

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

DATE: September 18, 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), pursuant to Section 7134 of the County Subdivision Regulations, to legalize a 10,000 sq. ft. parcel located on 8th St. near the intersection of East Ave. in the unincorporated Montara area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN2025-00017 (Akhavan)

PROPOSAL

The applicant is requesting a Coastal Development Permit (CDP) and Certificate of Compliance (Type B) to legalize one "L" shaped lot of record as a single 10,000 sq. ft. parcel (APN: 036-095-190; lot 18 and southwesterly 50 feet of lot 19, Block 61) on 8th Street in the unincorporated Montara area of San Mateo County. A Certificate of Compliance, Type B (CoC-B) is required in this instance because the subject parcel, in its current configuration, does not match the approved subdivision map (Map of Second Addition to Farallone City) and was first divided from all adjacent lands subsequent to July 20, 1945 (date of adoption of the County's first subdivision ordinance). A review of the chain of title for the subject property indicates that the southwesterly portion of Lot 19 was divided from the rest of the original lot in 1961 through a grant deed property sale. Such an action constitutes a subdivision and would have required approval of a tentative map by the County at that time and recordation of a final map. Neither action occurred at that time. This remainder portion of Lot 19 and the entirety of Lot 18 were subsequently transferred as one property up to the present day.

RECOMMENDATION

That the Zoning Hearing Officer approve the Coastal Development Permit and Certificate of Compliance (Type B), County File No. PLN2025-00017, by making the required findings and adopting the conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Michael Jacinto, Project Planner

Applicant/Owner: Siamak Akhavan

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 (San Mateo County Times) of general public circulation.

Location: 8th Street, Montara

APN: 036-095-190

Size: 10,000 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/ Local Coastal Plan Designation: Medium Density Residential

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Vacant

Water Supply/Sewage Disposal: Coastside County Water District/Granada Sanitary District

Flood Zone: FEMA Flood Insurance Rate Map designates the parcel within Zone X, (Areas of moderate flood hazard), FIRM Panel 06081C0117F, effective date 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: This subject property is an undeveloped interior parcel located within an urbanized single-family residential neighborhood. The parcels neighboring the subject parcel are developed with single-family residential uses.

Chronology:

<u>Date</u>	<u>Action</u>
June 30, 1959	- Harriet Bovee acquires Lots 18 – 25, Block 61 from William & Lois Dunkak
October 19, 1961	- Harriet Bovee sells the northerly 2/3 of Lot 19 to George Grimm
November 9, 1962	- Harriet Bovee sells the remaining portion of Lot 19 and all of Lot 18 (subject property) to Charles and Christine Call

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 10,000 sq. ft. parcel is zoned R-1 (One-Family Residential) and complies with the minimum lot size requirement of 5,000 sq. ft. for the S-17 Combining District.

2. Conformance with the Local Coastal Program (LCP)

Staff has reviewed the project and found it to be compliant with the policies of the Local Coastal Program. The applicable policies with specific discussion are detailed below:

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 land use densities for each General Plan land use designation.

The subject parcel is located in Montara and has a Midcoast LCP land use designation of Medium Density Residential (6.1 – 8.7 dwelling units/acre). Application of the General Plan's density limitations to the 10,000 sq. ft. parcel would allow a maximum density of 2 dwelling units.

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 a subdivision permit for parcel creation went into effect only July 20, 1945. Staff's review of the property's chain of title shows that the current parcel's first deed conveyance without any other adjacent parcels or lots was on November 9, 1962, 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 sought under the subject application.

Policy 1.30.d. (*Coastal Development Permit Standards of Review for Legalizing Parcels*) requires undeveloped parcels created before Proposition 20 (effective January 1, 1973) or the Coastal Act of 1976, to obtain a coastal development permit to legalize the parcel if the parcel configuration would not have 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 surrounded on three sides by existing single-family residential uses and has direct access from a County maintained public road. A review of the California Natural Diversity database indicates there are no mapped sensitive habitats on or in the vicinity of the parcel. Given that future development of the parcel will be infill development and subject to Design Review policies it is unlikely to impact coastal resources including public views or shoreline access due to the distance of the site from public viewpoints and its location on the east side of Highway 1.

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. 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) after having proposed conditions of legalization, if necessary. In the Coastal Zone, a Certificate of Compliance (Type B) shall require a Coastal Development Permit per Policy 1.29 of the County's Local Coastal Program.

Further, Section 7134.4.c.2 states that for conforming parcels, where a chain of title shows that the first separate conveyance of such a parcel would have been in compliance with the County General Plan and Zoning Regulations in effect at the time or currently, a Certificate of Compliance (Type B) shall be issued without conditions, and such determination may be made without being brought to a hearing except in the Coastal Zone where a Coastal Development Permit is required per Policy 1.29 of the County's Local Coastal Program.

The subject parcel (APN: 036-095-190) was initially part of the "Map of Second Addition to Farallone City San Mateo Co., Cal.", filed in the office of the County Recorder of San Mateo County, State of California on May 06, 1907 in Book 5 of Maps at page 3. The subject parcel is composed of Lot 18 and the southerly 1/3 portion of Lot 19 from that original subdivision. As outlined in the chronology section, in 1961 the northerly 2/3 of Lot 19 was conveyed as a separate property. Per the State Map Act and the County Subdivision regulations in affect at that time, this action required the recordation of a parcel map. There is no evidence that such action occurred. This deeded off portion of Lot 19 was subsequently developed with a single-family house. The remaining portion of Lot 19 and all of Lot 18 were subsequently conveyed to a new owner as one property in 1962. Because the subject parcel is not in the same configuration as the original 1907 map, it requires a Certificate of Compliance (Type B). Furthermore, because the parcel is located within the Coastal Zone, a Coastal Development Permit is also required.

Regarding conditions of approval, Section 7134.4.c(2) 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 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. Conditions 1-4 of Attachment A are standard conditions applicable to Certificates of Compliance.

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 (for 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 has an average slope of about 8 percent and is accessible from 8th Street. Power, water and sanitary services exist along 8th Street to serve the parcel.

C. REVIEWING AGENCIES

California Coastal Commission
Midcoast Community Council
Montara Water and Sanitary District

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Site Plan
- C. Original Subdivision Map
- D. Relevant portions of the Chain of Title

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN2025-00017

Hearing Date: September 18, 2025

Prepared By: Michael Jacinto, 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 includes a Certificate of Compliance [Type B] establishing a parcel's legal status) 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:

2. 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.
3. That the project is not located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, and therefore would not be 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 the 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 condition there is no evidence to suggest that legalization of the parcel's configuration will adversely impact 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).

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 September 18, 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 Lot 18 and SWLY 1/3 of Lot 19, Block 61, as a single legal parcel, shall be recorded prior to the issuance of any other permits related to any development on this property.
3. Prior to recordation of the Certificate of Compliance, the applicant shall provide the project planner a check or electronic payment to cover recording fee costs, the amount for which the project planner will confirm prior to recordation.
4. The applicant is hereby informed that any future development on this parcel will be subject to compliance with applicable zoning regulations, design review standards, policies of the County's Local Coastal Program and the California Environmental Quality Act and any other applicable laws in effect at that time.




County of San Mateo - Planning and Building Department

ATTACHMENT B



0.07 0 0.04 0.07 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1:2,257 

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



County of San Mateo - Planning and Building Department

ATTACHMENT C

MAP of SECOND ADDITION to FARALLONE CITY

SAN MATEO CO., CAL.

Subdivided by **NOURSE & FAREY**
CIVIL ENGINEERS
787 Market St., S.F., Cal.

NOTE:
STREETS run N. 61° 21' W.
AVENUES run S. 28° 41' W.
Red lines indicate the lines of the
Half Moon Bay Colony Tract.
There is a variation of 26" between bearings
given here and as given in the description of
the tract. Meridian same as used on First
Addition to Farallone City.
Stakes 4" x 4" x 24" set at block corners.

We, E. Anderson and J. R. Cunningham, the proprietors of the lands and premises shown on the within and accompanying Map, have caused said accompanying Map of lands in the County of San Mateo, State of California, to be made mapped or plotted, and we do hereby acknowledge and certify to the same.
In Witness Whereof we have hereunto set our hands and seals this 22 day of April, One Thousand Nine Hundred and Seven.
(Signed) E. Anderson (Seal)
J. R. Cunningham (Seal)

State of California }
City and County of San Francisco } s.s.
On this 22d day of April, in the year One Thousand Nine Hundred and Seven, before me, Flora Hall, a Notary Public in and for said City and County, residing therein, duly commissioned and sworn, personally appeared E. Anderson and J. R. Cunningham, known to me to be the persons whose names are subscribed to the within document and acknowledged to me that they executed the same, in witness whereof I have set my hand and official seal at my office in the City and County of San Francisco the day and year, in this certificate first above written.

(Signed) Flora Hall (Seal)
Notary Public in and for said
City and County of San Francisco,
State of California.

We, E. Anderson and J. R. Cunningham, being the owners and the only persons whose consent is necessary to pass a clear title to the lands described in the accompanying Map and Plat, do hereby dedicate to the use of the public forever all those parts of said tract therein designated as streets and avenues, to wit: Audubon Avenue, East Avenue, Le Conte Avenue, 8th Street, 7th Street and 6th Street, said 6th Street being shown on former Map and previously dedicated in part; and a portion of East Avenue being shown on former map and previously dedicated.

Dated this 22nd day of April, 1907.
(Signed) E. Anderson
J. R. Cunningham

State of California }
City and County of San Francisco } s.s.
On this 22d day of April, 1907, before me, Flora Hall, a Notary Public in and for the City and County of San Francisco, duly commissioned and sworn and there in residing, at my office in said City and County, personally appeared before me E. Anderson and J. R. Cunningham, personally known to me and to me known to be the persons described in and who executed the within and foregoing dedication and acknowledged that they executed the same for the uses and purposes therein set forth.

In Witness Whereof I have set my hand and seal at my office aforesaid, the day and year herein first above written.
(Signed) Flora Hall (Seal)
Notary Public in and for the
City and County of San Francisco,
State of California.

We, E. Anderson and J. R. Cunningham, do hereby certify that we are the owners, and all the owners, and all the persons whose consent is necessary to pass a clear title to and of all the lands described in the within and accompanying Map, and we do hereby consent to the making of said map.
Dated at San Francisco, California, this 22nd day of April, 1907.

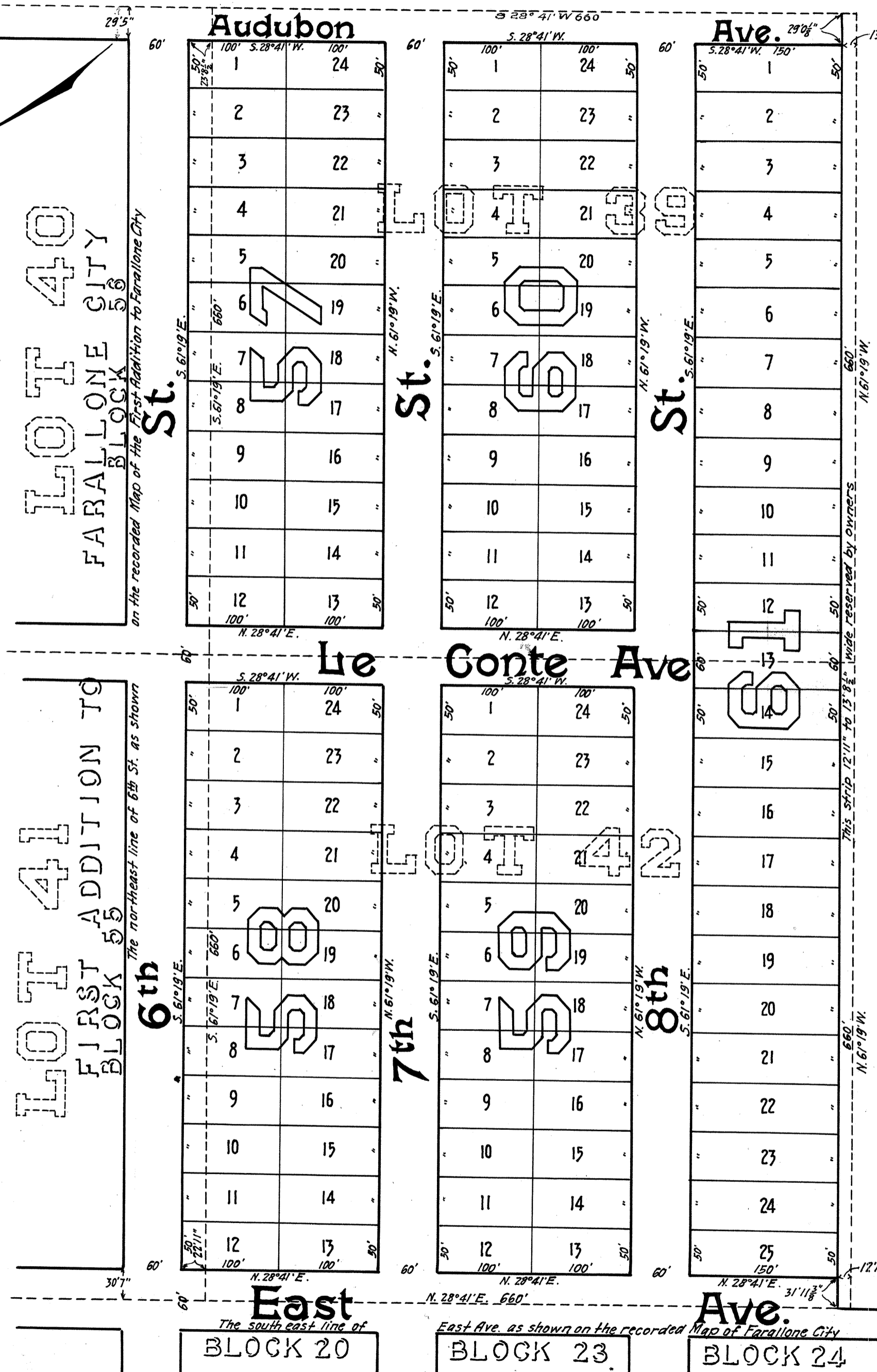
(Signed) E. Anderson
J. R. Cunningham

State of California }
San Mateo County } s.s.
I, W. H. Underhill, County Auditor of said County do hereby certify that there are no liens for unpaid State, County, Municipal or other taxes, except taxes not yet payable, on the land or any portion thereof described in and on the within and accompanying map and plat.
Witness my hand and seal this 6 day of May, 1907.
(Signed) W. H. Underhill
County Auditor of San Mateo County,
California.

Audubon Avenue, Le Conte Avenue, East Avenue, 7th Street and 8th Street as shown and delineated on this map, are hereby accepted by the Board of Supervisors of the County of San Mateo, on behalf of the public as dedicated to public use in accordance with and subject to the terms of a resolution of said Board adopted this 6 day of May, 1907.
By order of the Board of Supervisors of said County.
(Signed) Jos. H. Nash
Clerk of said Board

Filed at request of J. R. Cunningham, May 6th, A.D. 1907, at 45 min. past 4 o'clock, P.M., San Mateo County Records.
(Signed) J. F. Johnston, County Recorder
by Pauline E. Hanson, Deputy Recorder.

I hereby certify this to be a true copy
of an original map recorded in Map Book
5 at page 3.
Geo. A. Kneese
County Surveyor and Ex-officio
Deputy County Recorder of Maps



East Ave.
BLOCK 20 BLOCK 23 BLOCK 24

FARALLONE CITY

The courses of lot lines are identical and parallel with courses of block lines indicated hereon.



County of San Mateo - Planning and Building Department

ATTACHMENT D

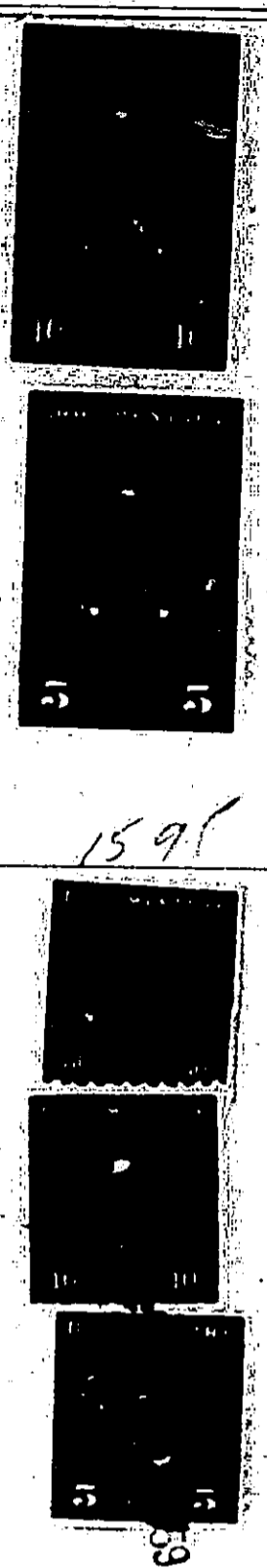
For value received WILLIAM H. DUNKAK AND LOIS E. DUNKAK, his wife,

GRANT..... to HARRIET L. BOVEE, a widow,

all that real property situate in the

County of San Mateo, State of California, described as follows:

Lots 18, 19, 20, 21, 22, 23, 24, 25, in Block 61 as shown on that certain map entitled "Map of Second Addition to Farallone City, San Mateo Co. Cal" filed in the office of the County Recorder of San Mateo County on May 6, 1907 in Book 5 of Maps at page 3.



Dated June 30, 19 59

William H. Dunkak
Lois E. Dunkak

For Recorder's Use Only

STATE OF CALIFORNIA }
County of San Mateo } ss.
On July 1, 19 59
before me, Joseph N. Mangin, Jr. Notary Public,
in and for said County and State, personally appeared
WILLIAM H. DUNKAK and
LOIS E. DUNKAK, his wife
known to me to be the persons whose names are subscribed to
the foregoing instrument, and acknowledged to me that he executed
the same for the purposes and consideration therein expressed.
Notary Public for California
J. N. Mangin, Jr.
San Mateo, California, August 29, 1960.

VC 3630 PAGE 253
64421R
RECORDED AT REQUEST OF
SAN MATEO COUNTY TITLE COMPANY
JUL 2 2 19 59
OFFICIAL RECORDS
SAN MATEO COUNTY
Joe Hino

7

RECORDING REQUESTED BY

RECORDED AT REQUEST OF

SECURITY TITLE INSURANCE COMPANY

Oct 19 2 24 P 1961

OFFICIAL PUBLICS
SAN MATEO COUNTY
Ruth H. Harts
RECORDER

AFTER RECORDING MAIL TO

George E. Grimm
3600 - 20th St., Apt 207
San Francisco, Calif.

200 7
SPACE ABOVE THIS LINE FOR RECORDER'S USE

50-1



USE STAMPS IN THIS SPACE

Grant Deed

Affix I.R.S. \$ 14.30

By this instrument dated October 19, 1961, for a valuable consideration,

HARRIET L. BOVEE, a widow

hereby GRANT(S) to

GEORGE E. GRIMM, an unmarried man

the following described real property in the State of California, County of San Mateo

Lot 19 in Block 61 as shown on that certain map entitled "MAP OF SECOND ADDITION TO FARALLONE CITY, SAN MATEO COUNTY CALIFORNIA", filed in the office of the County Recorder of San Mateo County on May 6, 1907 in Book 5 of Maps at page 3.

EXCEPTING THEREFROM the rear or Southwesterly 50 feet thereof.

STATE OF CALIFORNIA
COUNTY OF
San Mateo

On October 19, 1961 before me,
the undersigned, a Notary Public in and for said County
and State, personally appeared
Harriet L. Bovee

Harriet L. Bovee
Harriet L. Bovee

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.
Witness my hand and Official seal,

(Seal) *James Walrod* (Sign)
Notary for said County and State
WALROD, Notary Public
Issued Expires Dec. 15, 1962
or print name (Gov. C. 8206)

Title Order No. _____
Escrow or Loan No. 37011-JW
C.A. 65-8 A.P. 36-095-05

662711
OCT 19 1961

SECURITY

RECORDING REQUESTED VOL 4330 PAGE 529

31937V VOL 4330 PAGE 529
RECORDED BY REQUEST OF

Bine & Lennin, Jr

Nov 13 10 41 AM 1962

OFFICIAL RECORDS
SAN MATEO COUNTY
Rick Tusa
RECORDER

AFTER RECORDING MAIL TO

Charles E. Call
100 Broadway St.
Millbrae, Calif.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

854.99

PLACE INTERNAL R.



Grant Deed

Affix I.R.S. \$ 1.15

By this instrument dated Nov. 9, 1962, for a valuable consideration,

Harriet L. Bovee, a widow

hereby GRANT(S) to Charles E. Call and Christine Call his wife

the following described real property in the State of California, County of San Mateo

Lot 18 an 8.67 by 50 feet of lot 19, block 61 as shown on that certain map entitled "MAP OF SECOND ADDITION OF PARALLOME CITY, SAN MATEO COUNTY, CALIF." filed in the office of the county Recorder of San Mateo County on May 6, 1907 in Book 5 of maps at Page 3.

STATE OF CALIFORNIA
COUNTY OF

San Mateo

on November 12th 1962 before me,

the undersigned, a Notary Public in and for said County and State, personally appeared

Harriet L. Bovee

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Witness my hand and Official seal,
William J. Hagebush

William J. Hagebush (Sign)
Notary Public in and for said County and State

Harriet L. Bovee

Title Order No. _____
Escrow or Loan No. _____

RECEIVED
NOV 13 1962