

**Planning & Zoning  
Committee of the  
Midcoast  
Community Council**  
PO Box 64, Moss Beach  
CA 94038  
*Serving 12,000 residents*

October 5, 2002

Ms. Miroo Brewer  
San Mateo County Planning and Building Division  
Mail Drop PLN122, 455 County Center  
Redwood City, CA 94063  
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**RE:** PLN2002-00397/2-lot Subdivision/Donald/Montara  
PLN2000-00803/Use Permit/Steve Perkins/El Granada

The above applications were reviewed at two meetings of the MCC Planning and Zoning Committee.

The committee had only one design concern with the proposed project, we requested the applicant lower the plate line or ceiling height of the basement, not to exceed 5'6" the applicant said they would consider this, and sent me a fax to confirm this to be acceptable last week.

There were many issues with the general process and history of the LLA. Below is the history of the ownership of the property as explained by a community member. The applicant addressed his area of concern and his understanding of the situation. (*see below\**)

The committee felt this design works well with the site as this area has single family residents and is a better solution than required by the zoning that could place a larger 4 or more unit building at the site.

*\*PLN2000-00803 is an application to build on 047-232-170, which is part of what was once 047-232-050, consisting of lots 10, 11, 12, and 13. The ownership history of Lots 10, 11, 12, and 13 is as follows:*

*05/05/57 Attilio Gianini's estate passed all 4 lots to Mario Vellutini.  
11/20/84 M. Vellutini's estate passed all 4 lots to S. Michelson & E. Michelson (50%), M. Phelps (50%).  
09/15/87 granted to M/M Perkins, M/M Crain, M/M Periat.  
11/09/87 granted to M/M Perkins (1/3), M/M Perkins (1/3), [SIC] Crain (1/3).  
03/14/88 M/M Crain quitclaimed their 1/3 to Welch.  
10/14/88 All owners granted to Coronado Investment Co.  
11/14/88 Coronado Investment Co. granted to M/M Perkins (1/3), M/M Periat (1/3), Welch (1/3), **the exact same ownership that existed prior to the 09/15/87 transfer.**  
12/19/90 The ownership percentages were changed.  
05/27/93 M/M Periat (Judd) & M/M Perkins granted all 4 lots to Bert Welch.*

**Note that up until this time, all transfers were always all 4 lots together as an integral unit.**

10/23/00 Bert Welch granted to M/M Perkins lot 13 and a portion of lot 12, parcel 047-232-170.

Since the Coastal Act defines a Lot Line Adjustment as development and since all 4 lots were in common ownership in 1997 when the LLA was done, the County's policy was that these lots should have been merged at that time.

Since the original 4 lots in common ownership (047-232-050) totaled less than 10,000 sq/ft., there was no legal way to make more than one parcel because County Zoning Ordinance Code section 6116 (f) **prohibits creation of new non-conforming parcels.** However, the County allowed the owners to create three non-conforming substandard parcels out of what should have been one large parcel: On July 16, 1997, San Mateo County planning administrator Terry Burnes approved a lot line adjustment (LLA), creating 047-232-150 ("Parcel A", 3500 s/ft.), -160 ("Parcel B", 3467 sq/ft.) and -170 ("C", 2693 sq/ft.) (The original APN 047-232-050 was therefore retired.) Did this LLA violated County zoning ordinance section 6116 (f) which states:

*No lot or other premises shall be divided, subdivided or otherwise reduced to result in an area less than the minimum lot area specified by this Part for the district in which such lot is situated. Any division of property made in violation of this provision or in violation of the provisions of San Mateo County Ordinance No. 595 or the Subdivision Map Act shall not be recognized for the purposes of determining lots, parcels or building sites in the application of this Part.*

Since there was an old existing house on the middle two original substandard lots, any reconfiguration of the land which did not leave that house with the R3/S3 zoning minimum of 5,000 sq/ft. is not allowed by 6116 (f). After the 1997 LLA, parcel "B" on which the old house resides was less than 5,000 sq/ft. Since none of the parcels resulting from the LLA are 5,000 sq/ft., none of them are legal parcels under 6116 (f), and therefore cannot be developed separately.

Yet another consideration is that Parcel "C", now proposed for a new house, previously had a garage for the house on Parcel "B", which was demolished approximately 2 years ago, in violation of County Ordinance which requires houses to have garages. The old house (on lot "B") now has **no onsite parking.**

**When did the Administrator issue a Certificate of Compliance on 9-18-2002 to legalize the illegal parcel that he allowed to be created 5 years earlier?**

According to a letter dated January 15, 2002 from Jonathan Wittwer, Granada Sanitary District's General Counsel, a Coastal Development Permit is required for Lot Line Adjustments, and there is no indication that a CDP for the 1997 LLA was approved. In a letter dated April 23, 2002 from Wittwer, he references a letter from Coastal Commission staff indicating that the Coastal Commission's position is that "**all LLAs approved in the Coastal Zone since the effective date of the Coastal Act require a CDP.**" Since there has been no CDP for this LLA, this LLA is not valid, and therefore there is only one legal parcel, which has the old house and also a new one built approximately 2 years ago.

If you have time to address these questions and give us any information that will avoid these kinds of problems in the future, I will share them with the committee so that we may learn and understand the process better, we would like to assist in minimizing confusion for residents, landowners, and developers in the future.

Thank you for your time, and the applicants patients with our understanding of the process.

*Karen Wilson*

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