



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

PLANNING AND BUILDING DEPARTMENT

DATE: June 29, 2009
BOARD MEETING DATE: July 14, 2009
SPECIAL NOTICE/HEARING: 300 Feet
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Lisa Grote, Director of Community Development *L.G.*

SUBJECT: EXECUTIVE SUMMARY: Consideration of (1) a Coastal Development Permit and Certificate of Compliance, Type B, to legalize a 17,900 sq. ft. parcel, (2) a Use Permit, Coastal Development Permit, and Design Review Permit to construct a new single-family residence and septic system, (3) a Variance to allow a 20-foot front yard setback and 35-foot rear yard setback where 50 feet is required for each, (4) a Grading Permit to perform approximately 175 cubic yards of fill and approximately 13 cubic yards of excavation, and (5) certification of a Mitigated Negative Declaration, on a parcel located within the Community Open Space Conservation (COSC) Zoning District on the west side of Avenue Alhambra, between Palma Avenue and Francisco Street, in the unincorporated El Granada area of San Mateo County. This project is appealable to the California Coastal Commission. (Appeal from decision of the Planning Commission to deny the project.)

RECOMMENDATION

Grant the applicant's appeal and approve the Coastal Development Permit and Certificate of Compliance, Type B, legalizing the parcel and uphold the Planning Commission's decision to deny the Coastal Development Permit, Variance, and Use Permit for a new single-family residence.

BACKGROUND

Proposal: The applicant proposes to legalize a 17,900 sq. ft. parcel in order to construct a new 1,777 sq. ft. single-family residence. The applicant seeks a variance from the front and rear yard setback requirements of the Community Open Space Conservation District (COSC), as application of the minimum 50-foot setbacks would largely prohibit development of the site. The proposed single-family residence

incorporates a 20-foot front setback at Avenue Alhambra and a 35-foot rear setback at Cabrillo Highway. The project would involve approximately 175 cubic yards of fill and approximately 13 cubic yards of excavation. The project site is located within the Cabrillo Highway County Scenic Corridor.

Planning Commission Action: On March 25, 2009, based on information provided by staff and the testimony presented, the Planning Commission (3-1-0-1)¹ denied the Certification of the Mitigated Negative Declaration, Coastal Development Permit and a Certificate of Compliance for parcel legalization, and a Coastal Development Permit, Use Permit, and Variance for a new single-family residence. However, the Planning Commission found in favor of the Design Review for the residence. The Planning Commission was silent regarding the Grading Permit. The applicant has filed an appeal in opposition to the Planning Commission's decision to deny the project.

DISCUSSION

Regarding the proposed parcel legalization, the Planning Commission found that legalization of the parcel does not maximize consistency with Local Coastal Program (LCP) resource protection policies that require protection of coastal views and views to or along the shoreline from public lands. However, parcel legalization would not result in the introduction of any use nor any development on the parcel. Staff recommends that the Board approve the Coastal Development Permit and Certificate of Compliance, Type B, legalizing the parcel.

Regarding the proposed single-family residence, the Planning Commission found that the proposed residence would obstruct views from public lands and does not conform to Visual Resource policies of the LCP that require protection of coastal views and views to or along the shoreline from public lands. Second, the Planning Commission found that the subject parcel does not qualify for a variance, as it does not vary substantially from other parcels in the same zoning district or vicinity. Staff recommends that the Board uphold the Planning Commission's decision to deny the requested permits for the proposed residence. It should be noted that County Counsel has determined that residential use on the property is permissible as the parcel meets the intent of Section 6227.b.6 of the COSC Zoning District, which regulates the division of land and specifically prohibits residential use on parcels recorded after December 1, 1981, in that the parcel was created prior to 1981 by recorded deed.

The approval of the Coastal Development Permit to legalize the parcel through the issuance of a Certificate of Compliance, Type B, contributes to the Livable Communities 2025 Shared Vision because it is consistent with the County's land use regulations, including the Subdivision Regulations, General Plan, Zoning Regulations, and Local Coastal Program. The property is located within the urban Midcoast, near existing commercial and residential uses.

FISCAL IMPACT

Nominal cost to Planning and Building Department to monitor compliance with conditions of approval for the Certificate of Compliance, Type B.

¹(Ayes-nays-abstention-absent.)