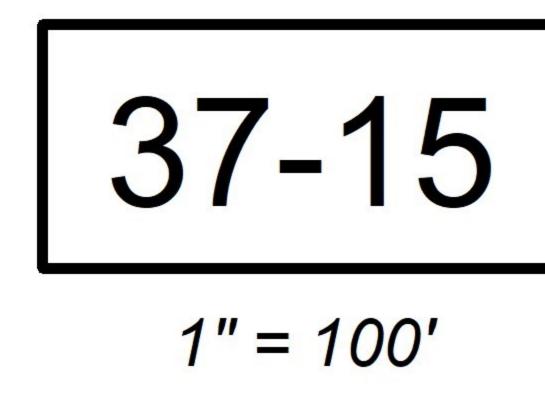


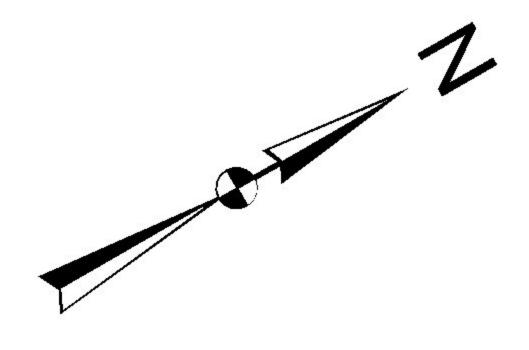
**COUNTY OF SAN MATEO -** PLANNING AND BUILDING DEPARTMENT



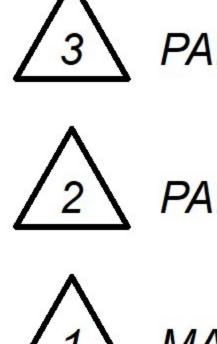


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
2 PARCEL MAP VOL. 11/4

1 MARINE VIEW TERRACE TRACT RSM 5/39

# ATTACHMENT C



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



August 1907.

City and County of San Francisco On this 31 st day of August in the year c me that they executed the same.

the day and year in this certificate first above written.