

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

DATE: May 19, 2016

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 two (2) Certificates of Compliance (Type B), pursuant to Section 7134.2 of the County Subdivision Regulations, to confirm the legality of two parcels: Parcel 1 (consisting of Lots 3, 4 and 5) at approximately 7,800 square feet, and Parcel 2 (consisting of Lots 6, 7 and 8) at approximately 8,400 sq. ft., located at the corner of Sunshine Valley Road and Stetson Street in the unincorporated Moss Beach area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2015-00359

PROPOSAL

The applicant has applied for two Certificates of Compliance (both are Type B) to confirm the legality of each parcel as a legal, developable parcel. Both Parcel 1 (consisting of Lots 3, 4 and 5) and Parcel 2 (consisting of Lots 6, 7 and 8) are as shown on the "Map of Moss Beach Addition, No. 2" recorded May 4, 1908. The submitted "chain of Title" data confirms that neither Parcel 1 nor Parcel 2 were conveyed (by deed) from surrounding adjacent lots until after July 1945, the effective date of the County's first subdivision ordinance. Therefore, the two individual parcels require Certificates of Compliance (Type B) to confirm their legality prior to any future development. No development on the subject parcels is proposed at this time. Approval of the Certificates of Compliance ensures compliance with the County Subdivision Regulations. The legalization of these two parcels equates to a subdivision which constitutes "development," and therefore triggers the accompanying Coastal Development Permit as required by the County's Local Coastal Program.

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificates of Compliance (County File Number PLN 2015-00359), by making the required findings and adopting the conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Pete Bentley, Project Planner, Telephone 650/363-1821

Applicant: Nelson Mangravita

Owner: Nelson Mangravita

Location: Sunshine Valley Road and Stetson Street, Moss Beach

APNs: 037-144-060; 037-144-050; and 037-144-250

Size (upon consolidation into legal parcels): 7,800 sq. ft. (Parcel 1), and 8,400 sq. ft. (Parcel 2)

Existing Zoning: R-1/S-17/DR (Single-Family Residential/5,000 sq. ft. minimum parcel size/Design Review)

General Plan Designation: Medium Density Residential (6.1 - 8.7 dwelling units per net acre)

Parcel Legality: Lots 3 through 8 Block 71, "Map of Moss Beach Addition No. 2," County Records on May 4, 1908, into Book 6 of Maps at Page 11. Confirmation of the legality of these two parcels is the purpose of this application and discussed in Section A.3 of this report.

Existing Land Use (of all parcels): Vacant

Water and Sanitary Supply: Montara Water and Sanitary District

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X, Area of Minimal Flooding, Community Map No. 06081C0117E, dated October 16, 2012.

Environmental Evaluation: Categorically exempt under provisions of Class 5, Section 15305 of the California Environmental Quality Act Guidelines, related to minor alterations in land use limitations.

Setting: Subject Parcel 1 would be rectangular in shape (75± ft. wide by 100± ft. deep) with frontage on Sunshine Valley Road. Parcel 2 fronts both Stetson Street and Sunshine Valley Road and contains approximately 8,400 square feet. Both roadways are County maintained roadways. Sanitary sewer lines as well as water facilities are located within the road right-of-ways. Adjacent parcels are all developed with single-family residences built between 1924 and 1947. The subject parcels are vacant and covered with brush and grasses. The parcels slope from the north southerly toward Sunshine Valley Road with average slopes of less than 20 percent. The subject parcels are vacant. Approval of these two Certificates of Compliance would allow

development at a later date, at which point sanitary sewer and water connections would be obtained from the Montara Water and Sanitary District.

DISCUSSION

A. KEY ISSUES

1. Conformance with the General Plan (GP)

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 Moss Beach has a GP Land Use Designation of Medium Density Residential. The proposal, confirming legality of the two parcels as single and developable parcels, does not exceed this density, and this area is correspondingly zoned R-1/S-17, with which the proposed parcels are in compliance relative to lot size (the subject lots are greater than 5,000 sq. ft.). The original Tract Map for this area, which included these lots, was recorded in 1908. The project also complies with Policy 8.14 (*Land Use Compatibility*), in that upon resolution of the parcels' legality, the property's future development with single-family residences, in compliance with all S-17 and Design Review development regulations and standards, 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 a Certificate of Compliance (CoC) "Type B" to legalize parcels. The CDP is included as an element of this application. Policy 1.29 provides standards for review when legalizing parcels. Subsections (a) through (e) all require a CDP, and compliance with applicable LCP resource protection policies. Permits to legalize these two parcels shall also be, where applicable, conditioned to maximize consistency with LCP resource protection policies. Other than the subject application to confirm the legality of the parcels for development as single parcels, no development is proposed at this time. There is no basis to believe that, upon legalization of these parcels as developable parcels, that the resultant parcel's configuration and location, or the future residential development that may be proposed on the parcels, will have any adverse impact on coastal resources, because the subject site is not located near sensitive habitat areas or coastal viewsheds.

3. Conformance with Subdivision Regulations

A Conditional CoC (Type B) is required to legalize parcels in compliance with provisions of the County and State subdivision laws in effect at the time

of creation. This process is required before any new development can be approved or proceed.

As a result of recent court case decisions, the subject parcels' legality must be confirmed because they are undeveloped parcels of an antiquated subdivision. In this case, Parcel 1 (Lots 3, 4 and 5) and Parcel 2 (Lots 6, 7 and 8) as shown on the "Map of Moss Beach Addition, No. 2" recorded on May 4, 1908.

The County Subdivision Regulations, Section 7134, allow for either a CoC (Type A) or CoC (Type B) to resolve and confirm a parcel's legality. As such, to qualify for a CoC (Type A) (pursuant to Section 7134.1), relative to the tenants of the cited court cases, it must be confirmed that the lots comprising the subject project parcels 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) (pursuant to Section 7134.2) shall be required, as is the case with this application.

The subject lots that comprise proposed Parcels 1 and 2 were initially part of the previously sited 1908 subdivision. The submitted Chain of Title data confirms that the proposed Parcels 1 and 2 continued to be conveyed along with other adjacent lots until 2004. Given that the subject parcels were not conveyed separately from adjacent lots until after 1945, a Certificate of Compliance (Type B), is required prior to future development. Section 7134.2.c allows for the approval and recordation of a CoC subject to a public hearing and the imposition of conditions of approval to ensure that development on the proposed parcel (as a single, zoning compliant parcel) complies with public health and safety standards.

Regarding conditions of approval, Section 7134.2.c(a) of the County Subdivision Regulations states that the Community Development Director may impose "any conditions which would have been applicable at the time the applicant acquired his or her interest in the property, and which had been established at the time of the Map Act or the County Subdivision Regulations." The subject parcels totaling approximately 7,800 sq. ft. and 8,400 sq. ft. were compliant with the zoning (minimum parcel size was then and still is 5,000 sq. ft.) in 2004 as well as with the applicable Subdivision Regulations at that time (road access, sewer, water and power availability). These portions of Sunshine Valley Road and Stetson Street are maintained by the County and provide access to many parcels of which most have been developed previously with single-family residences. Additionally, water, sanitary sewer, and energy infrastructure exist within this predominantly developed and improved subdivision in Moss Beach. Given these facts, there are no additional improvements typical of an urban subdivision that must be required via conditions. The only additional and applicable

improvements (i.e., house planning and building permits, sewer, water and energy line laterals from the street to future houses) will be triggered and required at the time of the submittal and issuance of those respective permits. Thus, the Community Development Director, pursuant to Subsection (c) of the above-cited Section, stipulates that “compliance with the conditions of the Conditional Certificate of Compliance is not required until the time which a permit or other grant of approval for development of the property (i.e., Design Review permits for new residences on either parcel) is issued by the County.”

B. ENVIRONMENTAL REVIEW

The proposed parcel legalization is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15305, Class 5: Minor alterations in land use limitations that do not result in any change in land use or density. The process and documentation to legalize the subject lots represent a minor alteration in a land use limitation.

C. COUNTY AGENCY REVIEW

Current Planning Section
County Counsel

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location and Vicinity Map
- C. Original 1908 Subdivision Map
- D. APN Map Showing Parcels 1 and 2 (configured as legal parcels)

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00359

Hearing Date: May 19, 2016

Prepared By: Pete Bentley
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 5, Section 15305, of the California Environmental Quality Act Guidelines which exempt minor alterations in land use limitations that do not result in any change in land use or density. The process and documentation to legalize the subject lots represent such a minor alteration in a land use limitation.

For the Conditional Certificate of Compliance (Type B), Find:

2. That the processing of the Conditional Certificates of Compliance (CoC) (Type B) is in full conformance with the County Subdivision Regulations Section 7134 (*Legalization of Parcels; Certificate of Compliance*) particularly Section 7134.2(a), (b), and (c).
3. That the processing of the Conditional CoC's (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. The project includes no development at this time, nor will any conditions result in development prior to the recordation of the Certificates of Compliance documents.
5. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program. Future development of this property represents infill within an otherwise predominantly developed residential area.

The process of confirming the parcels' legality does not affect any known coastal resources stipulated in the LCP.

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 20, 2015 and as approved by the Zoning Hearing Officer. 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 Certificates of Compliance (Type B), which shall represent Lots 3, 4 and 5 and Lots 6, 7 and 8 as single developable parcels, 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 any future building permit(s) shall require that adequate domestic water source and sanitary sewerage connections are available.
4. The Certificates of Compliance (Type B) required to establish the legality of the proposed parcels shall be recorded by the Project Planner.
5. The applicant is advised that prior to recordation of the Certificate of Compliance document, the owner/applicant shall provide the Project Planner with a check (payable to the San Mateo County Recorder) to cover the fee now charged by the Recorder's Office. The fee is estimated to be \$74.00. The Project Planner will confirm the amount "prior to" recordation.
6. This approval does not authorize the removal of any trees. Any tree removal or tree trimming will require a separate tree removal/trimming permit.

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San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____

MAP OF MOSS BEACH ADDITION NO. 2.

The owners and proprietors of, and the parties interested in the lands shown and delineated on the within and accompanying Map or Plat, do not by the filing and recording of said map or plat in any manner dedicate to the public the parcels of land designated on said map or plat as Vermont Street, Sierra St, Helmore St, California Avenue as shown on this map or plat. Said parcels of land so designated and named not being offered for public use, or dedicated to public use, and the same not being offered for sale, and said parcels and each of them being expressly reserved for the owners use.

Charles B. Smith and Nellie Cracknell, as persons interested therein (said parties being the only parties in interest and the only parties whose consent is necessary to give a clear title to the lands and premises included in the within and accompanying map or plat) have caused said map or plat of lands known as Moss Beach Addition No. 2 to be made, mapped and plotted and we and each of us do hereby consent to the making, mapping and plotting thereof, and we and each of us do hereby dedicate to the public the following streets, Etheldore and Stetson as shown on this map or plat, and we and each of us do hereby acknowledge the making, mapping and plotting of said lands and our consent thereto, and the dedication of said above mentioned streets to public use, and our consent to said dedication. In witness whereof said parties have hereunto set their hands this 2nd day of May, 1908

Charles B. Smith
Joe. H. Nash, Attorney in fact for Nellie Cracknell.

State of California }
County of San Mateo } s.s.

On this 2nd day of May, in the year nineteen hundred and eight, before me, Joseph J. Bullock, a Notary Public in and for said San Mateo County, residing therein, duly commissioned and sworn, personally appeared Charles B. Smith, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.
(SEAL) Joseph J. Bullock
Notary Public in and for said San Mateo Co., State of California.

State of California }
County of San Mateo } s.s.

On this, the 2nd day of May, in the year one thousand nine hundred and eight, before me, Joseph J. Bullock, a Notary Public in and for said San Mateo County, residing therein, duly commissioned and sworn, personally appeared Joe. H. Nash, known to me to be the person whose name is subscribed to the within instrument as the Attorney in fact of Nellie Cracknell, and acknowledged to me that he subscribed the name of Nellie Cracknell thereto as principal and his own name as Attorney in fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.
(SEAL) Joseph J. Bullock
Notary Public in and for the County of San Mateo, State of California.

I do hereby certify that there are no liens for unpaid State, County or other taxes, against the lands, or any part of the lands shown on the within and accompanying map

Dated
this 1st day of May A.D. 1908.

(SEAL) W. H. Underhill
County Auditor.

Etheldore and Stetson Streets as designated and delineated on this map are hereby accepted by the Board of Supervisors, of the County of San Mateo, State of California, on behalf of the public as dedicated to public use, and Vermont, Sierra and Helmore Streets and California Avenue are rejected by said Board of Supervisors in accordance with and subject to the terms of the resolution of said Board of Supervisors adopted this 4th day of May A.D. 1908.

(SEAL) Joe. H. Nash
Clerk of said Board

Filed at request of C. B. Smith, May 4th A.D. 1908 at 30 min. past 1 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 Map Book 6 at page 11

L. A. A. Jones
Civil Surveyor and 1st of
Deputy County Recorder of Mateo

Book 6, Page 11

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

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Charles B. Smith and Nellie Cracknell, as persons interested therein (said parties being the only parties interested and the only parties whose consent is necessary to give a clear title to the lands and premises included in the within and accompanying map or plat) have caused said map or plat of lands known as Moss Beach Addition No. 2 to be made, mapped and plotted and we and each of us do hereby consent to the making, mapping and plotting thereof, and we and each of us do hereby dedicate to the public the following streets, Etheldore and Stetson as shown on this map or plat, and we and each of us do hereby acknowledge the making, mapping and plotting of said lands and our consent thereto, and the dedication of said above mentioned streets to public use, and our consent to said dedication. In witness whereof said parties have hereunto set their hands this 2nd day of May, 1908

Charles B. Smith
Jos. H. Nash, Attorney in fact for Nellie Cracknell.

State of California } s.s.
County of San Mateo }

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In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL) Joseph J. Bullock
Notary Public in and for said San Mateo Co., State of California.

State of California } s.s.
County of San Mateo }

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In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL) Joseph J. Bullock
Notary Public in and for the County of San Mateo, State of California.

I do hereby certify that there are no taxes for unpaid State County or other taxes, against the lands, or any part of the lands shown on the within and accompanying map.

Dated
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(SEAL) W. H. Underhill
County Auditor.

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(SEAL) Jos. H. Nash
Clerk of Said Board

Filed at request of C.B. Smith, May 4th A.D. 1908 at 30 min. past 1 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 Map Book 6 at page 11

Geo. A. ...
County Surveyor and ...
Deputy County Recorder of Mass

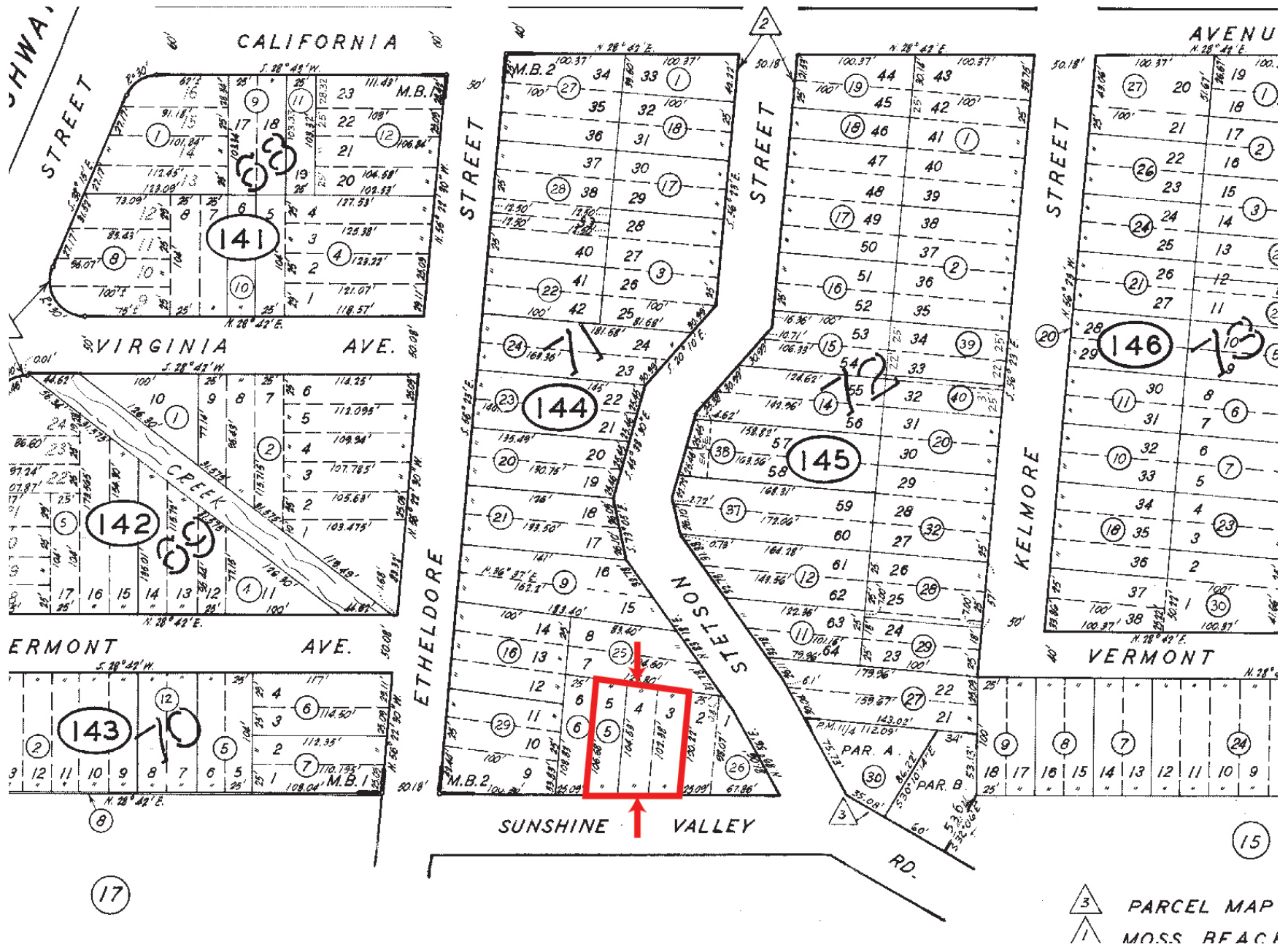
Book 6, Page 11

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers:

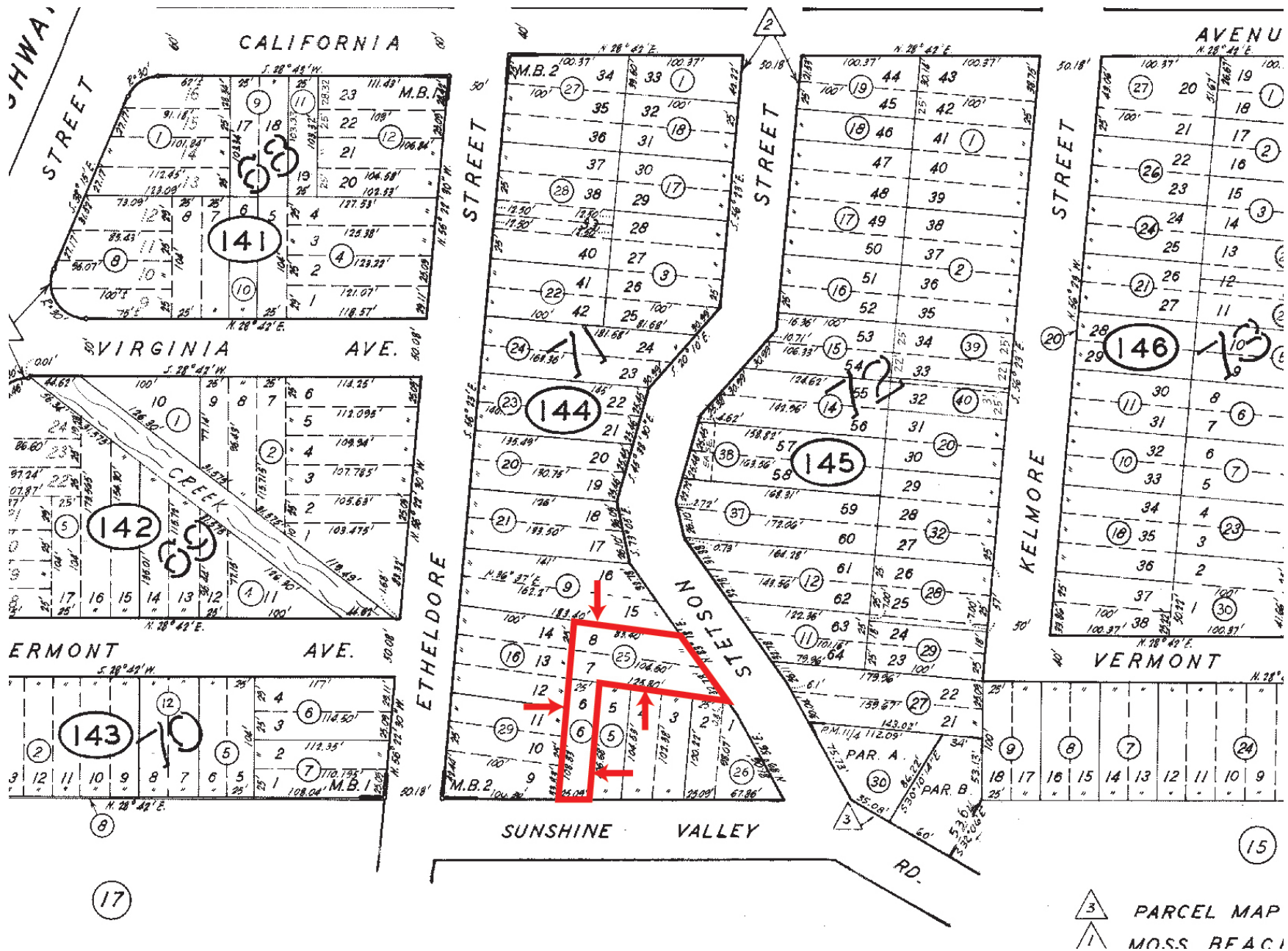


San Mateo County Zoning Hearing Officer Meeting

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Attachment: _____

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San Mateo County Zoning Hearing Officer Meeting

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