

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

DATE: July 3, 2025

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 eight lots of record as a single 9,291-sq. ft. parcel, pursuant to Section 7134 of the County Subdivision Regulations, located along 3rd Avenue in the unincorporated Miramar area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN2022-00121 (Ponty)

PROPOSAL

The applicant is seeking a Coastal Development Permit (CDP) and a Certificate of Compliance (Type B) to legalize eight lots of record as a single 9,291-sq ft. parcel (APN: 048-042-310; Lots 10, 11, 12, 30, 31, 32, 33, and portion of 34, Block 5) located on 3rd Avenue in the unincorporated Miramar area.

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificate of Compliance (Type B), County File Number PLN2022-00121, by making the required findings and adopting the condition s of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Jonathan Bruns, Project Planner

Applicant: Kevin Ponty

Owner: Brian and Ann Ponty

Location: 3rd Avenue, Miramar

APN: 048-042-310

Size: 9,291 sq. ft.

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

General Plan Designation: Medium-High Density Residential

Local Coastal Plan Designation: Medium-High Density Residential

Sphere-of-Influence: Half Moon Bay

Existing Land Use: Vacant

Water Supply: Coastside County Water District

Sewage Disposal: Granada Community Services

Flood Zone: FEMA Flood Insurance Rate Map designation defines the parcel to be located within a Zone X. Zone X is defined as areas of minimal flood hazard, usually the area between the limits of the 100-year and 500-year floods. FIRM Panel 06081C0252F, effective date August 2, 2017.

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

Setting: The subject parcel is an undeveloped through lot that fronts on both 3rd Avenue and Cabrillo Highway in the unincorporated Miramar area. The parcel is located on the west side of Cabrillo Highway within an urbanized single-family residential neighborhood. The parcels neighboring the subject parcel are developed with single-family residential developments.

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-High Density Residential (8.1 – 16.0 dwelling units/net acre). The 9,291-sq. ft. parcel is zoned R-1/S-17/DR/CD (One-Family Residential/5,000 sq. ft. minimum parcel size/Design Review District/Coastal Development District) and exceeds the minimum 5,000 sq. ft. parcel size requirement. The parcel size results in a proposed GP land use designation density of 3.6 dwelling units/net per acre which is considered compliant as it does not exceed the maximum.

2. Conformance with the Local Coastal Program (LCP)

The proposal conforms with the following applicable Local Coastal Program (LCP) Policies:

Locating and Planning New Development

Policy 1.4 (*Designation of Urban Areas*) and Policy 1.5 (*Land Uses and Development Densities in Urban Areas*) which designates the areas within the urban/rural boundary as urban areas, 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 within an urban area. Such areas include Montara, Moss Beach, El Granada, Princeton and Miramar.

The subject parcel is located in Miramar area, which is a defined urbanized area in the LCP. The area has land use designation of Medium-High Density Residential (8.1 – 16.0 dwelling units/acre). As noted previously, the parcel has a conforming density.

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 (parcels that were illegally created without benefit of government review and approval).

The County's first subdivision ordinance requiring an approved subdivision to allow for the creation of new parcels went into effect on July 20, 1945. Staff's review of the chain of title for the property shows that portions of several lots within the existing parcel were conveyed to the State of California after the subdivision ordinance came into effect. These changes are listed by the respective date of when the deed was recorded:

Lot 11 on January 6, 1949;
Lot 10 on February 7, 1949; and
Lots 30 through 34 on July 31, 1950

The first deed conveyance of the parcel in its current configuration and under common ownership (without any other contiguous parcels) was on March 5, 1990.

These parcels had their configurations modified without the benefit of a subdivision permit after July 20, 1945. 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 undeveloped parcels created before Proposition 20 (effective 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. Further, this policy states that 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 with frontage on both 3rd Avenue and Cabrillo Highway. The parcel is surrounded on two sides by existing single-family residential development, as well as residential development directly across 3rd Avenue. There are no mapped sensitive habitats on or in the vicinity of the parcel. Given that the future development of the parcel will serve as infill development and is subject to obtaining a Design Review Permit and a separate CDP, it is unlikely to impact coastal resources including public views. Based on Staff's review there is no evidence to suggest that legalizing the parcel will have any substantial adverse impacts on coastal resources.

Shoreline Access Component

LCP Policy 10.1 (*Permit Conditions for Shoreline Access*) requires that shoreline access be provided, as a condition of granting development permits for any public or private development between the sea and the nearest road.

The subject site is located between the Pacific Ocean westward and Cabrillo Highway eastward and is therefore subject to this policy; Cabrillo Highway is the first through road to the east of the subject parcel but there are at least four street blocks (which are not through streets) that are present between the project site and the shoreline.

LCP Policy 10.12(a) (*Residential Areas*) requires that vertical access be provided at the ends of streets perpendicular to the shoreline.

The project complies with this policy as there is existing vertical access to the shoreline which is located approximately 1,139 feet to the southwest of the parcel. Unobstructed scenic vistas to the Pacific Ocean are available at the end of this access thoroughfare. The existence of this access point also complies with the requirement, pursuant to Section 30212 of the California Coastal Act such that no additional access points are required.

3. Conformance with the Subdivision Regulations

Pursuant to Section 7134.2.b.(2) of the County's Subdivision Regulations, a parcel depicted as a lot on a subdivision map approved and recorded by the County prior to July 20, 1945 shall be issued a Certificate of Compliance (Type B) upon demonstrating that the current parcel boundaries match those depicted on the approved subdivision map and the parcel was first conveyed separately from adjoining lands on or after July 20, 1945. 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 Director of Planning and Building 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 original lots of record that make up the subject parcel were initially part of the certain map entitled "Map of Brophy's Beach, Half Moon Bay, San Mateo County" which was filed in the office of the Recorder of the County of San Mateo, State of California on January 20, 1908 in Book 5 of Maps, Page 58. As discussed previously, the configuration of several lots within this subject parcel changed after July 20, 1945. These changes were the result of partial land grants deeded to the State of California. As discussed previously, the reconfigured Lots 10, 11, and 30 through 34 were recorded at various dates in 1949 and 1950. No further modifications to the subject lot configurations have taken place. The lots that make up the subject parcel were first held together in common ownership on March 5, 1990. Subsequently, an owner-initiated Notice of Merger was processed by the Planning and Building Department and recorded with the San Mateo County Recorder's office on September 26, 1994, which created the subject parcel's current configuration. Therefore, the parcel meets the criteria for issuance of

a Certificate of Compliance (Type B). Furthermore, because the parcel is located within the Coastal Zone, a Coastal Development Permit is also being sought as part of this approval.

Regarding conditions of approval, Section 7134.6(b) of the County Subdivision Regulations, states that the Director of Planning and Building may impose any conditions which would have been applicable to the division of the property at the time the applicant acquired their 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 legalization 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 exceeds the 5,000 sq ft. minimum), no variances are required, and all services and access to the parcel area available. The parcel is accessible from 3rd Avenue. Water and sanitary services exist in the area to serve the parcel.

C. REVIEWING AGENCIES

California Coastal Commission
Coastside County Water District
Granada Community Services
Midcoast Community Council

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Assessor's Parcel Map
- C. Original Subdivision Map

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN2022-00121

Hearing Date: July 3, 2025

Prepared By: Jonathan Bruns,
Project 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 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:

1. That the project, as described in the application and accompanying materials required by Section 6328.7 and as condition 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 the Locating and Planning New Development Component of the Local Coastal Program.
2. Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in 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). While the project site is located between the nearest through public road and the sea, there are several developed dead-end streets that run parallel to the ocean which are located between the project site and the sea. The subject parcel is located approximately .22 of a mile from the sea and does not have direct access to the sea/beach. Therefore, the project will have no impact on coastal access and recreation opportunities and is consistent with the Chapter 3 access and recreation policies of the Coastal Act. That the project conforms to specific findings required by policies of the San Mateo County LCP with regard to the Locating and Planning New Development, Sensitive Habitats, and Shoreline

Access 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 condition there is no evidence to suggest that legalization of the parcel will have any adverse impact on coastal resources.

For the Certificate of Compliance (Type B), Find:

3. 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).
4. 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

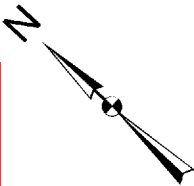
Current Planning Section

1. This approval applies only to the proposal as described in the plans, supporting materials, and reports approved by the Zoning Hearing Officer on July 3, 2025. Minor revision or modifications to the project may be made subject to the review and approval of the Director of Planning and Building, if they are consistent with the intent of and in substantial conformance with the approval.
2. The subject Certificate of Compliance (Type B), which shall represent Lots 10, 11, 12, 30 through 34, Block 5, 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 or electronic payment to cover recording fee costs, generally between \$50 and \$100. The project planner with confirm with amount prior to recordation.
4. The applicant is hereby informed that any future development on this parcel is subject to compliance with the 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.



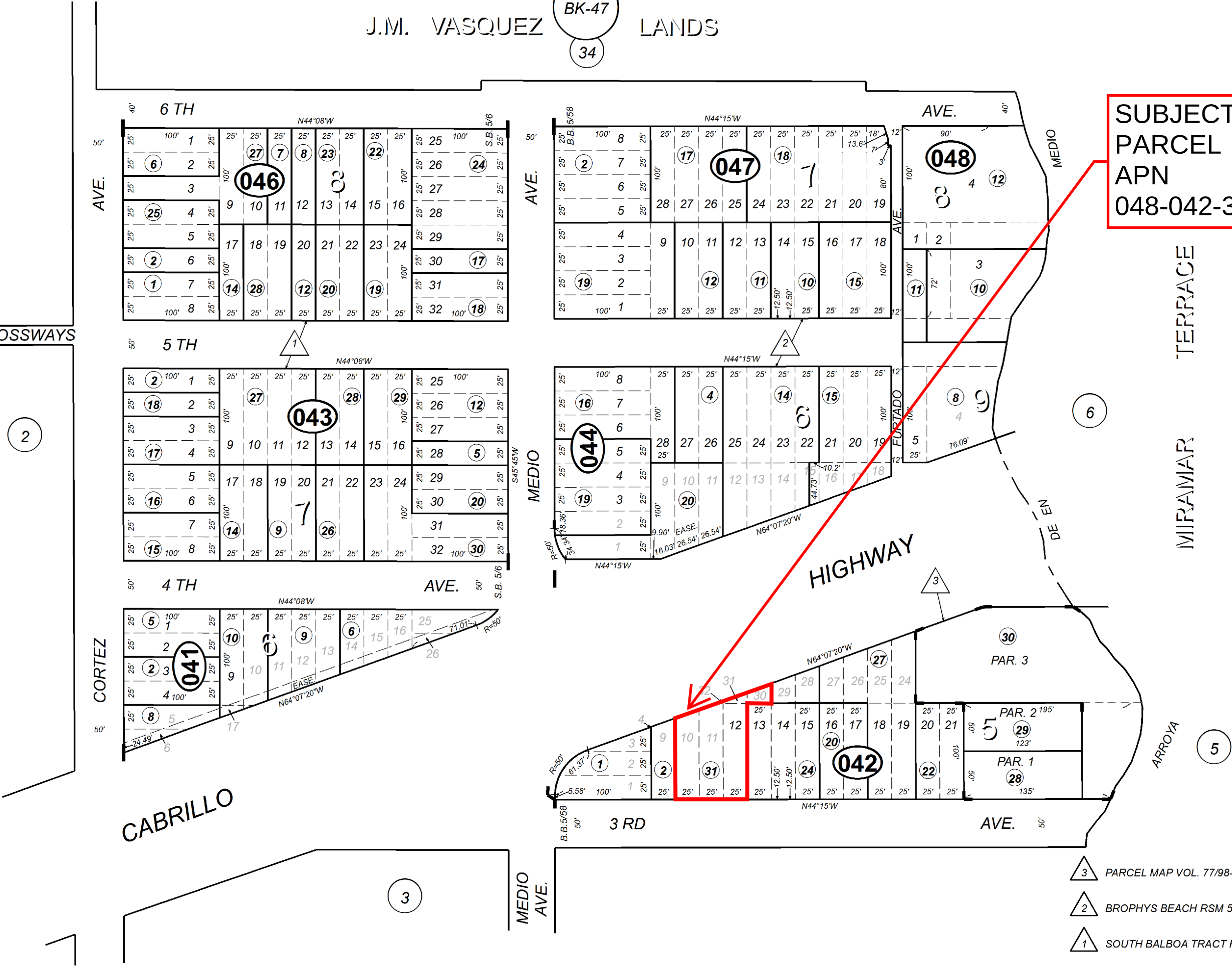
COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B



J.M. VASQUEZ
BK-47
34
LANDS

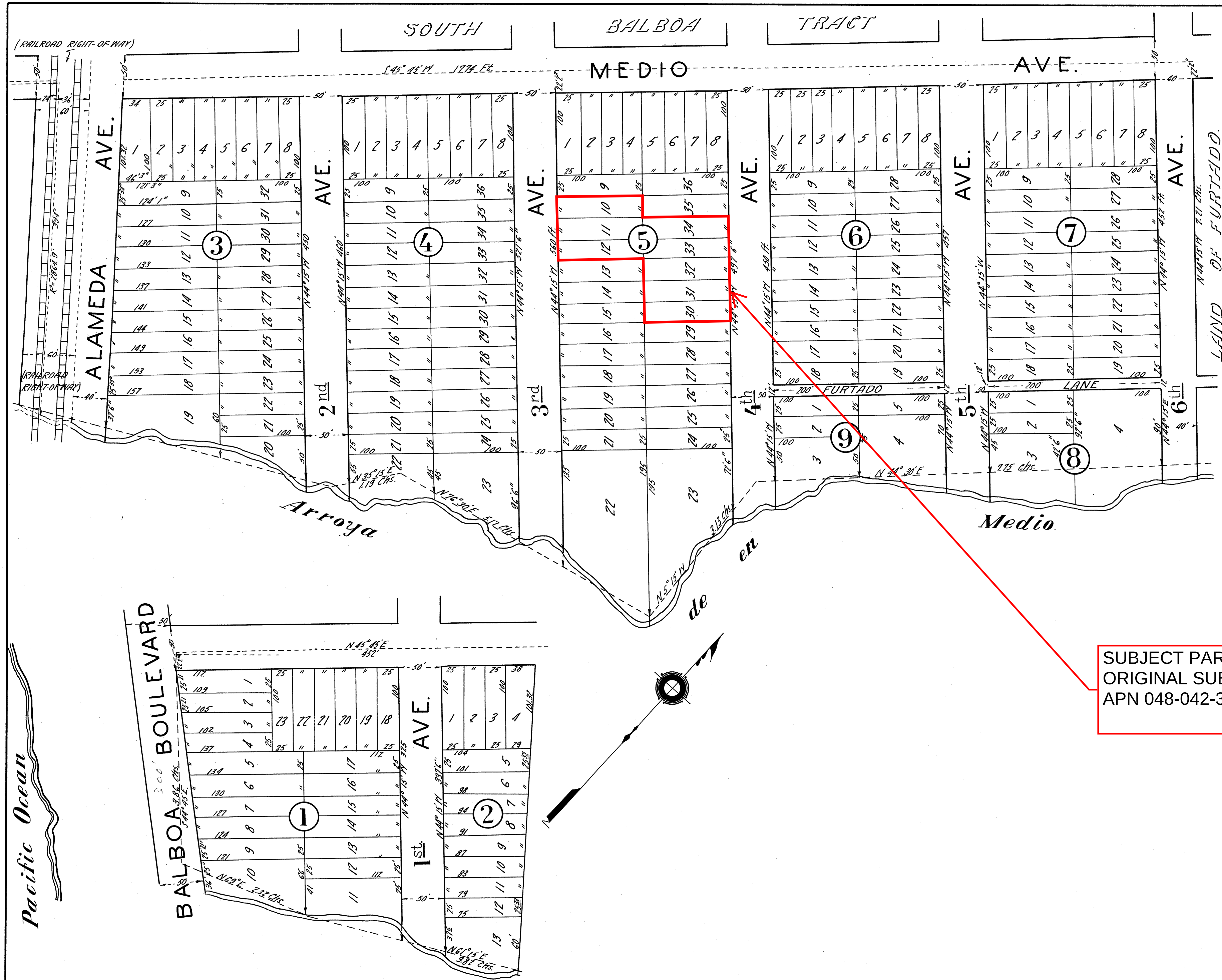
SUBJECT
PARCEL
APN
048-042-310





COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C



SUBJECT PARCEL IN
ORIGINAL SUBDIVISION
APN 048-042-310

I hereby certify this to be a true copy
of an original map recorded in Map Book
5 at page 58.
Geo. A. Whese
County Surveyor and Ex-officio
Deputy County Recorder of Maps