

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

**DATE:** May 7, 2015

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Certificate of Compliance (Type B), pursuant to Section 7134.2 of the San Mateo County Subdivision Regulations, to confirm legality of the land division that created parcel APN 068-022-600, located on Glenloch Way in the unincorporated Emerald Lake Hills area of San Mateo County.

County File Number: PLN 2015-00082 (Casey)

**PROPOSAL**

The applicant/owner is requesting a Certificate of Compliance (Type B) to confirm the legality of the underlying subdivision that created subject parcel APN 068-022-600, which is currently undeveloped. The Certificate of Compliance (Type B) and its subsequent recordation are required prior to any further development approvals and to comply with the County Subdivision Regulations.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Certificate of Compliance (Type B), County File Number PLN 2015-00082, based on and subject to the required findings and conditions of approval listed in Attachment A.

**BACKGROUND**

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

Applicant: Mel Casey/Marguerite Casey

Owner: Mel Casey and Marguerite Casey

Location: Glenloch Way, Emerald Lake Hills, Redwood City

APN: 068-022-600 (Lots 51 and 52)

Size: Approximately 12,208 sq. ft.

Existing Zoning: RH/DR

General Plan Designation: Low Density Urban

Sphere-of-Influence: Redwood City

Existing Land Use: Vacant

Water Supply: Redwood City Municipal Water District

Sewage Disposal: Emerald Lake Heights Sewer Maintenance District

Flood Zone: Zone X, Panel Number 06081C0285E, effective date October 16, 2012

Environmental Evaluation: This project is categorically exempt pursuant to Section 15305, Class 5, of the California Environmental Quality Act, related to minor alterations in land use limitations which do not result in any changes in land use or density.

Setting: The property is undeveloped and located in the unincorporated, residential community of Emerald Lake Hills. The subject parcel is on Glenloch Way and is comprised of Lots 51 and 52, as shown on that certain map entitled "Subdivisions Seven and Eight, Highlands of Emerald Lake Including Resubdivision of Lots Four to Eighteen Inclusive of Block 404, Highlands of Emerald Lake Subdivision Four" filed in the office of the County Recorder of San Mateo County, State of California, on April 1, 1929, in Book 17 of Maps at pages 41 and 42. Access to Glenloch Way from the southwest is from Hillcrest Way and from Sylvan Way from the northwest.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Conformance with Zoning Regulations**

Lots 51 and 52 were conveyed together for the first time as a single parcel in 1978. At that time, the zoning in this area was R-1/S-7 with a "minimum" required parcel size of 5,000 sq. ft. The parcel (Lots 51 and 52), therefore, complied with the Zoning Regulations. In January of 1979, the area was rezoned to Residential Hillside (RH) with the parcel size increased to a minimum of 12,000 sq. ft. with the possible need for additional square footage based on the slope of the parcel. Though this parcel meets the 12,000 sq. ft. requirement (12,208 sq. ft.), the existing average slope of 30% would require a "minimum" parcel size of 30,000 sq. ft. However, this 12,208 sq. ft. parcel is considered a legal non-conforming parcel pursuant to Section 6133(i) of the County non-conformity regulations.

## 2. Conformance with Subdivision Regulations

A Conditional Certificate of Compliance (CoC) 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 new development can proceed, which in this case would most likely be a proposal to construct a new single-family residence. 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.

To qualify for a CoC (Type A) (pursuant to Section 7134.1), it must be confirmed that the subject parcel was conveyed separately (e.g., conveyed by deed) from any surrounding and adjacent parcels prior to the County's adoption of its first Subdivision Ordinance in July 1945; otherwise, if such conveyance is determined 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.

This subject parcel's legality must be established with a Certificate of Compliance (Type B) because it is an undeveloped parcel of an antiquated subdivision which was not conveyed as a single parcel (in its current configuration) prior to July 1945. The subject parcel consisting of Lots 51 and 52 was created in 1929 as part of a recorded resubdivision of Lots 4 to 18, "Highlands of Emerald Lake Subdivision No. 4." The submitted chain of title indicates that the first record of conveyance of only the subject parcel (Lots 51 and 52) was in 1978 when they were conveyed together for the first time as a single parcel.

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 [to the division] 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."

Section 7134.2.c of the Subdivision Regulations allows for the approval and recordation of a CoC subject to a public hearing, and as conditioned to ensure that development on the legalized parcel complies with public health and safety standards. Sanitary, water and energy infrastructure, needed to support future residential development, exist within or adjacent to the road right-of-way in this area. There are no additional improvements (typical of an urban subdivision) that must be required via conditions at this time. Applicable improvements (i.e., building permits, sewer connection, access upgrades and energy line laterals from the street to a future house) will be triggered and required at the time of receipt of a future development application and issuance of the required permits.

Thus, staff finds, pursuant to subsection (c) of the above-cited section, that “compliance with the conditions of the Conditional Certificate of Compliance is met for this parcel and applicable improvements are not required until the time which a permit or other grant of approval for development of the parcel is issued by the County.”

B. ENVIRONMENTAL REVIEW

This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15305, Class 5, related to minor alterations in land use limitations which do not result in any changes in land use or density.

C. REVIEWING AGENCIES

Planning Department  
County Counsel

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map and Assessor’s Parcel Map
- C. 1929 Highlands of Emerald Lake 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 2015-00082

Hearing Date: May 7, 2015

Prepared By: Pete Bentley  
Project Planner

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

For the Environmental Review, Find:

1. That this project is categorically exempt under Section 15305, Class 5, of the California Environmental Quality Act, as a minor alteration in land use limitations not resulting in the creation of any new parcel.

For the Conditional 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*) particularly Section 7134.2(a), (b), and (c).
3. That the processing of the Conditional CoC (Type B) is in full conformance with Government Code Section 66499 et seq.

**RECOMMENDED CONDITIONS OF APPROVAL**

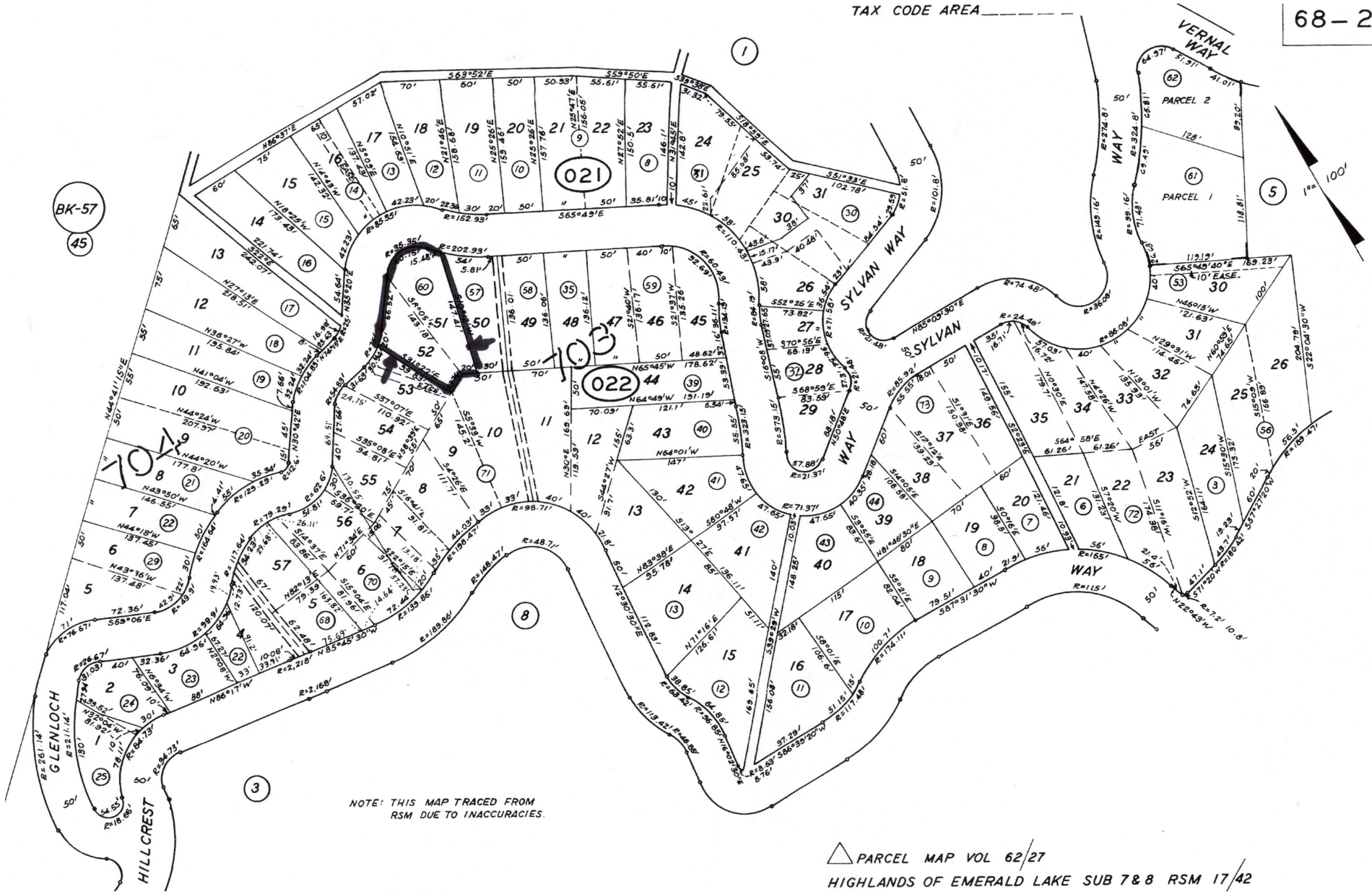
Current Planning Section

1. This approval applies only to the proposal as described in this report and plans submitted and approved by the Zoning Hearing Officer on May 7, 2015.
2. The Certificate of Compliance (Type B) required to establish the legality of the existing parcel, APN 068-022-600 (Lots 51 and 52), shall be recorded. The owner's engineer/surveyor shall provide, to the Project Planner, a legal description of the parcel for recordation of the Certificate of Compliance by the Project Planner.

Once recorded, the above-described parcel will constitute one (1) legal parcel as shown on Exhibit B, attached.

3. This approval does not authorize the removal of any trees. Any tree removal or tree trimming will require a separate tree removal/trimming permit.
4. All development activities associated and/or required to support any future residential development on the subject property (i.e., sewer system, domestic water, water for fire suppression, energy/utility connections, improved road access) shall occur at such time the residential development is proposed. Any planning permits for such activities (i.e., grading permits) shall be applied for and approved prior to the issuance of any building permits for a residence or associated development.
5. The applicant is advised that, prior to the 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. The fee is estimated to be \$40.00. The Project Planner will confirm the amount "prior to" recordation.

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NOTE: THIS MAP TRACED FROM RSM DUE TO INACCURACIES.

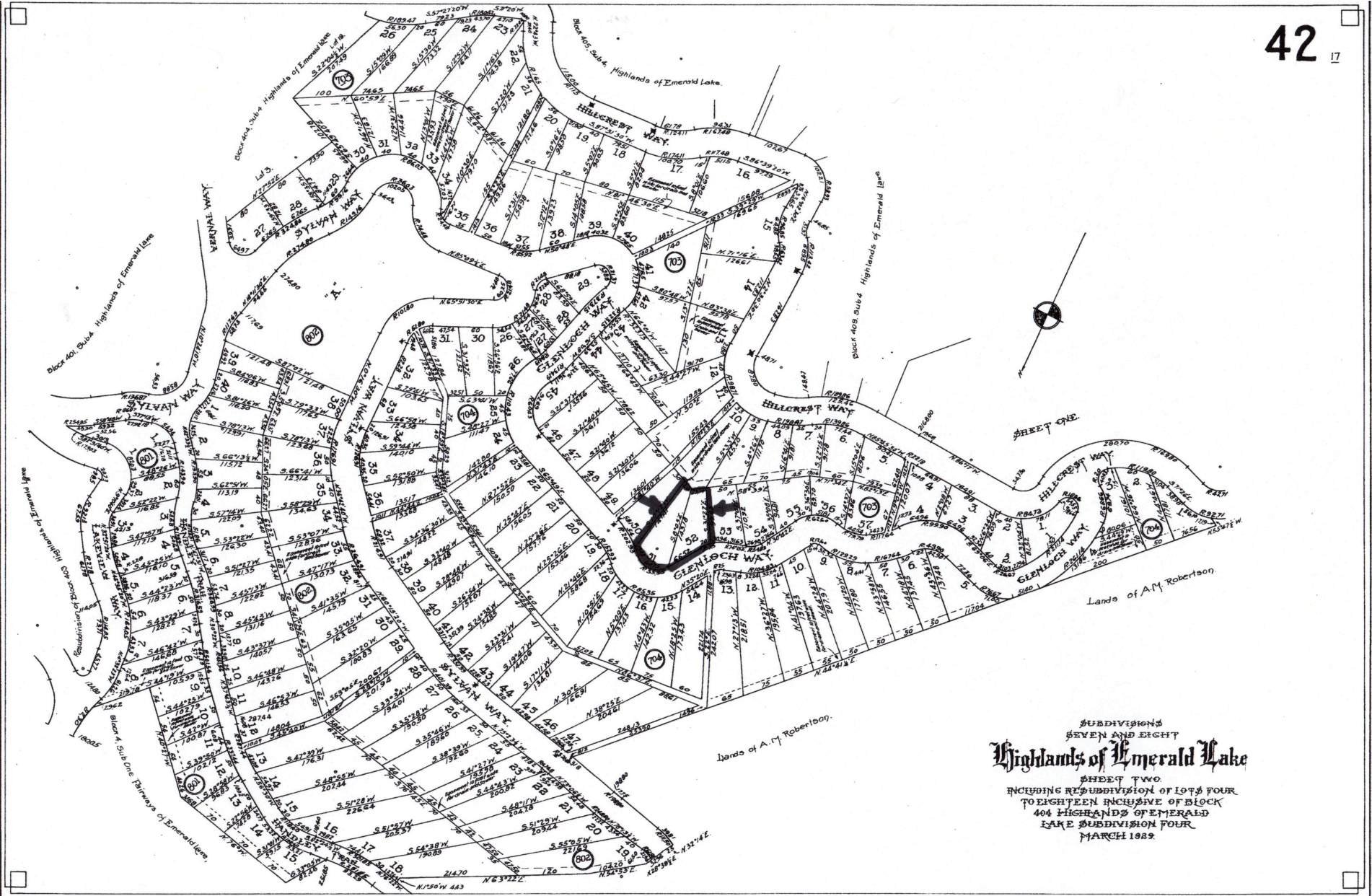
△ PARCEL MAP VOL 62/27  
HIGHLANDS OF EMERALD LAKE SUB 7&8 RSM 17/42

### San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_



SUBDIVISIONS  
SEVEN AND EIGHT  
**Highlands of Emerald Lake**  
SHEET TWO  
INCLUDING RE-DIVISION OF LOTS FOUR  
TO EIGHTEEN INCLUSIVE OF BLOCK  
404 HIGHLANDS OF EMERALD  
LAKE SUBDIVISION FOUR  
MARCH 1929

**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_