

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

DATE: March 21, 2024

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 one lot of record as a single 6,970 sq. ft. parcel, pursuant to Section 7134 of the County Subdivision Regulations, located on El Granada Boulevard in the unincorporated El Granada area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN2023-00003 (Wang)

PROPOSAL

The applicant is seeking a Coastal Development Permit (CDP) and a Certificate of Compliance (Type B) to legalize one lot of record as one 6,970 sq. ft. parcel (APN 047-181-670; Portion of Lot 15 Block 15) on El Granada Boulevard in the unincorporated El Granada area.

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificate of Compliance (Type B), County File Number PLN 2023-00003, by making the required findings and adopting the conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Angela Chavez, Senior Planner

Applicant: William Wang

Owner: Xiangzhou Wang and Wenhua Li

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 (the San Mateo County Times) of general public circulation.

Location: El Granada Boulevard, El Granada (Vacant parcel located between 327 and 335 El Granada Boulevard, El Granada)

APN: 047-181-670

Size: 6,970 sq. ft.

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

General Plan Designation: Residential

Local Coastal Plan Designation: Medium Density Residential (6.1–8.0 d.u./ac.)

Sphere-of-Influence: Half Moon Bay

Existing Land Use: Vacant Land

Water Supply: The project parcel is located within the municipal service area of the Coastside County Water District. The District provided confirmation that the parcel has an assigned water connection. At the time construction is proposed and before issuance of a building permit, the District will still need to evaluate a complete set of building plans to determine if the water service capacity available is adequate for this development and complies with all District regulations.

Sewage Disposal: The project is located in the municipal service area of the Granada Community Services District for sewage disposal. The District confirmed that there is an existing sewer line located in the street in front of the parcel. At the time of proposed construction, a sewer permit from the district will be required.

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

Environmental Evaluation: 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: 06081C0140E, Dated October 16, 2012.

Setting: The subject parcel is an undeveloped parcel located on the east side of Highway 1 within an urbanized single-family residential neighborhood. The surrounding parcels are developed with single-family residential development.

DISCUSSION

A. KEY ISSUES

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 6,970 sq. ft. parcel is zoned One-family Residential and exceeds the minimum lot size requirement of 5,000 sq. ft. (R-1/S-17). While the parcel size results in a proposed GP land use designation density of 1.28 dwelling units/net acre it is still considered compliant as it is below the maximum.

2. Conformance with the Local Coastal Program (LCP)

The proposal conforms with the following applicable LCP Policies:

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 El Granada 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 6,970 sq. ft. parcel results in a density of 1.28 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 subject parcel's first deed conveyance in its current configuration was on November 17, 1965, without the benefit of a subdivision permit. 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 an interior parcel which is surrounded by existing single-family residential development. There are no mapped sensitive habitats on or near the parcel and future development on the parcel is unlikely to impact coastal resources including public views or shoreline access. Further, the property is within the Categorical Exclusion Area for single-family residential 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. Conformance with the Subdivision Regulations

Pursuant to Section 7134.4.c.(2) of the County's Subdivision Regulations, if the chain of title establishes that the parcel in its current configuration was first divided from all adjacent lands subsequent to July 20, 1945, staff shall prepare, bring to hearing when necessary, and record a conditional Certificate of Compliance (Type B). 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. Pursuant to Section 7134.6.b. conditions of approval may include any conditions which would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property except that compliance with the conditions is not required until the time at which a building permit or other grant of approval for development of the property is issued by the County and that the Community Development Director may defer placing conditions which relate to future development of the property, such as access and utility improvements, to such time that specific development is proposed on the property.

The subject parcel (APN 047-181-670) was initially part of that certain map entitled "El Granada Highlands Subdivision No.3" filed for record in the office of the recorder of the County of San Mateo, State of California, on October

22nd, 1928 in Book 17 of Maps, at Page 27. A deed conveyance on January 28, 1964 of the subject parcel in its same configuration as the original 1928 subdivision map. Subsequently, the parcel boundaries were modified via deed and without the required lot line adjustment on November 17, 1965. The parcel remains in that same configuration, is conforming in size, and all surrounding parcels are developed. Therefore, the parcel meets the criteria for issuance of a Certificate of Compliance (Type B). In accordance with these criteria, the project also includes a Coastal Development Permit because the parcel is located within the Coastal Zone.

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. ENVIRONMENTAL REVIEW

The proposed parcel legalization is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines 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 exceeds the 5,000 sq. ft. minimum), no variances are required, and all services and access to the parcel are available. The parcel is accessible from El Granada Boulevard. Water and sanitary service lines exist to serve the parcel.

C. REVIEWING AGENCIES

Coastside County Water District
Granada Community Services District
County Attorney's Office

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. 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: PLN2023-00003

Hearing Date: March 21, 2024

Prepared By: Angela Chavez,
Senior 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 Guidelines pursuant to Section 15315, Class 15, related to minor land divisions (which a Certificate of Compliance (Type B) establishing a parcel's legal status can be considered) in an urbanized area zoned for residential use that is in conformance with the General Plan (GP) and zoning, no variances are required, all services and access to the parcel are available, and the parcel has an average slope of no more than 20 percent.

For the Coastal Development Permit, Find:

2. 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.
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 with regard to 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 conformance with the County Subdivision Regulations Section 7134 (Legalization of Parcels; Certificate of Compliance).
6. That the processing of the Certificate of Compliance (Type B) is in full conformance with Government Code section 66499, et seq.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

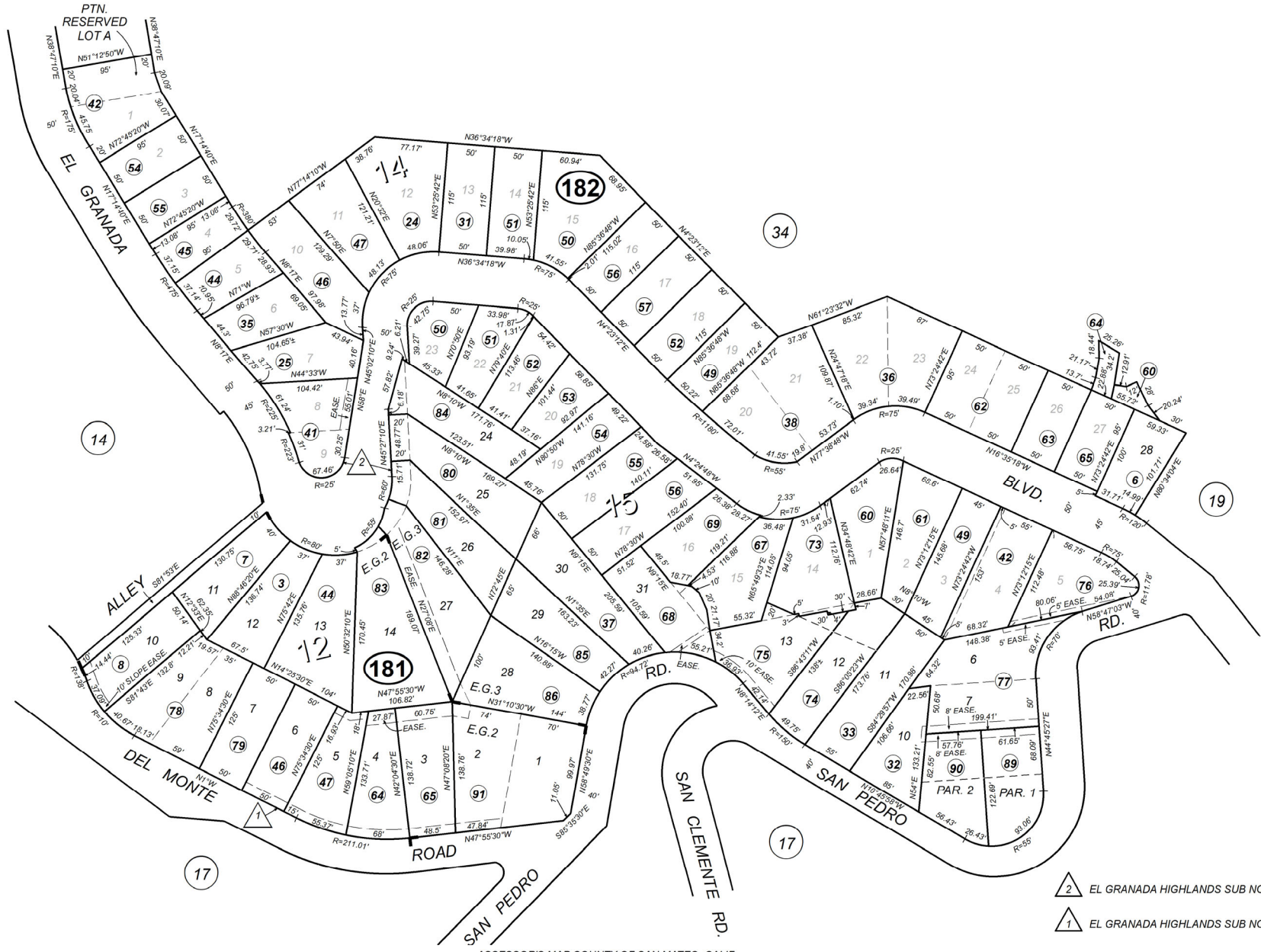
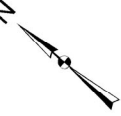
1. This approval applies only to the proposal as described in the plans, supporting materials, and reports approved by the Zoning Hearing Officer on March 21, 2024. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director, if 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 the portion of Lot 15 Block 15, 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 County 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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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B



-  EL GRANADA HIGHLANDS SUB NO. 3 RSM 17/27-28
-  EL GRANADA HIGHLANDS SUB NO. 2 RSM 15/26-28



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

EL GRANADA HIGHLANDS SUBDIVISION NO. 3 SAN MATEO COUNTY, CALIFORNIA

Surveyed and Subdivided by
GEO. A. KNEESE
Civil Engineer and Licensed Land Surveyor.

KNOW ALL MEN BY THESE PRESENTS:-

That the El Granada Holding Company, a corporation owner in fee simple absolute of the lands embraced hereon, and Horace Nelson, J.G. Gilcrest, A.R. Dias and Isabel Dias authorize the subdivision entitled "El Granada Highlands, Subdivision No. 3" and hereby cause and consent to the making and filing of this map hereof, and declare it to be a true and correct plan of the survey of said subdivision.

The land delineated hereon as El Granada Boulevard, San Pedro Road, San Clemente Road, and Isabella Road is intended and hereby offered for dedication to public use for street purposes, excepting from said offer those portions of said streets already existing as public streets.

That the subscribers to this statement are all whose consents are necessary to the making and filing of this map.

IN WITNESS WHEREOF the abovesigned parties have caused these presents to be duly executed this 28th day of October, 1928.

EL GRANADA HOLDING COMPANY

by Lewis W. Martin Pres.

by M. P. ...

A. R. Dias

Isabel Dias

Horace Nelson

STATE OF CALIFORNIA }
COUNTY OF SAN MATEO } s.s.

On this 28th day of October, 1928, before me, Lewis W. Martin, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn personally appeared Lewis W. Martin and Elizabeth M. Kneese, known to me to be the President and Secretary, respectively, of the El Granada Holding Company, the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year last above written.

Lewis W. Martin

Notary Public in and for the County of San Mateo

State of California

STATE OF CALIFORNIA }
COUNTY OF SAN MATEO } s.s.

On this 28th day of October, 1928, before me, Geo. A. Kneese, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Horace Nelson and J.G. Gilcrest, known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Geo. A. Kneese
Notary Public in and for the County of San Mateo.

STATE OF CALIFORNIA }
COUNTY OF SAN MATEO } s.s.

On this 28th day of October, 1928, before me, Geo. A. Kneese, a Notary Public in and for the County of San Mateo, State of California, residing therein, duly commissioned and sworn, personally appeared A.R. Dias and Isabel Dias, known to me to be the persons whose names are subscribed to the within instrument and they acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year last above written.

Geo. A. Kneese
Notary Public in and for the County of San Mateo.

STATE OF CALIFORNIA }
COUNTY OF SAN MATEO } s.s.

On this 28th day of October, 1928, before me, Lewis W. Martin, being first duly sworn, deposes and says: "I am President of the El Granada Holding Company and being duly authorized, make this affidavit on behalf of and as the act of said corporation. That said El Granada Holding Company is the owner in fee simple of the lands embraced hereon and that the only other parties whose consents are necessary to pass a clear title to said lands are A.R. Dias and Isabel Dias, Horace Nelson and J.G. Gilcrest. That this map comprises two sheets, viz: Sheet No. 1, embracing the 1716, endorsements of affidavits, certificates, approvals, consents and certificates of acknowledgements, and Sheet No. 2, embracing the delineation of lots, blocks and streets, and showing monuments as located and appearing on the ground."

Subscribed and sworn to before me this 28th day of October, 1928.

Lewis W. Martin
Notary Public in and for the County of San Mateo, State of California.

I, Geo. A. Kneese, Civil Engineer, hereby certify that the within map was made from a full, true and correct survey, made by me on the ground, of the lands embraced hereon. That it shows the location of the subdivision in reference to adjacent lands, and shows monuments as located and appearing on the ground.

Geo. A. Kneese
Civil Engineer.

We, Geo. A. Kneese, County Surveyor and D. P. Flynn, County Assessor of the County of San Mateo, State of California, hereby certify that we have carefully examined each and every lot as shown on the within map as to its value for residential or commercial purposes, as required by law, and we hereby recommend approval of the within map of "El Granada Highlands, Subdivision No. 3".

Geo. A. Kneese
County Surveyor
D. P. Flynn
County Assessor

I, J. J. Shields, County Auditor of the County of San Mateo, State of California, hereby certify that there are no liens for unpaid County taxes, assessed taxes and unpaid payments on the tract of land or any part thereof, as shown on the within map of "El Granada Highlands, Subdivision No. 3".

Witness my hand and seal of office this 28th day of October, 1928.

J. J. Shields
County Auditor.

Engineer's Note:

Scale of Map: 1" = 100'
Bearings expressed in true meridian indicates 3/4" x 18" Van Pape Monument
2"x2" White stakes at all lot corners and angle points.

~~Elizabeth M. Kneese, County Clerk and ex-officio Clerk of the Board of Supervisors, hereby certify that a bond in the sum of \$... and approved by the Board of Supervisors, of the County of San Mateo, State of California, in guarantee of payment of taxes, a liability not yet payable, on the tract of land embraced hereon, has been duly filed with said Board.~~
~~In Witness Whereof, I have hereunto set my hand and seal this 28th day of October, 1928.~~

County Clerk and ex-officio Clerk of said Board of Supervisors.

STATE OF CALIFORNIA }
COUNTY OF SAN MATEO } s.s.

The County of San Mateo, acting through its Board of Supervisors, duly assembled, has accepted and does hereby approve, the within map of "El Granada Highlands, Subdivision No. 3" and hereby accepts, for and on behalf of the said County of San Mateo, and the public, all the highways, streets, avenues and public places set forth as El Granada Boulevard, San Pedro Road, San Clemente Road and Isabella Road, except the portions previously accepted and now existing as public streets, and that from and after the recording of this map, all of said highways, streets, avenues, roads and public places shall be, and thereupon become, dedicated to the public use.

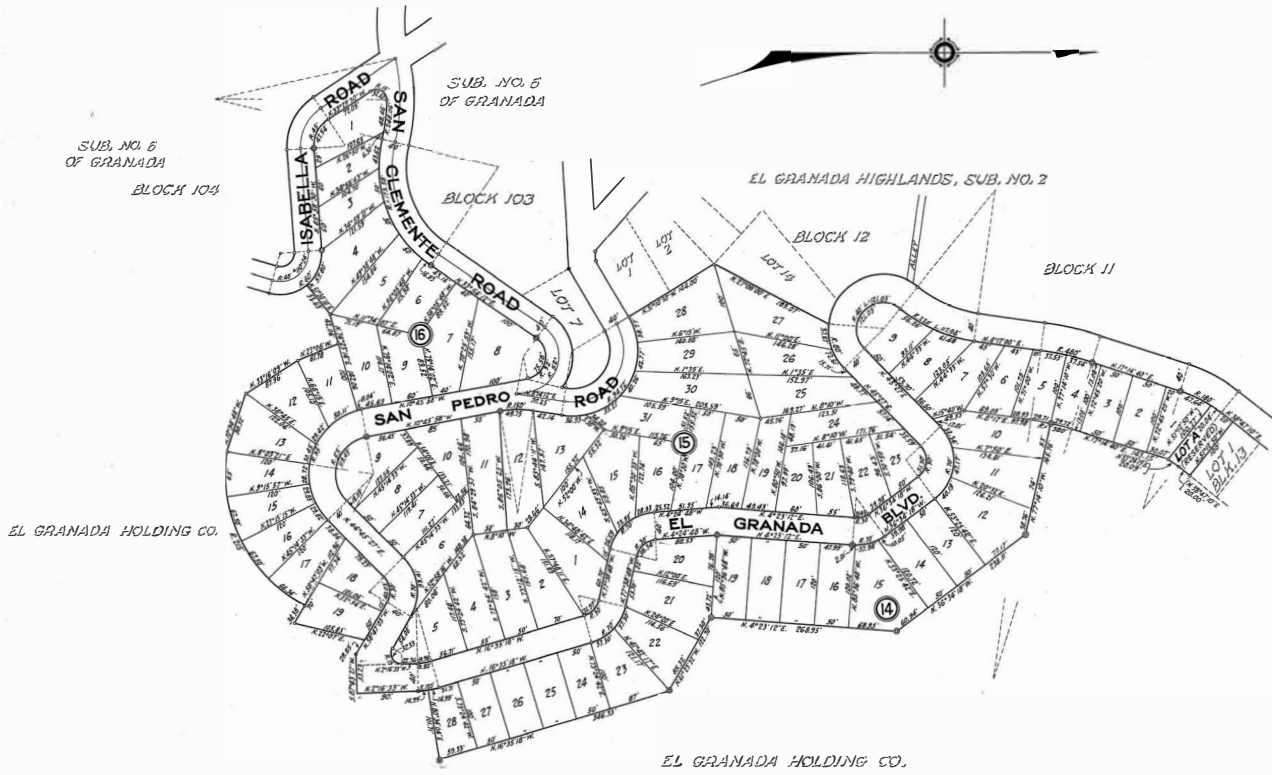
IN WITNESS WHEREOF the said Board of Supervisors, pursuant to a resolution duly passed on the 28th day of October, 1928, has caused this certificate to be duly executed and signed by the Clerk of said Board this 28th day of October, 1928.

Elizabeth M. Kneese
County Clerk and ex-officio Clerk of the Board of Supervisors, San Mateo County, California.

FILE NO. 20776 B

Filed for record at request of El Granada Holding Co. on the 28th day of October, A.D. 1928 at 2:00 min. past 2 o'clock P.M. in Vol. 1 of Maps at pages 21 and 22, San Mateo County Records.

T. P. ...
County Recorder.



**EL GRANADA HIGHLANDS
SUBDIVISION NO. 3**

SCALE: 1" = 100'