

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

DATE: December 5, 2019

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 confirm the legality of an unimproved parcel, pursuant to Section 7134.2 of the County Subdivision Regulations, located on Stetson Street between Pearl and Sierra Streets in the unincorporated Moss Beach area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2019-00013 (Goldstein)

PROPOSAL

The applicant has applied for a Certificate of Compliance (Type B) to confirm legality of the parcel. The Type B is required because the subject parcel (Lots 19 and 20 Block 40, "Moss Beach Heights," RSM Volume 6, page 8, recorded in 1908) was not conveyed separately from the surrounding adjacent lots until 1982, which was after July 20, 1945, the effective date of the County's first subdivision ordinance. The Certificate of Compliance (CoC) ensures compliance with the County Subdivision Regulations, and 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 the Certificate of Compliance (County File Number PLN 2019-00013), 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/Owner: Rona Goldstein/Sandra Goldstein

Location: Stetson Street, Between Pearl Street and Sierra Street, Moss Beach

APN: 037-084-260

Size: 5,000 sq.ft.

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

General Plan Designation: Medium Density Residential (6.1 - 8.0 dwelling units/net acre)

Parcel Legality: Lots 19 and 20, Block 40, "Map of Moss Beach Heights," recorded in San Mateo County Records on May 4, 1908, into Book 6 at page 8. Confirmation of the legality of this parcel is the purpose of this application and discussed in Section A.3 of this report.

Existing Land Use (Lots 19 and 20): Vacant

Water Supply and Sanitary Sewage Service: Montara Water and Sanitary District (MWSD)

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X (area determined to be outside the 0.2% annual floodplain), Map No. 06081C0119E, effective date October 16, 2012.

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

Setting: The subject undeveloped parcel is located on the westerly side of Stetson Street, between Pearl Street and Sierra Street. The parcel is adjacent to lots developed with single-family residences to the north, south, west, and across Stetson Street to the east. The surrounding area is also zoned R-1/S-17/DR. The adjacent homes were built between 1950 and 1980. Sanitary sewer and water lines are located in the road right-of-way and fire hydrants are also located nearby.

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

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 (6.1 – 8.0) dwelling units/net acre. This area is correspondingly zoned R-1/S-17 with which the proposed project parcel size (at 5,000 sq. ft.) is in compliance relative to the

required lot size of 5,000 sq. ft. The project does comply with Policy 8.14 (Land Use Compatibility), in that upon resolution of the parcel's legality, the property's future development with a single-family residence in compliance with the development standards of the R-1/S-17 regulations, together with Design Review 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 CoCs (Type B) to legalize parcels. The applicant has submitted an application, along with the appropriate fees for said permit. Policy 1.29 provides standards for review when legalizing parcels. On undeveloped parcels created before Proposition 20 (effective date January 1, 1973), it must be determined that 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. The subject parcel is approximately 200 ft. from Cabrillo Highway, a county scenic corridor. However, future development will not be visible from the highway due to a difference in topography and intervening vegetation. As such, there is no evidence or reason to believe that the current parcel legalization would result in future development impacting coastal resources.

Legalization of the subject parcel must conform to the LCP's "Locating and Planning New Development" component including policies addressed in Policy 1.5 (*Land Uses and Development Densities in Urban Areas*) incorporating the adopted Montara-Moss Beach-El Granada Community Plan into the Land Use Plan. As mentioned in Section A1, future development of the parcel with a single-family home will comply with the General Plan, LCP, and Zoning with regard to allowed uses and density.

3. Conformance with the Subdivision Regulations

The division of land creating the subject parcel must be legally confirmed because it is an undeveloped lot of an antiquated subdivision; in this case, Lots 19 and 20 as shown on that certain map entitled "Map of Moss Beach Heights", San Mateo County, California, filed in the Office of the County Recorder of San Mateo County, State of California on May 4, 1908. The County Subdivision Regulations Section 7134 allows 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), it must be confirmed that the lots comprising the subject parcel 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) shall be required, as is the case with this application.

While the subject Lots 19 and 20 were initially part of the cited "Map of Moss Beach Heights" recorded in 1908, they continued to be conveyed together with other parcels until March of 1982. Only at that time were they conveyed separately from adjacent lots, thus requiring the CoC (Type B). Section 7134.4.c allows for the approval and recordation of a CoC subject to a public hearing and the imposition of conditions of legalization, if necessary.

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 the 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 conditions applicable to the division of the property that have not been met.

B. ENVIRONMENTAL REVIEW

The proposed parcel legalization is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15315, Class 15: Minor Land Divisions, which include the 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 parcel size meets the 5,000 sq. ft. minimum), no variances are required, and all services and access to the parcel are available. As mentioned previously, Stetson Street, provides access to the parcel, and water and sanitary service lines exist within the roadway.

C. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Recommend Findings and Conditions of Approval
- B. Location Map
- C. Original "Map of Moss Beach Heights" San Mateo County, California, Filed May 4, 1908.

PSB:cmc – PSBDD0145_WCU.DOCX

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2019-00013 Hearing Date: December 5, 2019

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 15, Section 15315 of the California Environmental Quality Act Guidelines, related to minor land divisions.

For the 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*).
3. That the processing of the CoC (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.
5. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program. The legalization will not affect any sensitive habitats, visual resources, or public access to and along the coast.
6. That the project conforms to the applicable policies of the Local Coastal Program (LCP) as discussed.

RECOMMENDED CONDITIONS OF APPROVAL

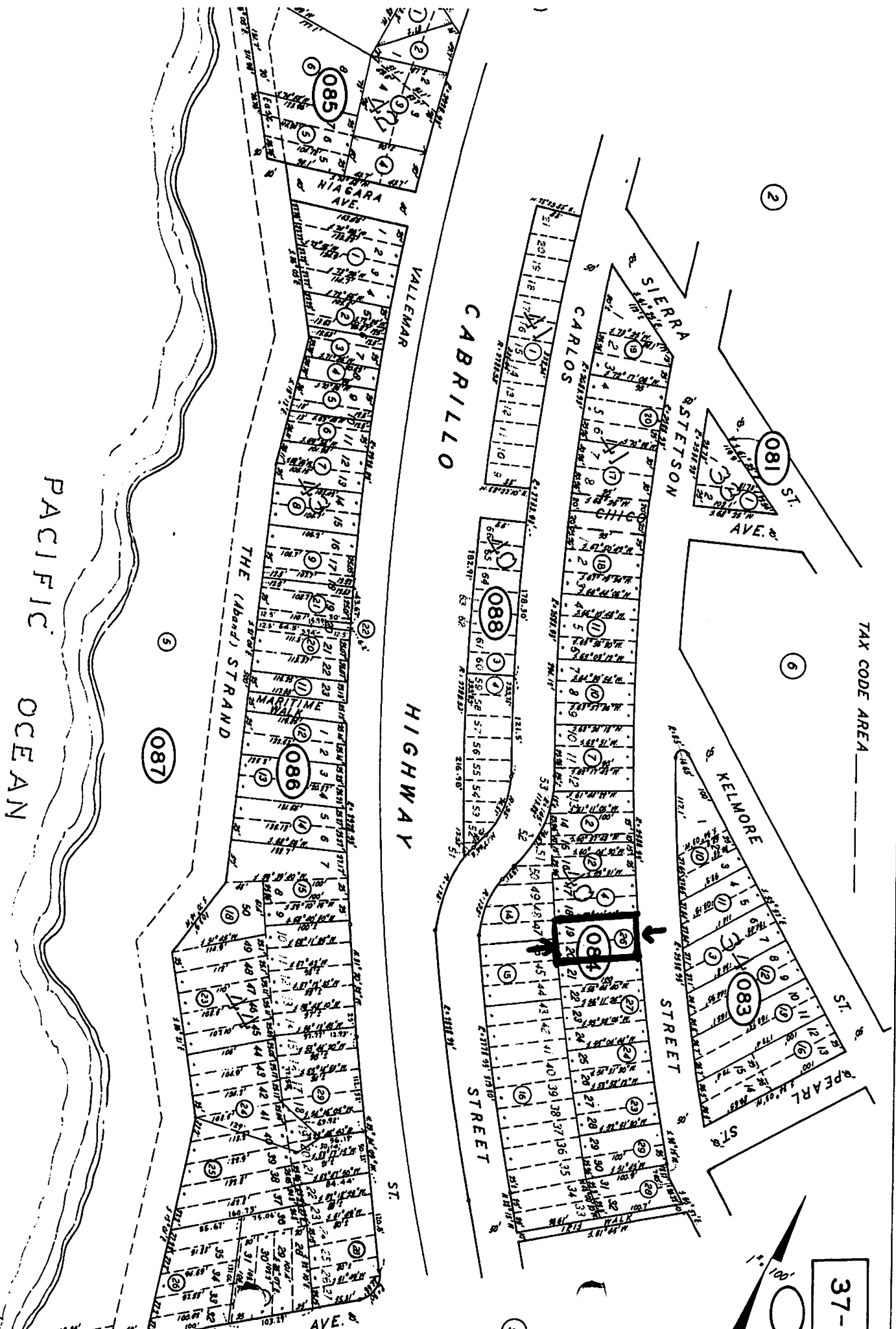
Current Planning Section

1. This approval applies only to the proposal as described in those plans, supporting materials, and reports submitted on January 9, 2019. 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 19 and 20, Block 40, as one 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 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. Approval and issuance of future permits for development shall require verification that adequate domestic water source and sanitary sewerage connections are available.
4. The Certificate of Compliance (Type B) required to confirm the legality of the existing parcel, APN 037-084-260, shall be recorded by the project planner.
5. The applicant is advised that prior to recordation of the Certificate of Compliance description, the owner/applicant shall meet with the project planner. Together they will go to the Recorder's Office where the owner will provide payment for the recording of the document.

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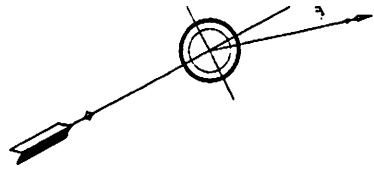
TAX CODE AREA _____

37-1



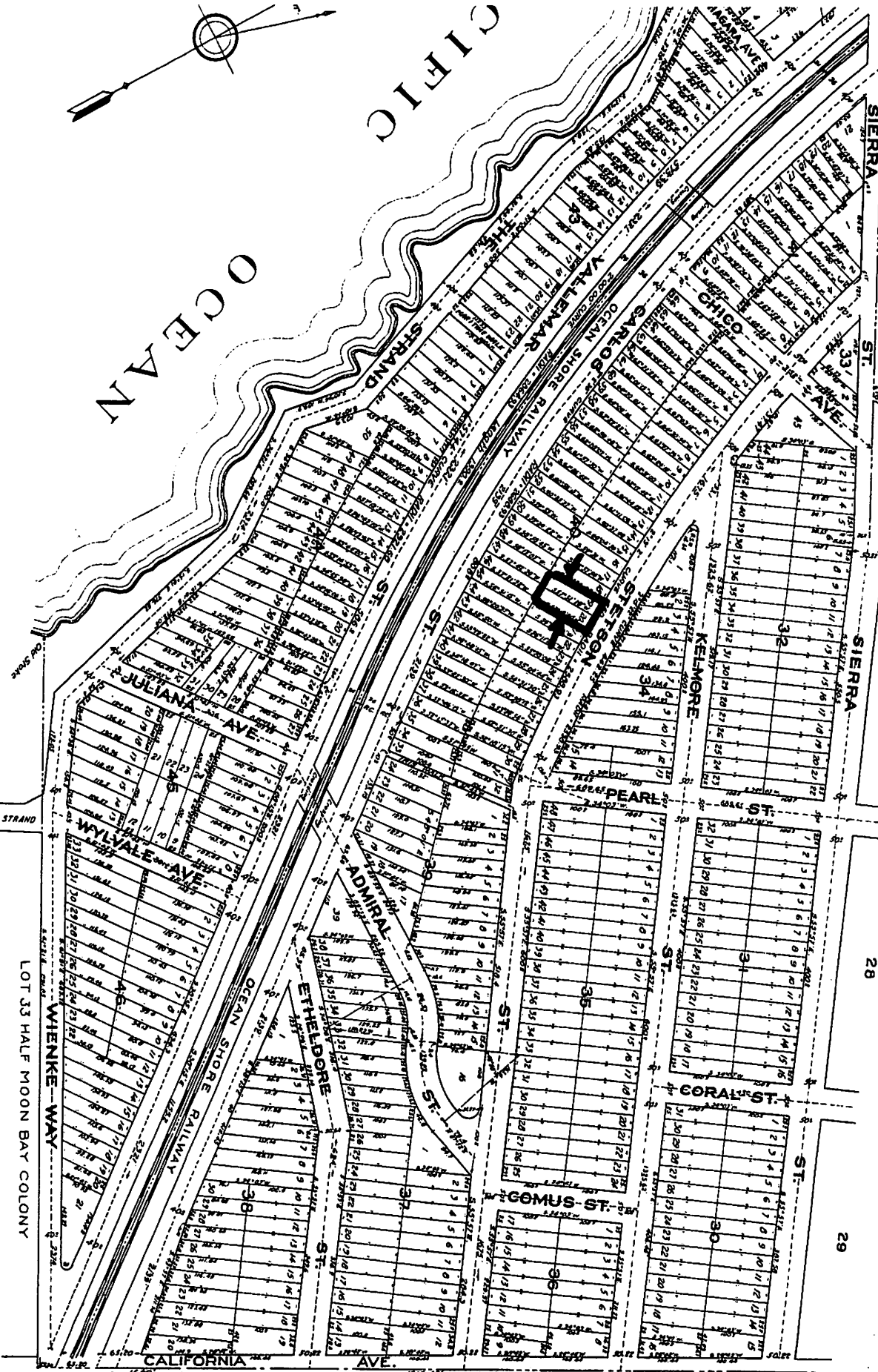
ASSESSOR'S MAP COUNTY OF SAN MATEO, CALIF.

MOSS BEACH HEIGHTS RSM 6/8



PACIFIC OCEAN

Lot No 45 Half Moon Bay Colony



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I hereby certify this to be a true copy of an original map recorded in Map Book 6 at page 8
J. A. ...
County Surveyor and Ex. Com.
County Surveyor Recorder of P.

LOT 33 HALF MOON BAY COLONY

Map of Moss Beach Heights - Sheet of 2 sheets
Board Page 8

Lot 22 Half Moon Bay Colony

Lot 23 Half Moon Bay Colony