

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5260  
FAX (415) 904-5400

**F6a**

DATE: November 16, 2007

TO: Commissioners and Interested Parties

FROM: Charles Lester, Senior Deputy Director  
Michael Endicott, North Central Coast District Manager  
Ruby Pap, Coastal Planner

SUBJECT: **San Mateo County LCP Amendment No. SMC-MAJ-1-06 (Miramar Beach Restaurant):** Concurrence with the Executive Director's determination that the action of the County of San Mateo accepting the Commission's certification of LCP Amendment No. SMC-MAJ-1-06 and adopting implementing ordinances is legally adequate (For Commission review at the meeting of November 16, 2007).

1. BACKGROUND:

The Commission acted on County of San Mateo LCP Amendment No. SMC-MAJ-1-06 (Miramar Beach Restaurant), on April 20<sup>th</sup>, 2007. The proposed amendment involved site specific changes to provisions of the San Mateo County LUP and IP affecting three parcels located on the Miramar Beach Restaurant property in Miramar, San Mateo County. Specifically, the proposed amendment included a LUP map change to the land use designation from Medium-Low Density Residential to General Commercial (Coastside) and an IP (zoning) map amendment to change the zoning designation from Single-Family Residential/Design Review (R-1/S-94/DR) to Parking Design Review (P/DR). The LUP and IP amendments would facilitate the expansion of the Miramar Beach Restaurant parking lot, which is the subject of a separate coastal development permit application pending before the County, and is necessary to accommodate the proposed expansion of an outdoor restaurant patio seating area on property adjacent to the three parcels that are the subject of this LCPA.

The Commission rejected the LUP amendment as submitted and then ultimately approved it with two suggested modifications as recommended by staff. The first suggested modification changes the LUP map designation on the subject parcels to Commercial Recreation (coastside) instead of General Commercial (which was proposed by the County in error), consistent with Section 30222 of the Coastal Act. The second suggested modification includes the addition of a site specific LUP policy 1.34. Suggested LUP Policy 1.34 requires that any development on the subject parcels offset the amount of traffic generated by a commercial recreational project, by requiring the implementation of Transportation Demand Measures (TDMs). The policy also requires that public access improvements be implemented to mitigate for a project's significant

adverse cumulative impacts on public access to, and recreational use of, the Midcoast area. Finally, Suggested Policy 1.34 also requires that water quality impacts from parking lots are minimized.

2. EFFECTIVE CERTIFICATION:

On September 13<sup>th</sup>, 2007, the San Mateo County Board of Supervisors held a public hearing and adopted Resolution No. 069044 which acknowledged receipt of the Commission's resolution of certification, accepts and agrees to the Coastal Commission's modifications, agrees to issue permits in conformance with the modified LCP, and formally approves the necessary changes to the County's LUP (see Exhibit No. 2).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that San Mateo County's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of the San Mateo County LCP Amendment No. SMC-MAJ-1-06 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

3. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the County of San Mateo to accept the Commission's certification of County of San Mateo's LCP Amendment No. SMC-MAJ-1-06 and adopt the necessary changes to the County's LUP are legally adequate, as noted in the attached letter, Exhibit No. 1 (to be sent after Commission concurrence).

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45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
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FAX (415) 904-5400



November XX, 2007

Lisa Grote  
Director of Community Development  
San Mateo County Planning and Building  
455 County Center  
Redwood City, CA 94063

SUBJECT: Effective Certification of County of San Mateo County LUP Amendment  
No. SMC-MAJ-1-06 (Miramar Beach Restaurant).

Dear Ms. Grote:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors Resolution No. 05-153 and Ordinance No. 069044 for effective certification of San Mateo County LUP Amendment No. SMC-MAJ-1-06 (Miramar Beach Restaurant). The County's resolution indicates that the County acknowledges receipt of and accepts the Commission's resolution for certification and that the County agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the County's resolution and ordinance fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of November XX, 2007 in San Diego. Commission approval and the amendment process are now complete. If you have any questions, please contact Ruby Pap in our San Francisco office at (415) 904-5260 or rpap@coastal.ca.gov.

Sincerely,

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MICHAEL ENDICOTT  
District Manager

Exhibit No. 1  
Application No. SMC-MAJ-1-06  
(Miramar Beach Restaurant LCPA)  
Effective Certification Letter

**RESOLUTION NO. 069044**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION AMENDING THE SAN MATEO COUNTY GENERAL PLAN (LOCAL COASTAL PROGRAM) TO REVISE THE LAND USE MAP DESIGNATION AND TO ADD NEW LCP POLICY 1.34 AND ZONING DESIGNATION OF THE PARCELS AFFECTED BY COUNTY FILE NUMBER PLN 2003-00386 INVOLVING THE MIRAMAR BEACH RESTAURANT AND DIRECTING STAFF TO TRANSMIT THE AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, in 1966, the County issued to the Miramar Beach Restaurant its first Use Permit to operate the subject restaurant, which included on-site parking within the area currently designated "General Commercial (Coastside)." The Land Use designation at that time of the parcels along Mirada Road that included the Miramar Beach Restaurant was designated "Recreation Area," meant to accommodate land uses that included private commercial recreation and other compatible uses; and

**WHEREAS**, in 1978 the Board of Supervisors adopted the Montara-Moss Beach-El Granada Community Plan--which included the Miramar area south of El Granada--which set forth goals and policies to better regulate future growth in this area; and

**WHEREAS**, in 1980 the Board of Supervisors and California Coastal Commission approved San Mateo County's Local Coastal Program, which set forth policies for regulating all development within the Coastal Zone, including the adoption of revised General Plan Land Use Designations and associated policies. In the subject Miramar area, the Land Use Designation of the strip of parcels along Mirada Road facing the Pacific Ocean was subsequently designated "Commercial Recreation--

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Coastside)," while the parcels immediately east of this strip were designated "Medium-Low Density Residential"; and

**WHEREAS**, in 1993, the County issued to the Miramar Beach Restaurant a Use permit amendment that allowed for its expansion, including additional compact parking spaces on its site. Subsequently, as other new uses were approved in this "Commercial Recreation (Coastside)" designated strip along Mirada Road, the issue of inadequate off-street parking was acknowledged, both for new or expanded allowable uses as well as for general visitors wanting access to the adjacent beach; and

**WHEREAS**, in October 2000, a Major Pre-Application Review process was initiated in anticipation of the subject application, which informed the general public and interested parties of the proposal to, **again**, expand the Miramar Beach Restaurant and to provide additional parking both on its current site as well as expanding such parking to adjacent parcels, thus triggering the need for the subject General Plan Land Use Designation and associated Zoning Designation amendments; and

**WHEREAS**, in June 2003, the current application, including the subject General Plan/Local Coastal Program Land Use Designation amendment, was submitted in order to properly designate and rezone the subject parcels in order to provide the additional and required parking deemed necessary to accommodate an expansion of Miramar Beach Restaurant. The proposed designation of "Commercial Recreation (Coastside)" is deemed appropriate to accommodate the proposed use of these parcels for parking purposes associated with an allowable use within that designation. The parcels proposed for such designation are currently vacant, with two of the three subject parcels having been historically used for overflow parking purposes; and

**WHEREAS**, while the proposed "Commercial Recreation (Coastside)" designation extends this land use designation further east into area currently designated as "Medium-Low Density Residential," an area that is partially but consistently being developed with single-family residences, the associated and proposed rezoning of these

same parcels from "Single-Family Residential" to "Parking" will ensure that their use is limited to parking activities associated with the restaurant, creating an effective buffer between the restaurant's commercial use along Mirada Road and the residential uses to the east; and

**WHEREAS**, in July 2004 the Midcoast Community Council voted to recommend approval of the project, including the subject General Plan Land Use and Zoning Designation amendments; and

**WHEREAS**, the County of San Mateo intends to adopt and implement amendments to its Local Coastal Program in a manner fully consistent with the California Coastal Act; and

**WHEREAS**, the San Mateo County Planning Commission held a public hearing on December 22, 2005, and this Board of Supervisors held the initial public hearing on March 7, 2006 whereby they considered and approved the project which included these amendments and transmitted the project Coastal Development Permit and associated amendments to the California Coastal Commission; and

**WHEREAS**, on May 9, 2007, the California Coastal Commission considered the General Plan Land Use Designation/Local Coastal Program (LCP) and Zoning amendments associated with the project. The Commission, however, indicated that they would only certify the subject land use and zoning amendments on the condition that the County Board of Supervisors, upon further consideration and by resolution, agreed to adopt a new project site-specific LCP Policy 1.34 (entitled "Development of APNs 048-013-150, 160, and 770 (Miramar Beach Restaurant Property" and located in the "Locating and Planning New Development" component) comprised of the following elements requiring: (a) the development and implementation of a traffic impact analysis and mitigation plan designed to offset new project-generated vehicle trips on Highway One, Magellan and Medio Avenues, during commuter peak and recreation periods, and (b) the incorporation of site design, construction and post construction phase Source

Control Best Management Practices to minimize polluted runoff and water quality impacts resulting from development. (Full policy text in attached exhibit.)

**WHEREAS**, public notice of all meetings and hearings was made to ensure maximum public participation through (1) publication of the notice of hearing in the Independent Newspapers, the San Mateo Times and the Half Moon Bay Review newspapers, and (2) direct mailing to interested parties and property owners within 500 feet of the affected parcels, and all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, this amendment will become effective automatically if the California Coastal Commission certifies it without modifications.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Board of Supervisors:

1. Approves the attached General Plan/Local Coastal Program Land Use and Policy amendments and Zoning amendment.
2. Directs staff to submit these amendments with all necessary supporting materials and documentation to the California Coastal Commission for its review and certification for incorporation into the County's Local Coastal Program.

\* \* \* \* \*

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Regularly passed and adopted this 2<sup>nd</sup> day of October, 2007.

*AYES and in favor of said resolution:*

*Supervisors:*

MARK CHURCH

JERRY HILL

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

*NOES and against said resolution:*

*Supervisors:*

NONE

*Absent Supervisors:*

RICHARD S. GORDON

Rose Jacobs Gibson

*President, Board of Supervisors  
County of San Mateo  
State of California*

*Certificate of Delivery*

*I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*

*Marie L. Peterson*

*Marie L. Peterson, Deputy  
Clerk of the Board of Supervisors*



San Mateo County  
Planning and Building Division

# **San Mateo County Board of Supervisors Resolution**

## **Amending The Local Coastal Program, adding new Policy 1.34**

Document Number \_\_\_\_\_

County Government Center

455 County Center, Second Floor

Redwood City, California 94063

(650) 363-4161

FAX (650) 363-4849

Exhibit No. 2  
Application No. SMC-MAJ-1-06  
(Miramar Beach Restaurant LCPA)  
Resolution

## **NEW LCP POLICY 1.34 AMENDMENT**

### **1.34 Development of APNs 048-013-150, -160, and -770 (Miramar Beach Restaurant Property)**

Any new development as defined in Section 30106 of the Coastal Act on APNs 048-013-150, -160, and -770 shall require:

- a. The development and implementation of a traffic impact analysis and mitigation plan which includes Transportation Demand Measures designed to offset new vehicle trips generated by the project on Highway 1, Magellan Avenue, and Medio Avenue, during commuter peak periods and recreation periods. Calculation of new vehicle trips generated shall assume maximum occupancy of any approved development. The traffic impact analysis and mitigation plan shall also include specific provisions to assess, and mitigate for, the project's significant adverse cumulative impacts on public access to, and recreational use of, the beaches of the Midcoast region of San Mateo County. This latter component of the traffic impact analysis and mitigation plan shall include, but not be limited to, consideration of the following:
  - (1) Notwithstanding LUP Policy 10.22(b), the necessity of providing public access parking that is not time restricted to the hours of 10:00 a.m. and 4:00 p.m., so that the public may park and recreate at the beach in the early morning and evening hours.
  - (2) The necessity of signage located on the appropriate surrounding streets, indicating that public access parking is available in the Miramar Beach Restaurant parking lot.
  - (3) An assessment of project impacts combined with other projects causing related impacts, including all reasonably foreseeable future projects as defined in 14 CCR Section 15130(b).
- b. Prior to the approval of any coastal development permit application involving any development as defined in Section 30106 of the Coastal Act information necessary for the analysis and implementation of all components of the traffic analysis and mitigation plan shall be submitted in support of any coastal development permit application.
- c. To minimize the off-site transport of pollutants, the following design criteria are required for any development of APNs 048-013-770, -150, and -160, including expansion of the parking area for the Miramar Beach Restaurant. All development shall:

- (1) Incorporate Site Design and Source Control Best Management Practices (BMPs) to the maximum extent practicable, to minimize polluted runoff and water quality impacts resulting from the development. BMPs shall be selected to mitigate both construction-phase and post-construction water quality impacts. Where required, structural Treatment Control BMPs shall supplement Site Design and Source Control BMPs as necessary to protect coastal water quality. The applicant shall submit information that details how Site Design, Source Control, and where required, structural Treatment Control BMPs will manage or mitigate polluted runoff and water quality impacts resulting from proposed development.

The definitions of Site Design, Source Control, and Treatment Control BMPs are as follows:

Site Design BMPs: Project design features that reduce the generation of pollutants or reduce the alteration of natural landscape features that protect water quality (e.g., minimizing impervious surfaces, or minimizing grading).

Source Control BMPs: Practices that reduce the entrainment of pollutants in runoff (e.g., covering trash receptacles, or minimizing the use of landscaping chemicals and irrigation).

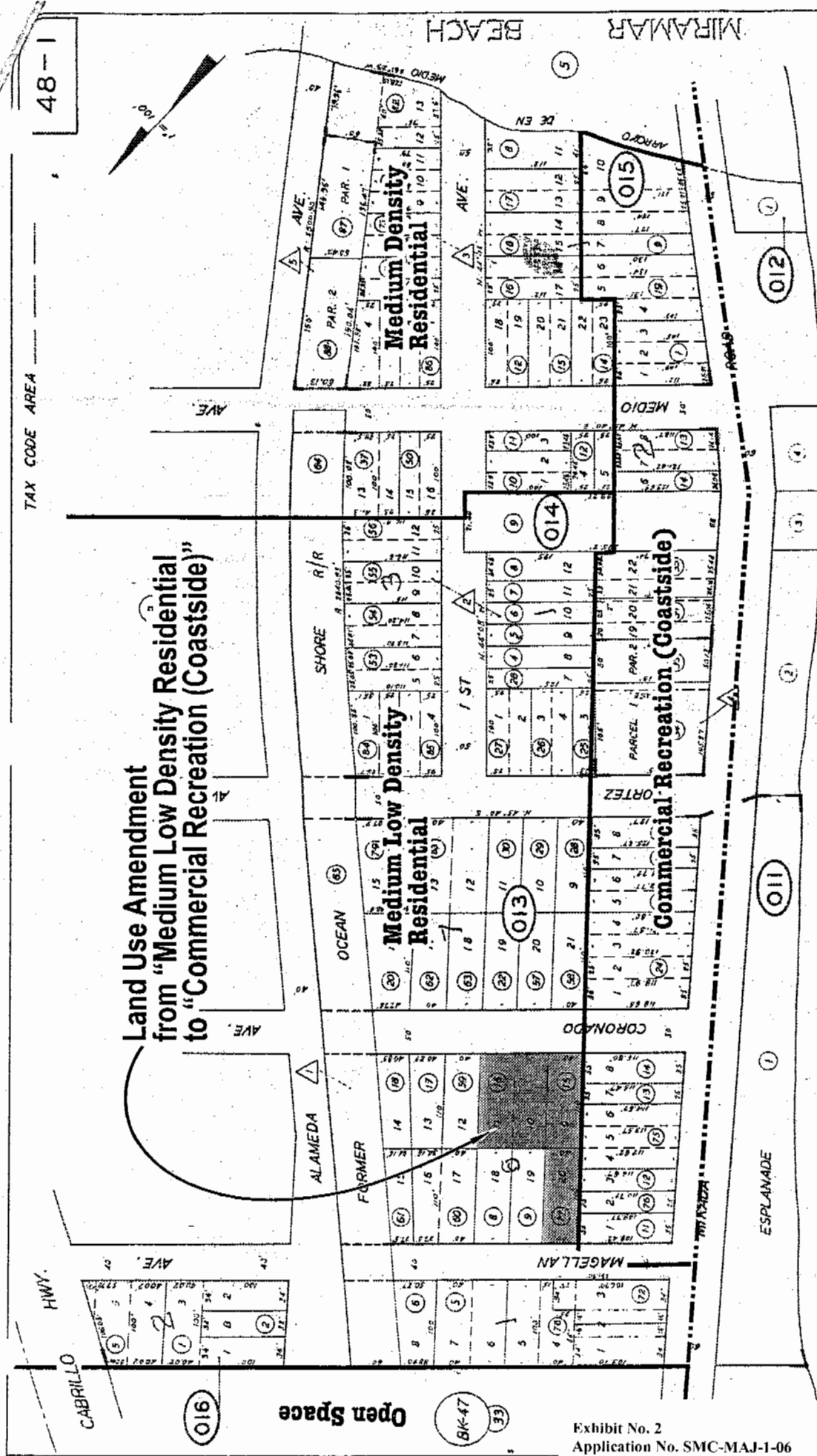
Treatment Control BMPs: Structural systems designed to remove pollutants from runoff (using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, biological process) and/or to reduce runoff volume and peak flow rates (using systems such as grassy swales, infiltration basins, detention ponds, or dry wells).

- (2) Maximize pervious surface land coverage of all new development.
- (3) Maximize pervious surface land coverage of parking areas through the use of porous/permeable pavement to the maximum extent practicable.
- (4) Incorporate best management practices (BMPs) in parking areas to minimize runoff of oil, grease, car battery acid, coolant, gasoline, sediments, trash, and other pollutants to the beach and coastal waters.
- (5) Infiltrate runoff before it reaches storm drain system or receiving waters by protecting the absorption, purification, and retention functions of natural drainage systems that exist on-site, designing drainage and project plans to complement and utilize existing

drainage systems and patterns, diverting runoff through planted areas, conveying drainage from the developed area of the site in a non-erosive manner, and restoring disturbed or degraded natural drainage systems, where feasible.

- (6) Treat runoff before it reaches storm drain system or receiving waters to remove oil, petroleum hydrocarbons, and other pollutants if the combination of Site Design and Source Control BMPs is insufficient to protect water quality.
- (7) Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal, and system fouling and plugging prevention control.

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(8/16/07)



Land Use Amendment  
from "Medium Low Density Residential  
to "Commercial Recreation (Coastside)"

- △ SHORE ACRES RSM 3/95
- △ SOUTH BALBOA TRACT RSM 5/6
- △ BROOKLYN BEACH RSM 5/58
- △ PARCEL MAP VOL 72/92
- △ PARCEL MAP VOL 13/12

## General Plan LCP Land Use Amendment

### San Mateo County Board of Supervisors Meeting

Applicant:

File Numbers: **PLN 2003-00386**

Exhibit: **1**

Exhibit No. 2  
Application No. SMC-MAJ-1-06  
(Miramar Beach Restaurant LCRA)  
Resolution

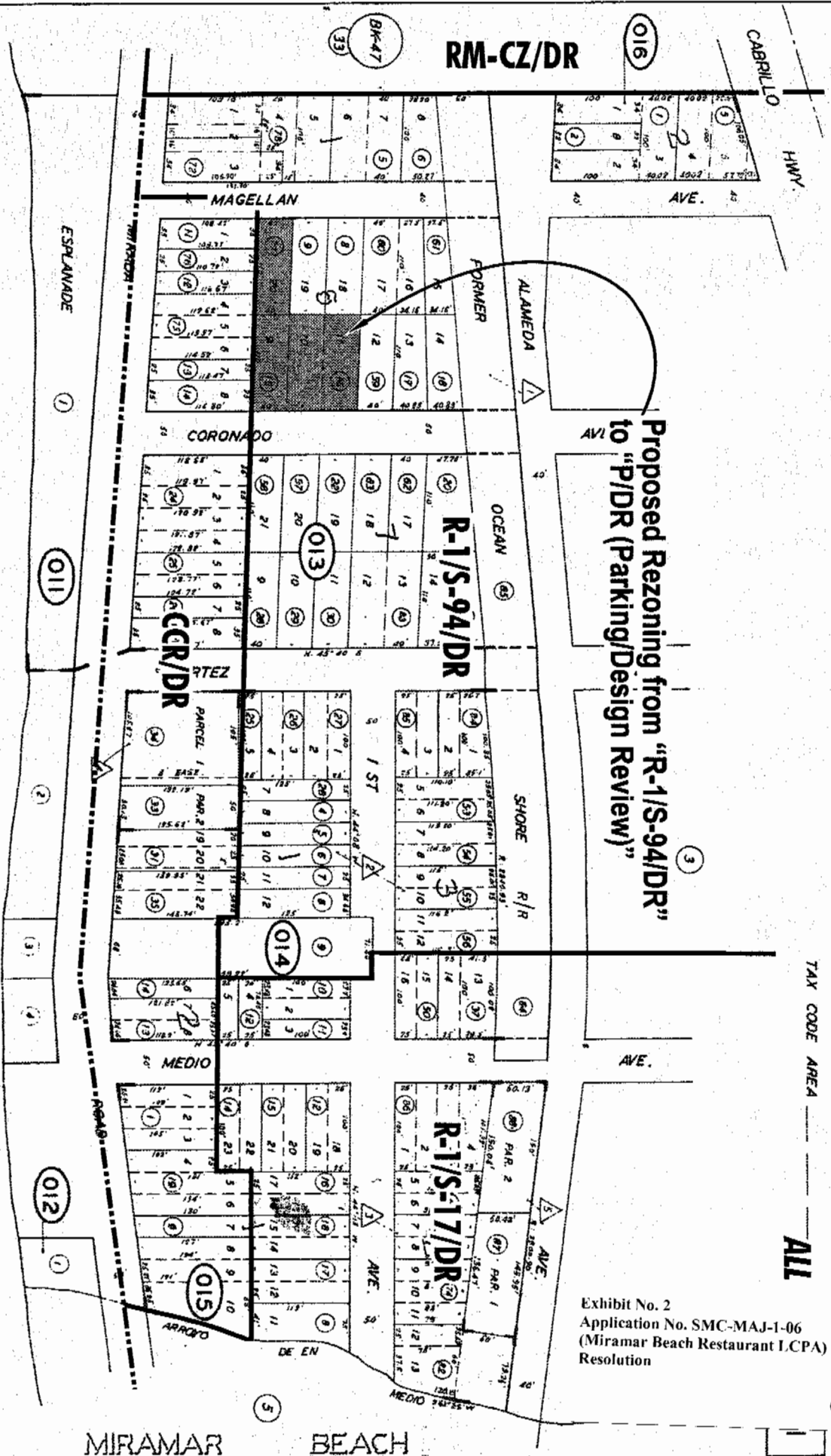
TAX CODE AREA

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Proposed Rezoning from "R-1/S-94/DR"  
to "P/DR (Parking/Design Review)"

Exhibit No. 2  
Application No. SMC-MAJ-1-06  
(Miramar Beach Restaurant LCPA)  
Resolution

(Page 11 of 11)



## Rezoning Map Amendment

### San Mateo County Board of Supervisors Meeting

Applicant: McGregor

File Numbers: **PLN 2003-00386**

Attachment: