

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

**DATE:** November 4, 2021

**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 the existing 6,000 sq. ft. parcel, pursuant to Section 7133 of the County Subdivision Regulations, located on Avenue del Oro in the unincorporated El Granada area of San Mateo County. The project is appealable to the California Coastal Commission.

County File Number: PLN 2021-00238 (Avenue del Oro)

**PROPOSAL**

The undeveloped 6,000 sq. ft., moderately sloped parcel is located on the easterly side of Avenue del Oro between Ferdinand Avenue and Francisco Street. The applicant has applied for a Coastal Development Permit (CDP) and a Certificate of Compliance (Type B) to legalize the subject parcel. A Certificate of Compliance (Type B) is required to comply with the County's Subdivision Regulations, and a Coastal Development Permit to comply with the County's Local Coastal Program.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificate of Compliance (CoC) Type B, County File Number PLN 2021-00238, by making the required findings and adopting the conditions of approval identified in Attachment A.

**BACKGROUND**

Report Prepared By: Ruemel Panglao, Project Planner

Applicant: Randy Ralston

Owner: Randy Ralston and Linda Mendiola

Location: Avenue del Oro, El Granada

APN: 047-217-110 (Lot 3, Block 31)

Size: 6,000 sq. ft.

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

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

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

Sphere-of-Influence: Half Moon Bay  
Existing Land Use: Vacant

Water Supply: Coastside County Water District

Sewage Disposal: Granada Community Services District

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X, Areas of 0.2 percent Annual Chance of Flood, Community Panel No. 06081C0138F, 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 undeveloped parcel is located on the easterly side of Avenue del Oro between Ferdinand Avenue and Francisco Street. Single-family residences are located to the north, south, and east.

Chronology:

<u>Date</u>	<u>Action</u>
August 11, 2020	- Applicant submits application for Planning permits (PLN 2020-00266) related to the construction of a single-family house on the subject parcel. Application is subsequently placed on hold until the subject Certificate of Compliance is obtained.
June 22, 2021	- Application submitted
August 24, 2021	- Application deemed complete

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Conformance with the General Plan**

The proposal complies with General Plan (GP) Policy 8.14 (*Appropriate Land Use Designations and Locational Criteria for Urban Unincorporated Areas*), in that this portion of unincorporated El Granada has a GP Land Use Designation of Medium Density Residential (6.1 - 8.7 dwelling units/net acre). The proposed project is in compliance where the resulting density of single-family residential development on the parcel would be 7.25 dwelling units/net acre. This area is correspondingly zoned "Single-Family Residential/5,000 sq. ft. Minimum Lot Size" (R-1/S-17) where the subject lot exceeds 5,000 square feet. The project also complies with Policy 8.15 (*Land Use Compatibility*), in that the parcel's future and potential development with a single-family residence would "protect and enhance the character of existing single-family areas."

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

LCP Policy 1.29 (*Legalizing Parcels*) requires a Coastal Development Permit (CDP) when issuing a Certificate of Compliance (CoC) (Type B) to legalize parcels. If granted, the CoC is appealable to the California Coastal Commission. Policy 1.30 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. There is no evidence or reason to believe that the current parcel legalization would result in future development impacting coastal resources, as the parcel is of conforming size, moderately sloped, and located in an area developed with single-family residential uses.

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 General Plan, LCP, and Zoning allowed uses and density.

Urban Land Use Policy 8.30 (*Infilling*) encourages the infilling of urban areas where infrastructure and services are available. The project complies with this policy, as the subject site is adjacent to a developed residential area and within an approved residential subdivision.

Water Supply Policy 10.10 (Water Suppliers in Urban Areas) and Wastewater Policy 11.5 (*Wastewater Management in Urban Areas*) require consideration of water systems as the preferred method of water supply and sewerage systems as the appropriate method of wastewater management in urban areas. Coastside County Water District (CCWD) and Granada Community Services District (GCSD) are the respective water and sewer service providers for this urban area. CCWD and GCSD have confirmed that respective water and sewer service connections to their systems are available for the project.

3. Conformance with the Subdivision Regulations

The subject parcel is comprised of an undeveloped lot of an antiquated subdivision; in this case, Lot 3 in Block 31 as designated on the Map entitled, "Plat of Re-Subdivision of Subdivisions Nos. 2 and 3," which Map was filed in the Office of the Recorder of the County of San Mateo, State of California, on August 4, 1908 in Book 6 of Maps at Page 29.

The County Subdivision Regulations Section 7134 allows for either a CoC (Type A) or CoC (Type B) to confirm a parcel's legality. To qualify for a CoC (Type A), it must be confirmed that the lot comprising the subject project parcel was 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.

After subject parcel (Lot 3) was created by "Plat of Re-Subdivision of Subdivisions Nos. 2 and 3," on August 4, 1908, it continued to be conveyed together with other parcels until February 16, 1970, when Lot 3 was conveyed as a single parcel. Section 7134.4c allows for the approval and recordation of a CoC subject to a Coastal Development Permit, a public hearing, and the imposition of conditions of legalization, if necessary.

Regarding conditions of approval, since road access to the parcel exists via Avenue del Oro, and water, power and sanitary sewer services are available, there are no improvement conditions applicable to the division of 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, all services and access to the parcel are available, and the parcel does not have an average slope greater than 20 percent. As mentioned previously, Avenue del Oro provides access to the parcel, and all water and sanitary service lines exist within the roadway. In addition, the average slope of the parcel is less than 20 percent.

C. REVIEWING AGENCY

County Counsel

**ATTACHMENTS**

- A. Recommend Findings and Conditions of Approval
- B. Location Map
- C. Original Map of Plat of Re-Subdivision of Subdivisions Nos. 2 and 3

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2021-00238      Hearing Date: November 4, 2021

Prepared By: Ruemel Panglao  
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 approved by the Zoning Hearing Officer on November 4, 2021.
2. The subject Certificate of Compliance (Type B), which shall represent Lot 3, Block 31, 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. The approval and issuance of permits for future development shall require that adequate domestic water source and sanitary sewerage connections are available to serve the development.
4. The applicant is advised that prior to 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, generally between \$50.00 and \$100.00. The project planner will confirm the amount prior to recordation.

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