

CALIFORNIA COASTAL COMMISSION

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April 20, 2007

TO: Commissioners and Interested Parties

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

SUBJECT: **SAN MATEO COUNTY LOCAL COASTAL PROGRAM AMENDMENT NO. 1-06 (Major)**. (For public hearing and Commission action at its meeting of May 9, 2007 in San Pedro)

SYNOPSIS

Description of the Proposed Amendment

San Mateo County LCP Amendment No. SMC-MAJ-1-06 proposes site specific changes to provisions of the San Mateo County LCP affecting three parcels located on the Miramar Beach Restaurant property in Miramar, San Mateo County. Specifically, the proposed LCP amendment would affect three parcels and includes a LUP map amendment to change 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) (exhibit 3). The proposed Land Use Plan (LUP) and Implementation Plan (IP) amendment 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 (exhibit 4).

Summary of Staff Recommendation

The staff recommends that the Commission, upon completion of a public hearing, **deny the LUP amendment request as submitted and certify the amendment request with suggested modifications**. The Miramar Beach Restaurant is located on property adjacent to the three parcels that are the subject of this LCPA in the unincorporated community of Miramar, just north of Half Moon Bay and west of Highway One, in San Mateo County's Midcoast region (exhibits 1 and 2). The restaurant has operated via a San Mateo County use permit since 1966 and the parcel where the restaurant sits is designated Commercial Recreation (coastside). Just east of the



restaurant is an 8,800 square foot section of property adjacent to the existing parking lot, which is undeveloped and vegetated with grasses. This undeveloped section of property is the subject of a current CDP application for a parking lot. Pending Commission certification of this LCPA, San Mateo County has granted approval of an additional 22-space, 8,600 square-foot parking area that is needed to serve a new outdoor patio seating area to be attached to the southern side of the adjacent restaurant (exhibit 4). The addition of this seating area would double the seating capacity of the restaurant. The LUP and IP map changes would allow for the creation of this new 22-space parking lot on APN 048-013-160 by re-designating and rezoning the parcels from residential to commercial and parking as described above. In addition, the same LUP and IP map amendments on APNs 048-013-770 and 150 are requested because these parcels are already used as a parking lot for the restaurant although they are designated and zoned for residential uses. The parcels comprising the restaurant itself and its adjacent northern parking lot are not the subject of the current amendment request.

The LUP amendment, as proposed by the County in its application and County Board of Supervisors “Resolution of Transmittal” to the Coastal Commission, is a LUP map change from Medium-Low Density Residential to General Commercial (coastside) (exhibit 3). However, according to County staff this was an error and the intent of the LUP amendment is to change the designation to Commercial Recreation (coastside), which is the same designation as the other restaurant parcels and the surrounding waterfront parcels in Miramar, instead of General Commercial (coastside). Section 30222 of the Coastal Act gives priority to visitor-serving commercial recreational facilities over general commercial development and private residential development.

Therefore, Staff recommends that the Commission impose Suggested Modification No. 1 to change the LUP designation to Commercial Recreation (coastside) instead of General Commercial (coastside), consistent with Section 30222 of the Coastal Act.

Section 30250 of the Coastal Act requires that new commercial development be adequately served by public services, such as road capacity and Sections 30210, 30211, 30222, 30223, 30250 and 30252 protect both maximum public access to the sea and coastal recreational opportunities. The proposed land use change -to General Commercial (coastside) would theoretically allow a range of commercial uses on APNs 048-013-150, 160, and 770. Currently anticipated is the construction of a 22-space parking lot to serve an expansion of the restaurant. The parking is needed for the Miramar Beach Restaurant property which is located across Mirada Road from Miramar Beach, a wide public beach that extends south to Dunes Beach and Half Moon Bay and north to Surfer’s Beach in El Granada. Road access to the Midcoast region of San Mateo County is limited to Highways 1 and 92. Studies show that the current volume of traffic on these highways exceeds their capacity and that even with substantial investment in transit and highway improvements, congestion will only get worse in the future. Magellan Avenue and Medio Avenue, the key access routes from Highway 1 to the restaurant and the coast, are already at level of service (LOS) E and F at during peak dining hours. The proposed LCPA would facilitate expanded restaurant parking because the land use designation would be



changed to Commercial Recreation as suggested to be modified and the zoning designation would be changed to parking (P). This type of commercial development could result in a trip generation of 20-45 vehicle trips, adding to the existing traffic problems on these streets. Further, the additional trips expected from a parking expansion for the restaurant would occur during midday lunch and at dinner hours, as well as weekends which are key times for public recreation on the coast.

Moreover, because there are no alternative access routes to and along the coastline in this area, the expansion of the Miramar Beach restaurant parking or another type of commercial recreational development which would be facilitated by the proposed LCP amendment would contribute to the already existing extreme traffic congestion on Highways 1 and 92 thereby significantly impacting the public's ability to access the area's public beaches. The proposed amendment includes no traffic mitigation policy or measures that would reduce the amount of vehicle trips on the road that the proposed amendment would facilitate, nor does it address the significant adverse cumulative impacts of the proposed amendment on public access to nearby Miramar Beach and other beaches in the Midcoast area. The congestion on Highways 1 and 92 is currently at a level that significantly interferes with the public's ability to access the Midcoast beaches. As described above, the proposal could bring approximately 20-45 additional vehicles to the Miramar Beach area at peak recreational times and will also affect the use of public access amenities necessary to access Miramar Beach such as public parking.

Therefore, Staff recommends that the Commission impose Suggested Modification No. 2, which would include an LUP site specific policy for any development on these parcels to offset the amount of vehicle trips generated by a commercial recreational project in order to mitigate traffic impacts to Magellan and Medio Avenues, by requiring the implementation of Transportation Demand Measures (TDM). Suggested Modification No. 2 would also add an additional site-specific policy requiring 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 Modification No. 2 would also require an additional site specific policy to be added to the LUP to avoid and minimize the water quality impacts of parking lots, consistent with Section 30231 of the Coastal Act.

As modified, the proposed LUP amendment will avoid and minimize all significant adverse impacts on coastal resources consistent with the Chapter 3 policies of the Coastal Act. In addition, the proposed Parking (P) zoning district would allow for the development of a parking lot on lands designated in the LUP as Commercial Recreation (coastside), as certified and modified by the Commission. As such, the proposed Implementation Program amendment can be approved, since to do so would result in an Implementation Program that would conform with and adequately carry out the amended Land Use Plan designation for the site.



Additional Information

For further information about this report or the amendment process, please contact Ruby Pap, Coastal Planner, at the North Central Coast District Office of the Coastal Commission, North Central Coast District, 45 Fremont St., Ste. 2000, San Francisco, CA 94105; telephone number (415) 904-5260.

I. STANDARD OF REVIEW

To approve the amendment to the Land Use Plan (LUP), the Commission must find that the LUP, as amended, will remain consistent with the Chapter 3 policies of the Coastal Act. To approve the amendments to the zoning ordinance, the Commission must find that the Implementation Plan (IP), as amended, will conform with and is adequate to carry out the LUP.

II. STAFF RECOMMENDATION

MOTION I: *I move that the Commission Certify Land Use Plan Amendment No. SMC-MAJ-1-06 as submitted by the County of San Mateo.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION I TO DENY CERTIFICATION OF LUP AMENDMENT NO. SMC-MAJ-1-06 AS SUBMITTED:

The Commission hereby denies Land Use Plan Amendment No. SMC-MAJ-1-06 as submitted by the County of San Mateo and adopts the findings set forth below on the grounds that the amendment does not conform to the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures, which could substantially lessen any significant adverse impact, which the land use plan amendment may have on the environment.

MOTION II: *I move that the Commission certify Land Use Plan Amendment No. SMC-MAJ-1-06 for the County of San Mateo if it is modified as suggested in this staff report.*



STAFF RECOMMENDATION TO CERTIFY LUP AMENDMENT NO. SMC-MAJ-1-06 WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION II TO CERTIFY LUP AMENDMENT NO. SMC-MAJ-1-06 WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies Land Use Plan Amendment No. SMC-MAJ-1-06 for the County of San Mateo if modified as suggested and adopts the findings set forth below on the grounds that the land use plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the land use plan amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the land use plan amendment may have on the environment.

MOTION III: *I move that the Commission **reject** IP Amendment No. SMC-MAJ-1-06 for the County of San Mateo as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies Implementation Program Amendment No. SMC-MAJ-1-06 for the County of San Mateo as submitted and adopts the findings set forth below on grounds that the Implementation Program conforms with and is adequate to carry out the provisions of the certified LUP as amended and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation



measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

III. SUGGESTED MODIFICATIONS

Suggested Modification No. 1:

The County of San Mateo shall amend the LUP map and re-designate APNs 048-013-150, 160, and 770 “Commercial Recreation (coastside).”

Suggested Modification No. 2

The County of San Mateo shall add the following site-specific policy to the end of the “Locating and Planning New Development” chapter of the LCP:

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 One, 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 Mid-coast 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:

- (i) Notwithstanding LUP Policy 10.22(b), the necessity of providing public access parking that is not time restricted to the hours of 10 a.m. and 4 p.m., so that the public may park and recreate at the beach in the early morning and evening hours.
- (ii) The necessity of signage located on the appropriate surrounding streets, indicating that public access parking is available in the Miramar Beach Restaurant parking lot.
- (iii) An assessment of project impacts combined with other projects causing related impacts, including all reasonably foreseeable future projects as defined in 14 CCR § 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 CDP application.

(c) To minimize the offsite 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:

(i) 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).

(ii) Maximize pervious surface land coverage of all new development.

(iii) Maximize pervious surface land coverage of parking areas through the use of porous/permeable pavement to the maximum extent practicable.



(iv) 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.

(v) 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 onsite, 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.

(vi) 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.

(vii) Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal, and system fouling and plugging prevention control.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Amendment Description

The LCP amendment proposal would change the land use plan (LUP) designation of three parcels (048-013-160, 150 and 770) from Medium-Low Density Residential to General Commercial (Coastside) and change the zoning designation on these three parcels from Single-Family Residential/Design Review (R-1/S-94/DR) to Parking Design Review (P/DR) (exhibit 3).

This LCPA would facilitate commercial development on the subject parcels. One highly anticipated development for the site is the construction of a 22-space 8,600 square-foot parking lot to provide the needed parking spaces required to serve an anticipated restaurant addition of a 2,267 square-foot outdoor patio on the property adjacent to the three parcels that are the subject of this LCPA. This anticipated restaurant addition on the property adjacent to the three parcels that are the subject of this LCPA would increase the restaurant seats by 130, for a total of 249, thereby doubling the capacity of the restaurant (exhibit 4). The LUP and IP map changes would allow the creation of a new 22-space parking lot on APN 048-013-160 by re-designating and rezoning the parcels from residential to commercial and parking as described above. In addition, the same LUP and IP map amendments on APNs 048-013-770 and 150 are requested because



these parcels are already used as a parking lot for the adjacent restaurant although they are designated and zoned for residential uses. The area where the actual restaurant patio expansion would occur is not the subject of the proposed LCPA because it is already designated for its commercial use (see below).

B. Site Description

The Miramar Beach Restaurant is located on property adjacent to the three parcels that are the subject of this LCPA in the unincorporated community of Miramar, just north of Half Moon Bay and west of Highway One, in San Mateo County's "Midcoast" region. The restaurant is located on the northeast corner of Mirada Road and Coronado Avenue. It fronts Mirada Road, which runs north-south along Miramar Beach (exhibit 2). The restaurant property is relatively flat and the majority of the site is developed with a 2-story building, which houses the Miramar Beach Restaurant on the first floor.

Miramar Beach Restaurant has operated via a San Mateo County use permit since 1966. It currently has 137 dining seats and a parking lot containing 54 parking spaces. Just east of the restaurant is an existing parking lot, and east of that is an 8,800 square foot section of the property, which is undeveloped and vegetated with grasses and weeds. This undeveloped section of the property is the subject of a current CDP application for a parking lot. Pending certification of this LCPA by the Commission, San Mateo County has granted approval of an expanded 22-space, 8,600 square-foot parking area that is needed for the adjacent restaurant, which would take access off Coronado Avenue (exhibit 4).

Like all the properties directly fronting Mirada Road and the Ocean, the Miramar Beach Restaurant building is on land designated Commercial Recreation (Coastside) and zoned Coastside Commercial Recreation/Design Review (CCR/DR). However, portions of the existing parking lot just east of the restaurant building and a the vacant lot just east of the existing parking lot (slated for parking lot expansion) are designated Medium-Low-Density Residential and zoned One-Family Residential/Mid-Coast Combining District/Design Review (R-1/S-94/DR). Further to the east is the residential community of Miramar, designated Medium-Low-Density Residential and zoned One-Family Residential/Mid-Coast Combining District/Design Review (R-1/S-94/DR) (exhibit 3). Across from the project site at the southeast corner of Mirada Road and Coronado Avenue is the Miramar Beach Inn Bed and Breakfast and other B&Bs along Mirada Road in the CCR zoning district. There are also several legal non-conforming residences facing the beach along Mirada Road in the CCR district.

C. Land Use Plan Findings

1. Proposed Land Use Plan Designation

Section 30222 of the Coastal Act states:



The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The LUP amendment as proposed by the County in its application and County Board of Supervisors “Resolution of Transmittal to the Coastal Commission” is a LUP map change from Medium-Low Density Residential to General Commercial (coastside) (exhibit 3). However, according to County staff this was an error and the intent of the LUP amendment is to change the designation to Commercial Recreation (coastside), which is the same designation as the other restaurant parcels and the surrounding waterfront parcels in Miramar, instead of General Commercial (coastside). Indeed, there are no lands designated “General Commercial (Coastside)” in Miramar or elsewhere in the Montara-Moss-Beach-El Granada area.

Section 30222 of the Coastal Act gives priority to visitor-serving commercial recreational facilities over general commercial development and private residential development. As described in Section B, Miramar Beach Restaurant is a historical institution and has operated via a San Mateo County Use permit since 1966. Its existing indoor dining area faces out towards the ocean and offers diners and recreationists who visit the areas neighboring beaches and trails beautiful views of the coast. In addition, the restaurant itself draws tourists and other local members of the public to the local Miramar coast, consistent with Coastal Act priorities.

The proposal to change the LUP designation of three parcels located adjacent to the restaurant from Medium-Low-Density Residential to General Commercial (coastside) would facilitate the anticipated development of a parking lot to serve the addition of an outdoor seating area for the public to enjoy. However, this general designation would not serve to give priority to commercial recreational uses as intended by the County because while the “Commercial Recreation” designation in the LUP lists “commercial amusement” as a permitted use, the “General Commercial” designation does not specifically recognize recreation or “amusement” uses as permitted uses.

Further, like all the properties directly fronting Mirada Road and the Ocean, the Miramar Beach Restaurant is on a parcel specifically designated Commercial Recreation (coastside), and as described above, County staff indicated it was the County’s intent to make a consistent designation in the current proposal.

Moreover, there are at least three residences located on this strip of Commercial Recreation (coastside) designated land that, according to the County, were built before the Coastal Act was passed. Taking three other residential parcels and changing their land use designations from



Medium-Low-Cost-Residential to Commercial Recreation (coastside) on a site that can facilitate commercial recreational development would serve to give more priority to commercial recreational uses in the area, consistent with Section 30222.

Therefore, due to all the reasons described above, Commission finds that the amendment as formally proposed by the County to change the land use from Medium-Low-Density Residential to General Commercial (coastside) on a property where the rest of the property is designated Commercial Recreation (coastside), and is therefore suitable for commercial recreation (coastside), is inconsistent with Section 30222 of the Coastal Act. However, if modified to change the land use designation on these three parcels from Medium Low-Density-Residential to Commercial Recreation (coastside), the proposed LUP amendment would be consistent with Section 30222. Therefore, the Commission imposes Suggested Modification No. 1 outlined below.

Suggested Modification No. 1:

The County of San Mateo shall formally change its resolution and formally re-designate APNs 048-013-150, 160, and 770 “Commercial Recreation (coastside).”

Therefore, the Commission finds that the proposed LUP amendment, as modified, is consistent with Sections 30222 and 30223 of the Coastal Act.

2. Traffic and Public Access

Section 30250 of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development,



(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation,

.....

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

These above-referenced policies require that development shall not interfere with the public's ability to access the sea, the location and amount of new development should maintain and enhance public access to the coast, upland areas necessary to support coastal recreation uses shall be reserved for such uses and that new development be located in areas with adequate public services where it will not have a significant adverse effect, either individually or cumulatively, on coastal resources.

Section 30250 requires that new commercial development be adequately served by road capacity, water supply and sewage disposal. In regards to water and sewer, the restaurant expansion that would be facilitated by the proposed amendment would be served by the Coastside County Water District for water supply and Granada Sanitary District for sewage disposal, and the project would not add any additional bathroom or plumbing connections, consistent with Coastal Act Section 30250.



Roadway capacity, however, poses a larger issue for the proposed amendment. Road access to the Mid-Coast region of San Mateo County is limited to Highways 1 and 92 (exhibit 1). Studies show that the current volume of traffic on these highways exceeds their capacity and that even with substantial investment in transit and highway improvements, congestion will only worsen in the future. As a result, the level of service (LOS) on the highways at numerous bottleneck sections is currently, and will in the future continue to be rated as LOS F. LOS F is defined as heavily congested flow with traffic demand exceeding capacity resulting in stopped traffic and long delays. This LOS rating system is used to describe the operation of both transportation corridors as well as specific intersections. LOS F conditions are currently experienced at certain intersections and at bottleneck sections of both highways during both the weekday PM peak-hour commuter period and during the weekend midday peak.¹ Coastal Act Sections 30210, 30211, 30223, 30250 and 30252 contain policies that protect the public's ability to access the coast. Because there are no alternative access routes to and along the coastline in this area of the coast, the extreme traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources, in conflict with these policies.

Restaurant Expansion Traffic Impact Analysis

The land use change to Commercial Recreation (coastside), as modified, would theoretically allow a range of commercial uses on the subject parcel. Currently anticipated is the construction of a 22-space parking lot to serve an expansion of the restaurant. San Mateo County submitted two traffic impact analyses for the restaurant expansion project, conducted by RKH Civil and Transportation Engineering and dated September 28, 2006 and February 2, 2007. RKH analyzed two intersections that provide access to the site: Highway One/Magellan Avenue and Highway One/Medio Avenue. Three analysis scenarios were presented: Existing conditions, project conditions, and cumulative conditions.

To calculate existing conditions, peak period traffic counts were taken on Friday, August 18, 2006, from 12:00 noon to 2:00 p.m. and from 6:00 p.m. to 8:30 p.m. and on Saturday, August 19, 2006, from 12:00 noon to 2:00 p.m. and from 6:00 p.m. to 8:30 p.m. These days and times were selected because August is typically the busiest month of the year and the restaurant is open for lunch and dinner.

San Mateo County LCP Policy 2.49 considers LOS Level D acceptable during commuter peak periods and LOS E acceptable during recreation peak periods. Existing LOS was calculated based on the average delay per vehicle (measured in seconds) for each controlled movement at each intersection. The results showed that currently the controlled movements on Route 1 operate at LOS B or better while the LOS of the cross streets leading to the restaurant vary from D to F. To illustrate, existing level of service on Magellan Ave. is F at p.m. times and F at

¹ CCS 1998. "Supplemental Traffic Study, Foothill Boulevard Access Alternatives," CCS Planning & Engineering, December 1998

C/CAG 1997. "San Mateo County Countywide Transportation Plan Alternatives Report."

C/CAG 2003 "San Mateo County Congestion Management Plan."



Saturday midday times. Further, westbound Medio Ave. is LOS F on Saturday at midday and p.m. times.

To calculate traffic conditions anticipated as a result of the proposed LCPA and restaurant expansion, RKH first took counts of driveway traffic at the restaurant during peak restaurant traffic activity in the early afternoon and early evening to calculate existing vehicle trips at the restaurant. Existing driveway traffic at peak lunch and dinner times ranged from approximately thirty-five 2-way vehicles per hour at lunch time to forty 2-way vehicles per hour at dinner time. Additionally, a survey of restaurant customers was conducted on Friday, August 18, and Saturday, August 19. Using the data obtained in the customer surveys, an estimate of vehicle trip generation was made on the effect of the outdoor seating addition to the restaurant. This estimate assumed that the restaurant business on those days favorable to outdoor seating would increase by 86% over the business that the restaurant currently does. This estimate did not assume the restaurant would be at full capacity, however RKH assumed this estimate to be conservative because it assumes that outdoor seating will be favorable on all days despite weather conditions, and that it would be used for dinner as well as for lunch (with outdoor heaters).

A range of 12 to 20 new vehicle trips (including ins and outs) would be generated under the above scenario. RKH calculated the following specific vehicle trip generation estimates during restaurant peak times:

Vehicle Trip Generation Miramar Beach Restaurant		
Peak Hour	In*	Out*
Friday Noon	10	2
Friday Evening	11	7
Saturday Noon	14	3
Saturday Evening	12	8

*Net new vehicle trips (within the peak period traffic count)
Source: RKH 2007

Commission staff requested that RKH conduct further analysis of trip generation and traffic impacts of the restaurant at full capacity to understand the potential maximum traffic impacts. RKH conducted an alternative trip generation that assumed that all of the new 130 restaurant outdoor seats are fully occupied. This analysis showed that at full capacity, the additional volume during each of the four peak hours would be 45 new vehicle trips (45 vehicles inbound and 0 vehicles outbound), an increase of approximately 25 vehicle trips over the initial analysis.

RKH also calculated the LOS for the intersections that would result from the proposed LCPA and restaurant expansion. As described above, currently the existing controlled movements on Route 1 operate at LOS B or better while the LOS of the cross streets leading to the restaurant vary from D to F. RKH calculated that the LOS would not change, except that north bound traffic on route 1 at Magellan Ave would change from LOS A to B at PM times on Fridays (with



100% occupied outdoor seating), and traffic on Magellan avenue would change from LOS E to F at PM times on Saturdays (with 100% outdoor seating occupied).

RKH also conducted a cumulative conditions scenario, which projected traffic within the study area to the year 2011. This analysis assumed no foreseen development expected to occur in the area within the five year projection and a ½% increase in the annual rate of traffic at the two intersections. These calculations showed that the LOS would not change as a result of project conditions and the proposed LCP amendment, except that traffic on Magellan Avenue would change from LOS E to F at midday times on Fridays, and east bound Medio Avenue would go from LOS D to E at midday times on Fridays.²

Public Access Data

RKH conducted a circulation and coastal access analysis for Magellan and Medio Avenues as part of its February 2007 traffic impact analysis. The physical carrying capacity of these streets is 1,570 vehicles/hour (LOS D), the environmental carrying capacity is much less (approximately 2.0 vehicles/minute) because of the pedestrian activity on the streets, in particular the Westerly half of Medio Avenue and on Mirada Road. The existing traffic volumes on these roads are below the environmental carrying capacity, with Medio Avenue reaching the maximum threshold at midday. RKH calculated that with the proposed restaurant expansion and the proposed LCPA, local street environmental traffic flow would exceed the environmental carrying capacity of 2.0 vehicles/minute on Magellan Avenue on Saturday evening (with 100% outdoor restaurant seating occupied), and on Medio Avenue on Saturday Midday (with less than 100% of the outdoor restaurant seating occupied).²

The County did not submit a cumulative impact analysis of a restaurant expansion's cumulative impacts to coastal vehicular and pedestrian access.

The RKH report concludes that the LOS of the controlled movements at the two studied intersections would not significantly change with the increase in traffic from the project that the delay to waiting vehicles would increase slightly at some of the movements and that the addition and use of the outdoor patio seating area of the Miramar Beach Restaurant is expected to increase vehicular traffic to and from the restaurant only be on a few days of the year when weather conditions are suitable and not during typical morning and afternoon peak commute periods but during the summer months during the noontime lunch period.

² RKH 2007. Traffic Impact Analysis Miramar Beach Restaurant, San Mateo County, CA. February 2, 2007.



Commission Analysis

The subject property is located across Mirada Road from Miramar Beach, a wide public beach that extends south to Dunes Beach and Half Moon Bay and north to Surfer's Beach in El Granada. Just north of the restaurant is a large undeveloped area with a blufftop trail, which is accessed by a trail just north of Magellan Avenue (exhibit 2). Magellan Avenue and Medio Avenue provide key vehicular access points for the public to reach this beach, and recreate on the beach or the blufftop trails located to the north and south. Public access parking is limited to the residential streets and 11 existing designated public access parking spots at the Miramar Beach Restaurant between the hours of 10 a.m. to 4 p.m. Limited signage exists on the surrounding roadways indicating the availability of public access parking.

As discussed above in the introduction to this section, the existing extreme traffic congestion on Highway 1 (Midcoast region) during peak periods already significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources, in conflict with Coastal Act and LCP Policies. While the Miramar Beach Restaurant is a visitor-serving use and the land use change to Commercial Recreation, as modified, is consistent with Section 30222 and Section 30223, in order to approve the proposed amendment the Commission must find that the land use change would be adequately served by the roadway infrastructure, and would not impact the ability of the public to reach the coast and utilize beaches, trails, and other visitor serving uses consistent with Sections 30250, 30252, 30210, 30211 and 30223.

The Commission notes that Magellan Avenue and Medio Avenue, the key access routes from Highway 1 to the restaurant and the coast, are already at LOS E and F at peak dining hours and with the range of additional trip generation by one example of a commercial recreational development described above (the patio expansion of the restaurant, which would be facilitated by new parking lot on the subject parcels), 20-45 vehicle trips, traffic is expected to worsen on these streets. Further, these additional trips would most likely occur during midday lunch and at dinner hours, as well as weekends which are key times for public access to, and recreational use of, the Midcoast. Because Magellan and Medio Avenues would be over-capacity, and there are no proposed measures or proposed LUP policies to offset new vehicle trips from new commercial recreational development on the subject parcels, the proposed amendment is not adequately served by public roadway services, inconsistent with Section 30250. Further, the increased traffic on these roads hinders the ability for the public to access the Miramar Beach area in their vehicles, through increased time delays and inconvenience, inconsistent with Sections 30210, 30211, 30223, 30250 and 30252.

Accordingly, the Commission finds that the significant adverse cumulative impacts to coastal resources, such as roadway capacity and its effect on the public's ability to access the coast must be addressed by the proposed LUP amendment. The RKH analysis did discuss a "cumulative conditions" scenario that predicted little traffic change as a result of cumulative conditions at the two studied intersections. This conclusion, however, was based on a specific project, the



restaurant expansion, and based on an assumption that there would be no additional development in the Miramar neighborhood in the next five years. This analysis does not address the proposed land use change to commercial recreation and the range of potential developments that could occur on the site.

Consideration of project impacts at a regional level is expressly required under the CEQA regulations concerning cumulative impact analysis. Cumulative impact analysis is based on an assessment of project impacts combined with other projects causing related impacts (14 CCR § 15355). In accordance with CEQA, cumulative impact analysis must consider reasonably foreseeable future projects or activities. The CEQA guidelines identify two sources of data that can be consulted for the purpose of evaluating the significant cumulative impacts of development (14 CCR § 15130(b)).

(1) Either:

(A) A list of past, present and probable future projects producing related or cumulative impacts, including those projects outside the control of the agency, or

(B) A summary of projections contained in an adopted general plan or related planning document or in a prior environmental document which has been adopted or certified, which describes or evaluates regional or area wide conditions contributing to the cumulative impact. [Emphasis added.]

The Commission notes that there are reasonably foreseeable projects in the Miramar area and also in the surrounding midcoast area, and as described below, finds that the change in land use to a commercial recreational use combined with these future potential developments would have significant adverse cumulative impacts to roadway capacity and the public's ability to access the beaches in the midcoast area.

As discussed above in the introduction to this section, the existing extreme traffic congestion on Highway 1 (Cabrillo Highway) and Highway 92 during peak periods significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources, in conflict with the Coastal Act and existing LCP Policies. While the Miramar Beach Restaurant can be considered a visitor-serving use, great care needs to be taken to ensure that its expansion, combined with other reasonably foreseeable commercial and residential developments in the future, does not adversely impact the already strapped roadway capacity and adversely impact the ability of the public to reach the coast and utilize either these types of visitor-serving uses or the Midcoast area's public beaches and trails.

The San Mateo County LUP does not estimate buildout for commercially designated lands. However, according to data collected for the County's LCP Update Project,³ the existing commercial buildout of the existing certified LCP was analyzed. There are approximately 13-

³ September 10, 2003 Staff Report to the Planning Commission for Midcoast LCP Update Project



acres of Coastside Commercial Recreation zoned properties in the midcoast left undeveloped. A majority of this land is in Pillar Point Harbor/Princeton, just north of Miramar. In addition, there are 21 acres left of undeveloped Waterfront zoned properties, located in Princeton. There are also 44-acres of lands zoned General Industrial (M-1) left undeveloped located at the Half Moon Bay Airport and its surroundings, and approximately 2-acres left of undeveloped Neighborhood Commercial (C-1) lands in the midcoast clustered on or near Highway 1.

In addition, the expected increase in residential development in the midcoast at buildout of the LCP is a major growth factor and contributor to traffic and public access impacts. The San Mateo County and Half Moon Bay Land Use Plans specify the approximate number of households in the Mid-Coast region if maximum potential buildout occurs. Buildout refers to the point in time when all developable lots have been developed. These projections are based on current zoning and available lots. The area contains a large number of undeveloped lots in existing “paper subdivisions” dating back to the early 20th Century. The LUPs do not fully account for the development of these lots because an accurate count of the number of developable lots in these paper subdivisions does not exist. As a result, the maximum potential buildout levels may be underestimated, particularly in the County.

Half Moon Bay LUP Table 1.1 *Maximum Housing and Population, Half Moon Bay Land Use Plan* shows the City at 3,612 existing units as of 1992, growing to full buildout of 7,991-8,071 households by 2020. These projections are based on a 3-percent annual growth rate consistent with the City’s certified LCP Measure A growth restriction and a ratio of 2.6 persons per household.

The San Mateo County LUP estimates the buildout population for the rural and urban Mid-Coast area north of Half Moon Bay at 17,085 persons, and for the south of the City (South Coast) at 5,000 persons (LUP Table 2.21 *Estimated Buildout Population of LCP Land Use Plan*). The LUP does not estimate the number of households that these population levels would reflect. Using the same ratio of 2.6 persons to household used for the City’s LUP, the County buildout levels expressed in numbers of households is 6,571 for the Mid-Coast. There are no annual residential growth restrictions in the County Mid-Coast planning area located outside the City of Half Moon Bay.

The regional transportation studies conducted over the last 20-plus years clearly and consistently demonstrate that the Mid-Coast area highways cannot support the current level of development and that anticipated growth will result in even greater traffic congestion despite billions of dollars of transportation system expenditures.⁴ The congestion on Highways 1 and 92 is currently at a level that significantly interferes with the public’s ability to access the Half Moon Bay shoreline. Because there are no alternative access routes to and along the coastline in this

⁴ CCS 1998. “Supplemental Traffic Study, Foothill Boulevard Access Alternatives,” CCS Planning & Engineering, December 1998

C/CAG 1997. “San Mateo County Countywide Transportation Plan Alternatives Report.”

C/CAG 2003 “San Mateo County Congestion Management Plan.”



area of the coast, the extreme traffic congestion on Highway 1 and 92 already significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources in conflict with the Coastal Act. The proposed amendment includes no traffic mitigation policy or measures that would reduce the amount of vehicle trips on the road that the proposed amendment would facilitate nor does it address the significant adverse cumulative impacts of the proposed amendment on public access to nearby Miramar Beach and other beaches in the Mid-Coast area. Therefore, the Commission finds that the regional cumulative traffic impacts of the proposed amendment would significantly interfere with the public's ability to access the coast, in conflict with Coastal Act Policies 30210, 30211, 30223, 30250 and 30252. Accordingly, the proposed LCPA must be denied.

However, if modified to include an LUP policy designed to offset the amount of vehicle trips generated by the project to offset traffic impacts to Magellan and Medio Avenues, by requiring the implementation of Transportation Demand Measures (TDM), and if modified to protect the public access experience, by requiring an additional site-specific policy requiring that measures be implemented to facilitate public access to the beach around the site, the proposed LCPA would be consistent with the Coastal Act. Therefore, the Commission Suggested Modification No. 2 to the San Mateo County LUP requires mitigation of project impacts on traffic congestion caused by the proposed amendment, including the proposed amendment's significant adverse cumulative impacts on the public's ability to access the coast.

Suggested Modification No. 2:

Add the following site-specific policy to the end of the "Locating and Planning New Development" chapter of the LCP:

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 One, 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 Mid-coast 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:



(i) Notwithstanding LUP Policy 10.22(b), the necessity of providing public access parking that is not time restricted to the hours of 10 a.m. and 4 p.m., so that the public may park and recreate at the beach in the early morning and evening hours.

(ii) The necessity of signage located on the appropriate surrounding streets, indicating that public access parking is available in the Miramar Beach Restaurant parking lot.

(iii) An assessment of project impacts combined with other projects causing related impacts, including all reasonably foreseeable future projects as defined in 14 CCR § 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 CDP application.

As modified above, the Commission finds that the proposed LUP amendment is consistent with the Coastal Act Sections 30250, 30252, 30210, 30211, 30222, and 30223.

3. Water Quality

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed LUP Amendment to change the LUP designation from Medium-Low-Density Residential to Commercial Recreation (coastside), as modified, would facilitate an anticipated new 22-space, 8,600 square-foot parking area for a restaurant located on property adjacent to the three parcels that are the subject of this LCPA, thereby accommodating the expanded outdoor seating of the restaurant (exhibit 4). The amendment could also potentially facilitate other commercial recreational development on site, such as structures or loading areas for retail trade or hotel uses, if the owner changes his plans to expand the patio seating and build the parking lot.

Commercial recreational development has the potential to impact water quality through polluted runoff originating from structures, landscaping, parking, and loading areas. Certain categories of



development have a greater potential for adverse coastal water quality impacts, due to the development size, type of land use, or proximity to coastal waters. In regards to the anticipated parking area that would be facilitated by this amendment, due to its anticipated size (8,600 square-feet), the type of use that would occur (parking/storage of vehicles), and its close proximity to coastal waters (i.e. Miramar Beach), it is a development of special concern, and has a large potential for adverse coastal water quality impacts, inconsistent with Section 30231 of the Coastal Act.

Parking lots can accumulate oil, grease, water insoluble hydrocarbons, and heavy metals from vehicle drippings and engine system leaks. These pollutants can be directly transported in runoff when it rains to coastal waters if measures are not implemented to control runoff. Site Design and Source Control Best Management Practices (BMPs) minimize polluted runoff and water quality impacts resulting from development. Developments of special concern, such as anticipated parking lot on the site of the proposed amendment, may require Treatment Control BMPs. Site Design BMPs are project design features that reduce the generation of pollutants or reduce the alteration of natural landscape features that protect water quality. These include the reduction of impervious surface land coverage, and the use of pervious pavements for parking areas, and infiltrating runoff before it reaches the storm drain system (i.e. keeping the runoff onsite). Source control BMPs include practices that reduce the entrainment of pollutants in runoff, such as minimizing the use of landscaping chemicals and irrigation, and covering trash receptacles. Treatment control BMPs include structural systems designed to remove pollutants from runoff or reduce runoff volume and peak flow rates, such as filtration, gravity settling, and grassy swales.

The proposed LUP amendment does not include proposed policy measures to address the water quality impacts from the proposed land use change. According to the County, proposed change from a residential designation to a commercial designation (which would allow parking lots) would result in approximately double the amount of runoff from the site as a result of the increased impervious surface generated by a traditional asphalt parking lot. This increase in runoff combined with no required measures to control it on the site would affect the biological productivity of nearby coastal waters, inconsistent with Coastal Act Section 30231. Therefore, the Commission finds that the proposed LUP amendment is inconsistent with Section 30231 of the Coastal Act and must be denied. However, if modified to include a site specific policy in the LUP that requires the types of measures described above to control runoff from development, the proposed LUP amendment would be consistent with Section 30231. Therefore, the Commission imposes the following addition to Suggested Modification No. 2.

Suggested Modification No. 2

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:



...

c) To minimize the offsite 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:

(i) 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).

(ii) Maximize pervious surface land coverage of all new development.

(iii) Maximize pervious surface land coverage of parking areas through the use of porous/permeable pavement to the maximum extent practicable.

(iv) 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.

(v) 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 onsite, 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.

(vi) 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.

(vii) Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal, and system fouling and plugging prevention control.

Therefore, as modified above, the Commission finds that the proposed LUP amendment is consistent with Section 30231.

D. Implementation Plan Findings

The proposed IP amendment would rezone the site from Single-Family Residential/Design Review (R-1/S-94/DR) to Parking/Design Review (P/DR) (exhibit 3). The proposed zoning district allows for the following principally permitted uses: temporary parking of private passenger vehicles and temporary use of traveling shows, carnivals and exhibitions. The “P” district also allows for the following conditional use, subject to the issuance of a use permit: freestanding sign identifying businesses or activities immediately adjacent to the parking facility and on the same parcel. The “P” zoning district would allow for the development of a parking lot on lands designated in the LUP as Commercial Recreation (coastside), as certified and modified by the Commission. Therefore, since the Commission has certified the proposed LUP map changes with suggested modifications to the LUP policies, the proposed Implementation Program change can be approved, since to do so would result in an Implementation Program that would conform with and adequately carry out the amended Land Use Plan designation for the site. Thus, the Commission finds that the proposed Amendment No. 1-06 to the Implementation Plan conforms to and is adequate to carry out the Land Use Plan, as amended with suggested modifications by San Mateo County LCP Amendment No. 1-06.

E. Consistency with the California Environmental Quality Act (CEQA)

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does use any environmental information that the local government has developed.



Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Since the Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been designated by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Thus, in addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code and Section 13540(f) of the Commission's regulations require that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

As stated above, the County LCP Amendment consists of a Land Use Plan amendment and an Implementation Plan amendment. The Commission incorporates its findings on Coastal Act and land use plan conformity at this point as it set forth in full.

The Land Use Plan amendment as originally submitted cannot be found to be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The Land Use Plan amendment, as submitted, is not adequate to carry out and is not in conformity with the policies of Chapter 3 of the Coastal Act with respect to public recreation, public access and water quality.

The Commission, therefore, has suggested modifications to bring the Land Use Plan amendment into full conformance with the requirements of the Coastal Act. Specifically, the Commission's certification requires that public access and recreation and water quality be protected, and that studies and mitigation measures regarding the protection of public access and recreation and water quality be submitted and implemented as part of the review process for any coastal development permit involving development of APNs 048-013-150, 160 and 770. As modified, the Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Further, the Commission finds that approval of the Implementation Program would not result in significant adverse environmental impacts under the meaning of CEQA. Specifically, the Implementation Plan, as modified, would conform with and adequately carry out the LUP as amended.

The Commission finds that the Local Coastal Program Amendment, as modified, will not result



in significant unmitigated adverse environmental impacts under the meaning of the CEQA. Further, future individual projects would require coastal development permits, issued by the County of San Mateo, and in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

Exhibits:

1. Regional Location Map
2. Vicinity Map
3. County Resolutions
4. Plans for parking lot and patio expansion

Substantive File Documents:

CCS 1998. "Supplemental Traffic Study, Foothill Boulevard Access Alternatives," CCS Planning & Engineering, December 1998
C/CAG 1997. "San Mateo County Countywide Transportation Plan Alternatives Report."
C/CAG 2003 "San Mateo County Congestion Management Plan."
RKH 2007. Traffic Impact Analysis Miramar Beach Restaurant, San Mateo County, CA. February 2, 2007
San Mateo Local Coastal Program
Half Moon Bay Local Coastal Program



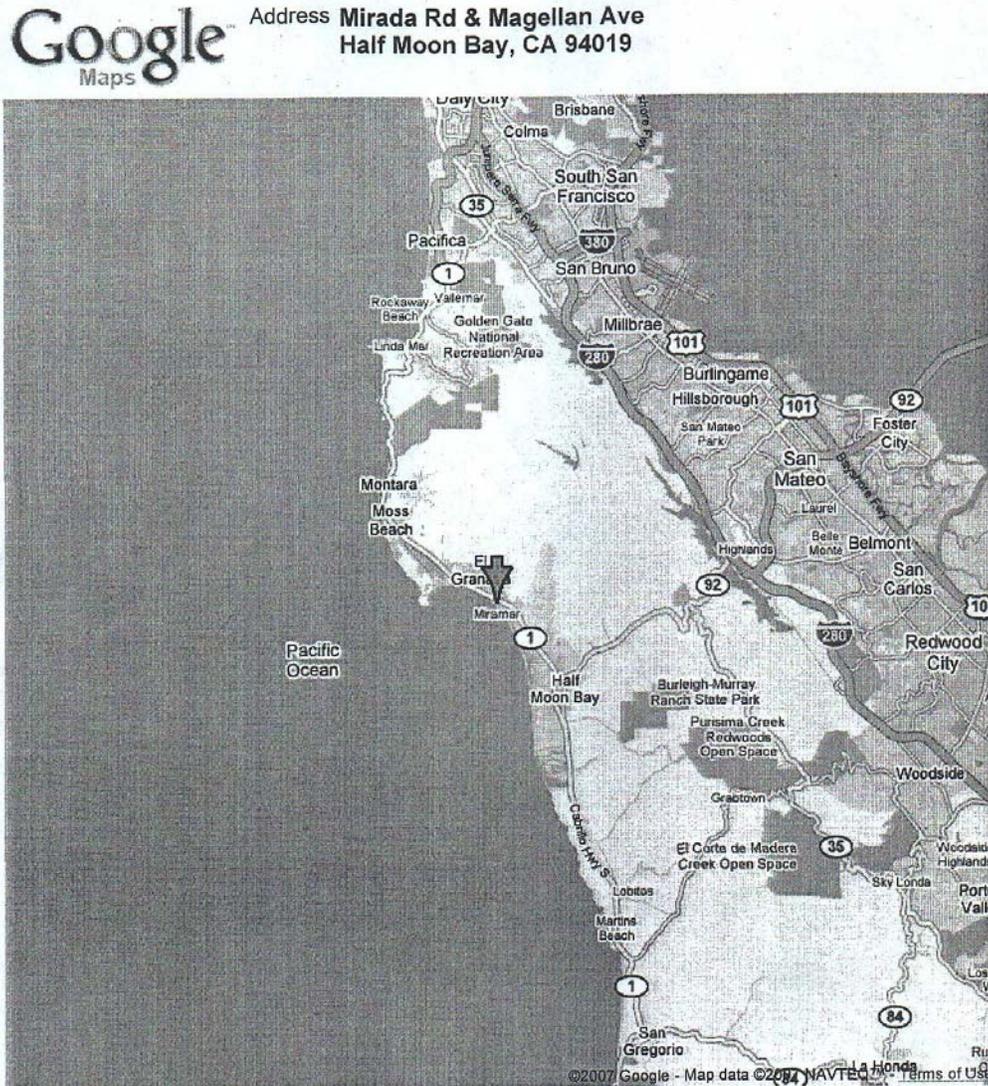


EXHIBIT NO. 1
APPLICATION NO.
SMC-MAJ-1-06 (Miramar Beach Restaurant)
Regional Location Map



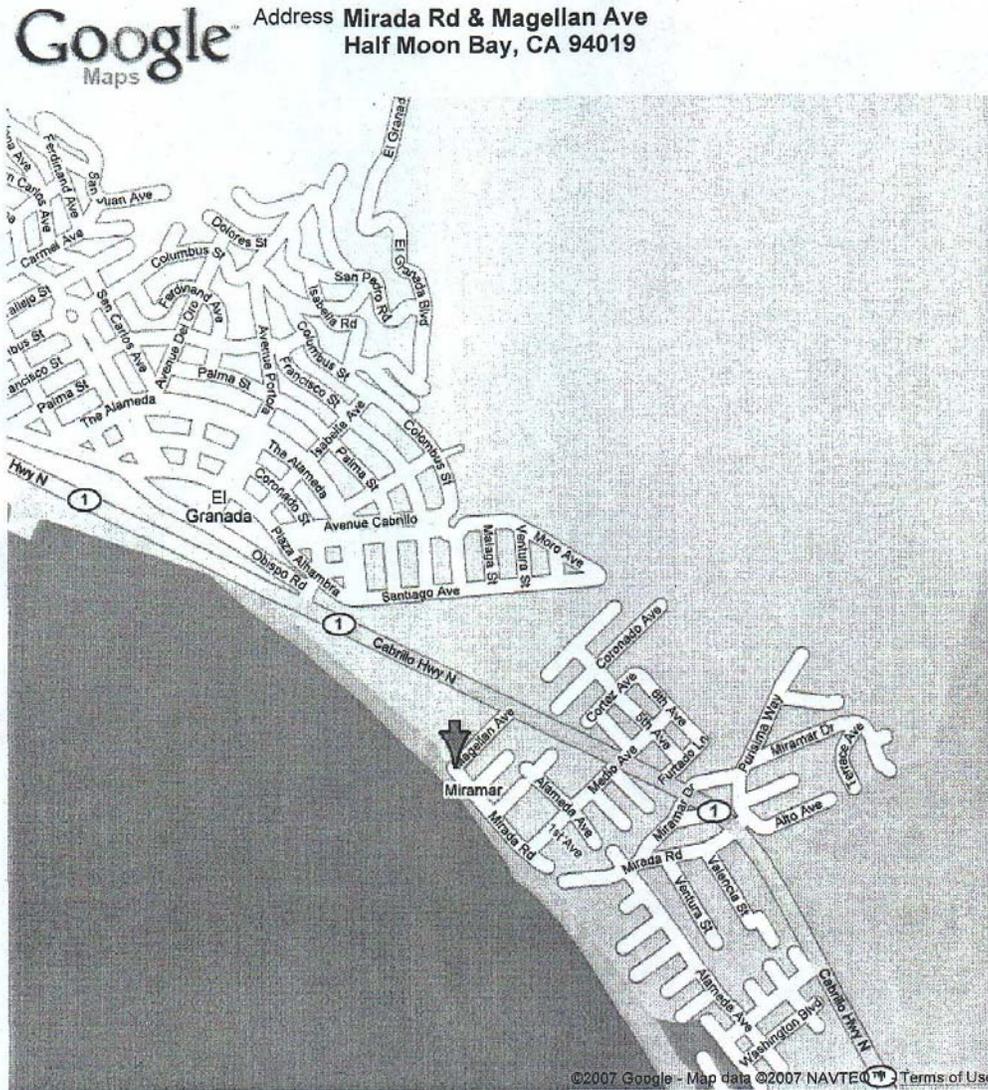


EXHIBIT NO. 2
APPLICATION NO.
SMC-MAJ-1-06 Miramar Beach Restaurant
Vicinity Map



AMENDMENT A

RESOLUTION NO. 067839

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 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**

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, 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 "General Commercial (Coastside)," while

EXHIBIT NO. 3
APPLICATION NO.
SMC-MAJ-1-06 (Miramar Beach Restaurant)
County Resolutions (1 of 9)



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 "General Commercial (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 "General Commercial (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 "General Commercial (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

EXHIBIT NO. 3
APPLICATION NO.
SMC-MAJ-1-06 (Miramar Beach Restaurant)
County Resolutions (2 of 9)



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 a public hearing on March 7, 2006 to consider the project which included these amendments; and

WHEREAS, public notice of all meetings and hearings was made to ensure maximum public participation through (1) publication or 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 300 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:

EXHIBIT NO. 3
APPLICATION NO.
SMC-MAJ-1-06 (Miramar Beach Restaurant)
County Resolutions (3 of 9)



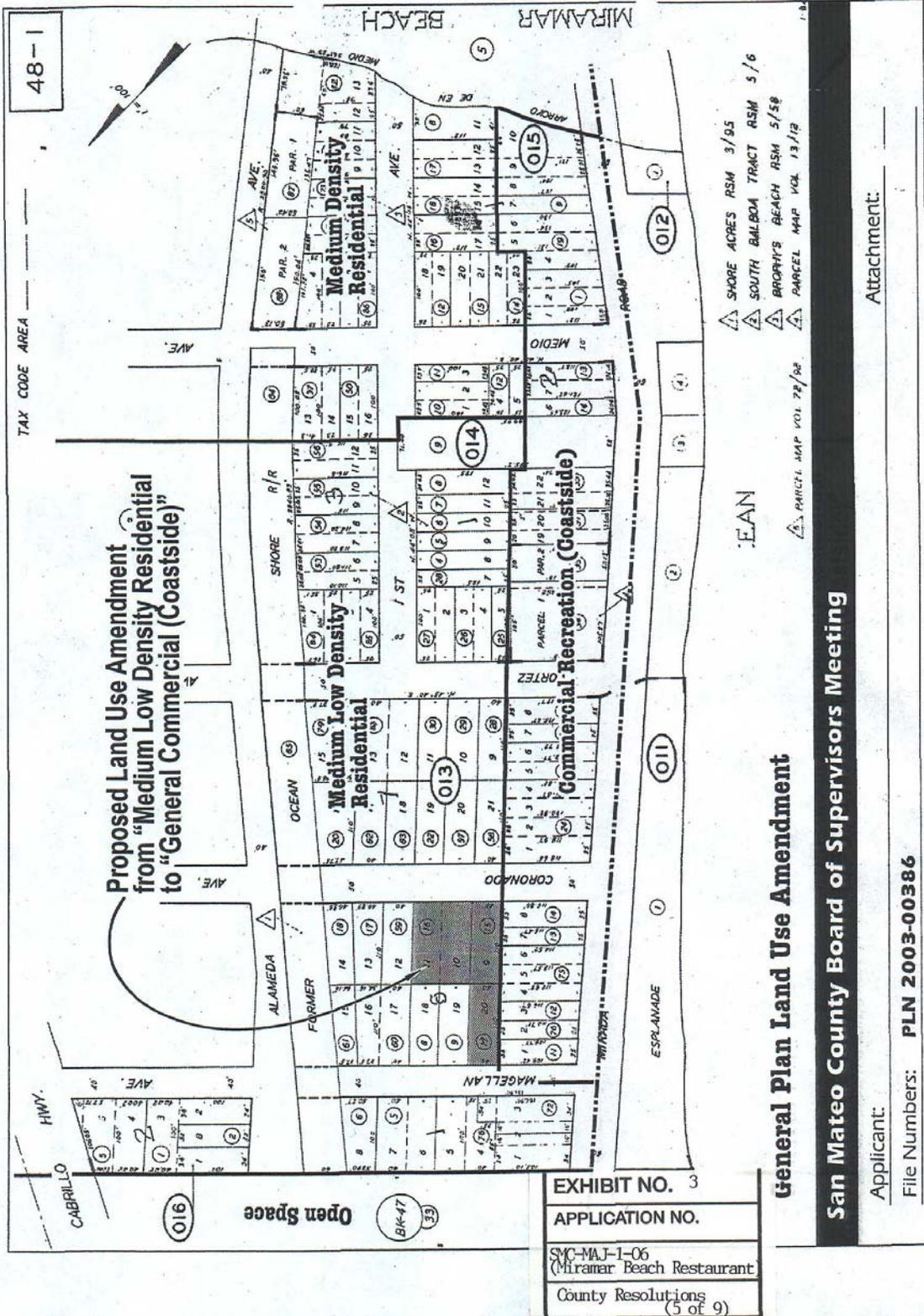
1. Approves the attached General Plan/Local Coastal Program amendment and Zoning amendment.
2. Directs staff to submit these amendments with all necessary supporting materials and documentation to the California Coastal Commission for its review and certification for incorporation into the County's Local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

* * * * *

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EXHIBIT NO. 3
APPLICATION NO.
SMC-MAJ-1-06 (Miramar Beach Restaurant County Resolutions (4 of 9)





Regularly passed and adopted this 7th day of March, 2006.

AYES and in favor of said resolution:

Supervisors: _____
MARK CHURCH

JERRY HILL

RICHARD S. GORDON

NOES and against said resolution:

Supervisors: _____
NONE

Absent Supervisors: _____
ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

Jerry Hill
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.

EXHIBIT NO. 3
APPLICATION NO.
SMC-MAJ-1-06 (Miramar Beach Restaurant)
County Resolutions (6 of 9)

Marie L. Peterson

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



ATTACHMENT B

ORDINANCE NO. 4296

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

* * * * *

AN ORDINANCE AMENDING CHAPTER 2 OF DIVISION VI OF THE
SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) TO REVISE THE
DESIGNATED PARCELS IDENTIFIED ON THE ZONING MAPS, SECTION 3,
FROM "SINGLE-FAMILY RESIDENTIAL/10,000 SQ. FT. MINIMUM PARCEL
SIZE/DESIGN REVIEW" (R-1/S-94/DR) TO "PARKING/DESIGN REVIEW" (P/DR)

The Board of Supervisors of the County of San Mateo, State of California,
ordains as follows:

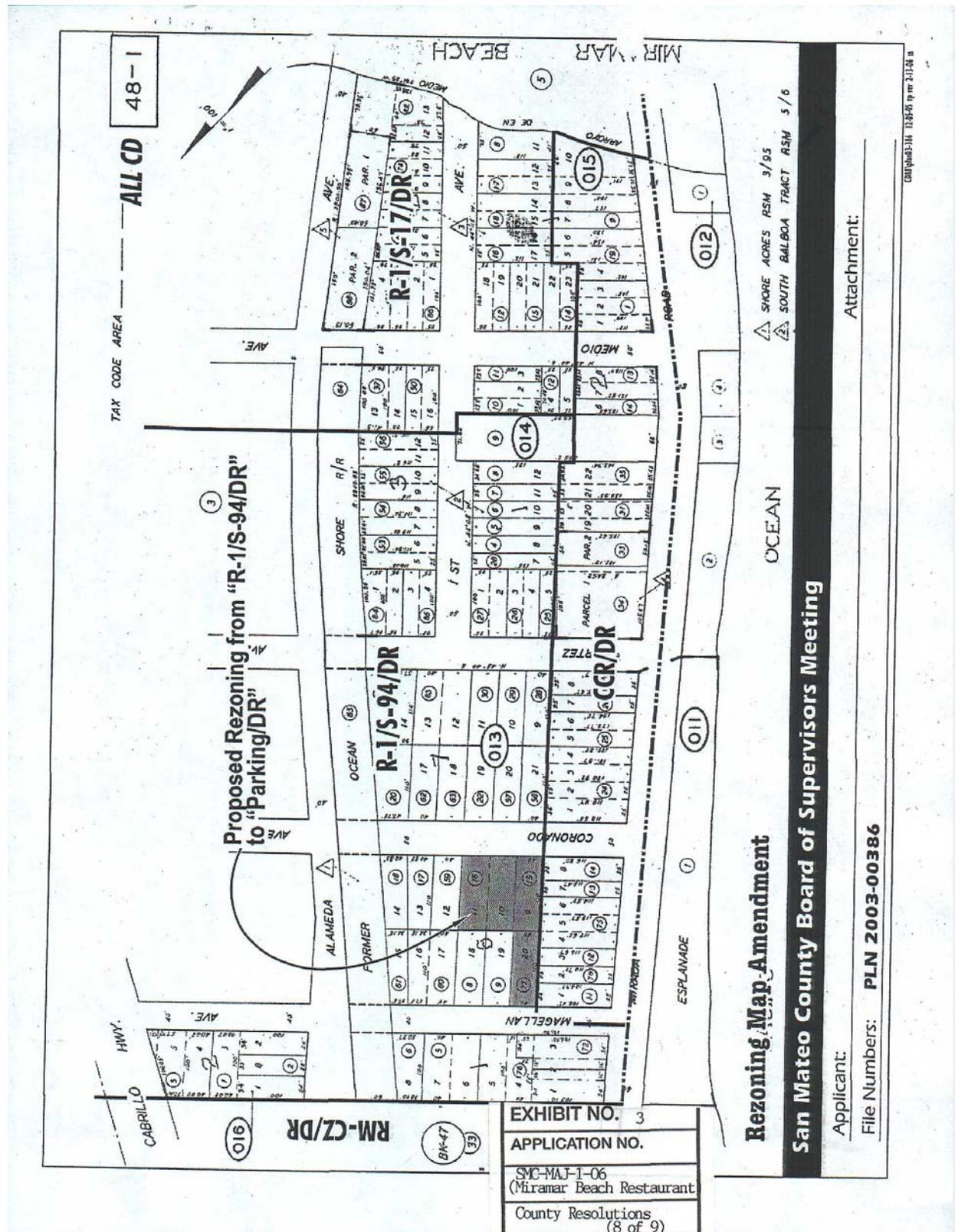
SECTION 1. Section 6115 of Chapter 2 of Part One of Division VI of the San Mateo County Ordinance Code (Zoning Maps, Section 3), to revise the zoning designation of APNs 048-013-150, 048-013-160 and 048-013-770 from "R-1/S-94/DR" to "Parking/Design Review."

SECTION 2. This ordinance shall be in full force and effect immediately upon approval and certification by the California Coastal Commission, assuming no modifications are made.

DJH:kcd - DJHP1457_WKQ.DOC

EXHIBIT NO. 3
APPLICATION NO.
SMC-MAJ-1-06 (Miramar Beach Restaurant)
County Resolutions (7 of 9)





Regularly passed and adopted this 7th day of March, 2006.

AYES and in favor of said ordinance:

Supervisors:

MARK CHURCH

JERRY HILL

RICHARD S. GORDON

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

Jerry Hill

*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*

EXHIBIT NO. 3
APPLICATION NO.
SMC-MAJ-1-06 (Miramar Beach Restaurant)
County Resolutions (9 of 9)



San Mateo County Board of Supervisors Meeting

Applicant:

File Numbers: **PLN 2003-00386**

Attachment: **E**

PROPOSED IMPROVEMENT PLAN FOR VISITOR AND DEVELOPER PRESENTATIONS, SCALE 1/8"=1'-0"
 TYPICAL SHEET: REVISIONS
 SCALE 1/8"=1'-0"
 PROJECT NORTH

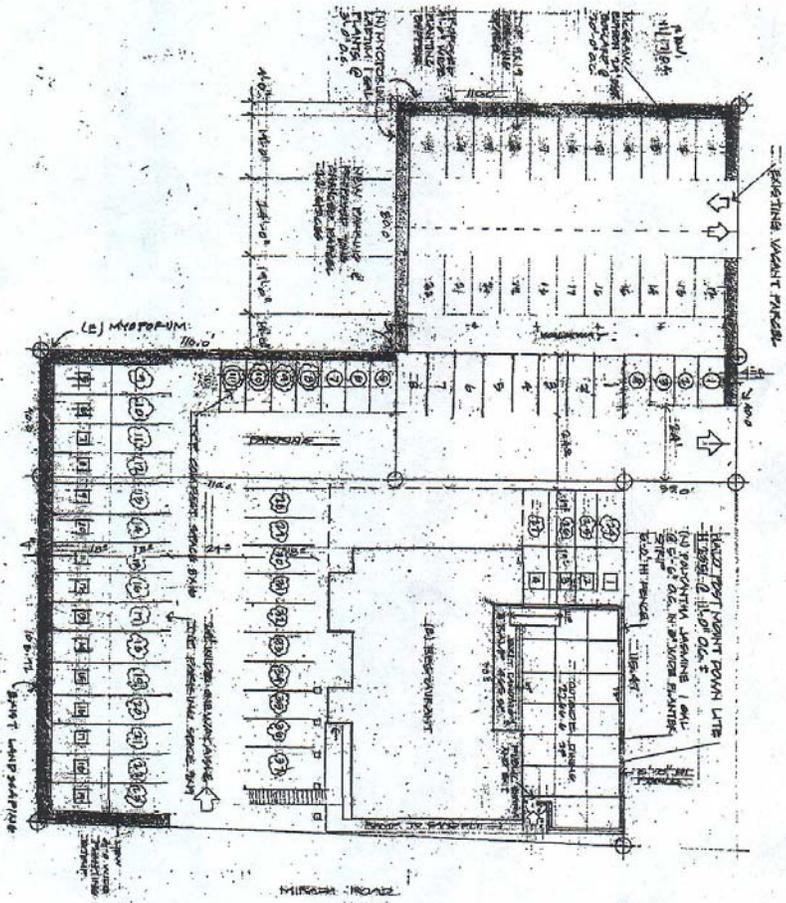


EXHIBIT NO.	4
APPLICATION NO.	
SVC-MAJ-1-06 (Miramar Beach Restaurant)	
Plans for parking lot and patio expansion	

