

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

DATE: June 4, 2015

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit renewal and amendment and Coastal Development Permit to allow the conversion of the existing second floor of the existing bed and breakfast into a small hostelry, and to allow the third floor to remain as an owner/manager unit, pursuant to Sections 6267.1 and 6328.4, respectively, of the County Zoning Regulations, located at 255 Mirada Road, in the unincorporated Miramar area. This project is appealable to the California Coastal Commission.

County File Number: PLN 2000-00477 (Jacklin)

PROPOSAL

The applicant proposes to renew and amend their use permit to allow the conversion of the existing second floor of the existing bed and breakfast into a small hostelry which allows for rentals not exceeding thirty (30) days and the third floor to remain as an owner/manager unit. The applicant has requested this as it will allow better economic use of the building and, in the spirit of the Local Coastal Program (LCP), will continue to provide coastal resource access to the general public.

The first floor provides an entry to the hostelry unit as well as the dwelling unit. There are four covered parking spaces, one uncovered handicapped space, and a 2,540 sq. ft. storage room on the ground floor. The second story unit consists of three bedrooms, three bathrooms, a sitting room, kitchen, and a deck. The owner/manager unit on the third floor includes two bedrooms, two bathrooms and decks. The building is located in a special flood hazard (V) area and was designed to elevate the occupied second floor above the specified flood elevation. The applicant also proposes to legalize the construction of a ramp in compliance with the Americans with Disabilities Act (ADA) for use by clients who may require ADA accommodations. This proposal does not affect the building itself or the use of the ground floor.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit Renewal and Amendment and Coastal Development Permit, County File Number PLN 2000-00477, by adopting the required findings and conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Tiare Peña, Project Planner, Telephone 650/363-1850

Applicant/Owner: Charles and Brenda Jacklin

Location: 215 Mirada Road, Miramar

APN: 048-013-250

Parcel Size: 6,188.5 sq. ft.

Existing Zoning: Coastside Commercial Recreation/Design Review (CCR/DR)

General Plan Designation: Commercial Recreation

Existing Land Use: Commercial Recreation

Water Supply: Coastside County Water District

Sewage Disposal: Granada Sanitary District

Flood Zone: FEMA Flood Zone VE, coastal areas with a 1% or greater chance of flooding and an additional hazard associated with storm waves; Community Panel No. 06081C0255E; effective October 16, 2012.

Environmental Evaluation: Exempt under Section 15301, Class 1 of the California Environmental Quality Act (CEQA), Existing Structures

Setting: The parcel fronts Mirada Road and faces the Pacific Ocean. The west side of Mirada Road, as well as the beach, is located within the City of Half Moon Bay. The County has installed riprap on the bluff to protect Mirada Road.

The parcel to the north is developed with an 8-room bed and breakfast/hotel (Landis Shores Oceanfront Inn). The parcel to the south is developed with a single-family dwelling. Other uses in the vicinity include the Miramar Beach Inn to the north and residential and commercial uses to the south along Mirada Road.

Chronology:

<u>Date</u>	<u>Action</u>
September 1997	- Application for Use Permit and Coastal Development Permit (USE 97-0037, CDP 97-0050) for a bed and breakfast submitted.

- April 2, 1998 - Zoning Hearing Officer public meeting. Item approved with the condition that a building permit must be issued within five years.
- March 13, 2003 - Building Permit application (BLD 2003-0027) submitted and subsequently issued and finalized in 2003.
- January 26, 2005 - Use Permit renewal (PLN 2000-00477) approved.
- September 27, 2013 - Stop Work Notice (SWN 2013-00136) issued for construction of a ramp without benefit of a building permit.
- February 19, 2014 - Building Permit (BLD 2014-00285) issued for demolition of ramp.
- January 7, 2015 - Application for Use Permit renewal and legalization of ramp submitted and deemed complete.
- June 4, 2015 - Zoning Hearing Officer public meeting.

DISCUSSION

A. KEY ISSUES

1. Conformance with Local Coastal Program (LCP) Policies

a. Visual Quality Policies/Urban Design Review District

The project is located within a Design Review overlay district. The proposal to adjust the terms of the rental status of the development will not affect the design of the building.

b. Public Works Component

Policy 2.8 (*Reservation of Capacity for Priority Land Uses*) establishes public water and sewer priority capacity for commercial recreation uses. The previous use as a bed and breakfast inn qualified as a priority use. The proposal to adjust the terms of rental status will not affect the project's priority water capacity qualification. There is not a requirement or need for additional flow for this project.

c. Natural Hazards Policies

The proposal to adjust the terms of the rental status of the development will not affect the Natural Hazards Policies regarding building location.

d. Shoreline Access Component

The proposal to adjust the terms of the rental status of the development will not affect the Shoreline Access Component Policies.

e. Recreation/Visitor-Serving Facilities Component

The LCP land use map designates certain areas near or along the shoreline as Coastside Commercial Recreation. Policy 11.1 (*Definition of Visitor-Serving Facilities*) defines visitor-serving facilities to include hotels and motels. Policy 11.6 (*Concentrated Development in the Midcoast*) encourages the location of visitor-serving uses in the Midcoast area of the County. The proposed project complies with these LCP Policies. The proposal to adjust the terms of the facility's rental arrangement does not affect the project's compliance with and qualification as a recreational/visitor-serving facility. Therefore, this project remains compliant with the component.

2. Conformance with Zoning Regulations

a. Coastside Commercial Recreation (CCR) District

The purpose of the CCR District is to establish commercial areas, which are primarily oriented toward meeting the service and recreational needs of Coastside visitors, boat users and Coastside residents seeking recreation. Pursuant to Section 6267, bed and breakfast establishments are permitted in this district with a use permit. The Community Development Director has determined that short-term visitor rentals can be considered as meeting the intent of the CCR District. Residences are allowed only if they are located above the first floor of the main building, and the floor area of the dwelling unit(s) cannot exceed the floor area of the commercial use occupying the building. A comparison of the proposal with the CCR development standards is described below:

CCR District	Required	Approved
Front Yard Setback	0 feet	10 feet
Side Yard Setback – North	5 feet minimum 15 feet combined	5 feet
Side Yard Setback – South	5 feet minimum 15 feet combined	15 feet
Rear Yard Setback	0 feet	0.5 feet
Height	28 feet (see explanation below)	35.5 feet
Lot Coverage	50% maximum	48%

Height Changes – On November 18, 1997, following the California Coastal Commission's approval, the San Mateo County Board of Supervisors adopted Resolution No. 3802, an amendment to the Coastside Commercial Recreation District incorporating new height requirements. Specifically, the maximum building height was changed from 36 feet to 28 feet.

On April 2, 1998, the Use Permit (USE 97-0037) for the bed and breakfast was approved by the Zoning Hearing Officer. The project was approved at a height of 35.5 feet, acceptable because the application was submitted prior to the effective implementation date of the revised CCR District regulations.

Staff has confirmed with the Building Inspection Section that the first floor cannot be developed with a use, such as indoor retail sales, because the Local Coastal Program Natural Hazard Policies regulate flood hazard areas to prohibit occupied uses in areas subject to inundation (the site is located in the tsunami wave run-up zone). This proposal will not affect the use of the ground floor.

b. Use Permit Renewal and Amendment

Approval of the use permit renewal requires that the finding be made that the proposed use (hostelry rental) would not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. In addition to the standard use permit finding, the CCR District regulations require two specific findings regarding compliance with the purpose and development standards of the CCR District. These are:

- (1) The design and operation of the proposed use will further the purpose of the CCR Zoning District.
- (2) The design and operation of the use conforms with the CCR development standards.

As stated in Section 2 above, the building qualifies for renewal under the grandfathering clause because (1) the original use permit application (USE 97-0037) was filed in a timely manner, (2) the original use permit was approved for 35.5 feet with a 5-year time limit, and (3) the application for the use permit renewal was filed in a timely manner.

Staff has determined that the conversion of the bed and breakfast to a short-term rental use would be compatible with surrounding properties and uses, represents a reduction of intensification in use, would have minimal impacts to the surrounding neighborhood, and meets the

needs of Coastside visitors in accordance with the provisions of the CCR District regulations.

c. Parking Requirements

There are two Zoning Ordinance parking categories which are close in nature to the hostelry. These are (1) rooming and lodging houses, which require one parking space for the first three guest rooms plus one for each additional three guest bedrooms, and (2) auto courts and motels, which require one parking space for each sleeping unit or dwelling unit. There are two covered and one uncovered guest parking spaces, and two covered spaces for the owner/manager residence. The parking plan complies with both the existing standards for rooming and lodging houses. The proposed use as a small hostelry will not require additional parking; therefore, parking continues to be in compliance.

d. Areas of Special Hazards

The National Insurance Rate Map designates the project site as susceptible to wave run-up from tsunami to a height of 27 feet above sea level. Section 6825 of the Zoning Regulations requires that:

- (1) Structures are constructed so that the lowest floor is elevated to or above the regulatory flood-protection elevation.
- (2) The development is in compliance with applicable building regulations for development within coastal high hazard areas.
- (3) The use is consistent with the General Plan and permitted by the zoning district in which the use is to be located or conducted, and all required permits and approvals are obtained.

As previously described, the applicant submitted a Flood Elevation Certificate establishing the flood elevation at 27.1 feet. The building's lowest occupied floor is above that elevation, as required by Sections 6825.1 and 6825.3. The project, as previously described, complies with General Plan policy and Zoning Regulations.

3. Compliance with Conditions of Last Approval

The previous Use Permit's conditions of approval are assessed below with regard to compliance and if the conditions should be either retained or revised. During the Use Permit renewal process, staff can recommend that some conditions may be dropped in instances where the condition: (1) has

been complied with, or (2) is no longer deemed feasible or necessary by the responsible department.

1. The term of the Use Permit shall be seven (7) years from the date of the effective final decision. The applicant shall renew this Use Permit by submitting an application for renewal with payment of applicable use permit renewal fees six (6) months prior to expiration for processing with the Planning and Building Division. If the proposed building has not received a Certificate of Occupancy during the five (5) year term of this Use Permit, the Use Permit shall be permanently expired, i.e., not eligible for renewal.

Compliance with Condition? Yes. Building Permit BLD 2003-00277 received a Certificate of Occupancy on March 13, 2003.

Recommend to Retain Condition? Yes, but modified to reflect the following language. The term of the Use Permit, as a hostelry whereby stays of the unit are limited to less than thirty (30) days, shall be seven (7) years from the date of approval. The applicant shall renew this Use Permit by submitting an application for renewal with payment of applicable use permit renewal fees six (6) months prior to expiration for processing with the Planning and Building Department.

2. This Use Permit shall also be subject to administrative reviews for compliance with the conditions of approval in June 2006 and June 2007. Administrative review fees shall be applicable. Any change in use shall require a use permit amendment, including application, payment of applicable fees and determination at a public hearing.

Compliance with Condition? No, through no fault of the applicant administrative reviews were not conducted.

Recommend to Retain Condition? Yes, but modified to reflect the following language:

This Use Permit shall also be subject to administrative reviews for compliance with the conditions of approval in June 2018 and June 2020. Administrative review fees shall be applicable. Any change in use shall require a use permit amendment, including application, payment of applicable fees and determination at a public hearing.

Other conditions of approval dated April 1988 are no longer relevant because they were part of the review and approval of the buildings initial construction.

4. New Condition of Approval

Any signage plans shall be submitted to the Planning Department for review and approval to the satisfaction of the Coastside Design Review Officer.

B REVIEWING AGENCIES

The proposed project was referred to the agencies listed below:

Environmental Health Division
Department of Public Works
Building Inspection Section
Midcoast Community Council

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plans

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2000-00477

Hearing Date: June 4, 2015

Prepared By: Tiare Peña
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the project is exempt from California Environmental Quality Act (CEQA), Class 1, Section 15301, regarding existing facilities.

Regarding the Use Permit, Find:

2. That the design and operation of the proposed change in use from a bed and breakfast to a small hostelry will further the purpose of the Coastside Commercial Recreation District (CCR). It provides additional opportunities for short-term rental and recreation in this zoning district; therefore, this finding can be made.
3. That the design and operation of the proposed change in use will continue to conform with all applicable CCR development standards. There is no proposal to alter the existing design of the building. The proposal to adjust the terms of the facility's rental arrangement does not affect the project's compliance with and qualification as a recreational/visitor-serving facility; therefore, this finding can be made.
4. That the establishment, maintenance and conducting of the use, as proposed and conditioned, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Review of the existing file confirms that there have been no complaints. There is no evidence that the use will produce negative impacts to the neighborhood; therefore, this finding can be made.

Regarding the Coastal Development Permit, Find:

5. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section

6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.

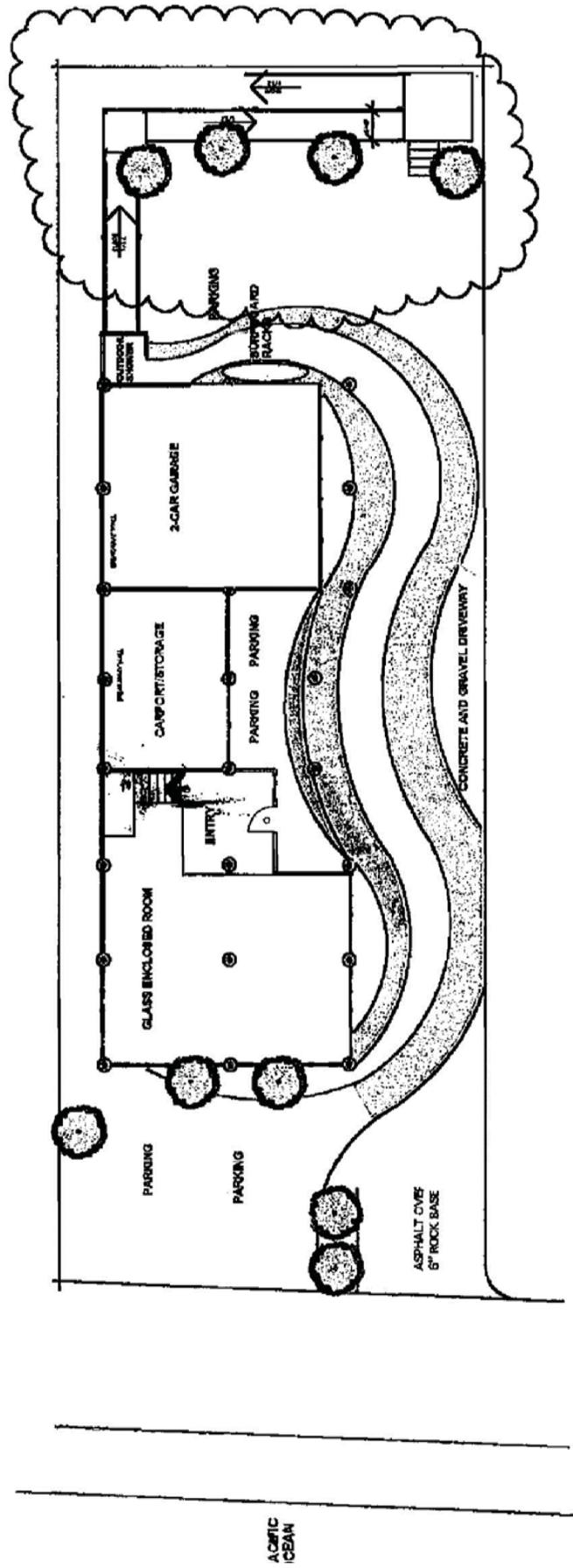
6. That the project conforms with the specific findings for visitor-serving recreational uses as required by policies of the San Mateo County Local Coastal Program.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal and plans described in this report and submitted to and approved by the Zoning Hearing Officer on June 4, 2015. The Community Development Director may approve minor revisions or modifications to the project if they are consistent with the intent of and in substantial conformance with this approval. Any other changes, modifications or additions shall require an amendment to these permits. Additional improvements or intensification beyond the terms of this approval shall require an amendment to PLN 2000-00477.
2. The term of the Use Permit shall be seven (7) years from the date of the effective final decision. The applicant shall renew this Use Permit by submitting an application for renewal with payment of applicable use permit renewal fees six (6) months prior to expiration for processing with the Planning and Building Department.
3. This Use Permit shall also be subject to administrative reviews for compliance with the conditions of approval in June 2018 and June 2020. Administrative review fees shall be applicable. Any change in use shall require a use permit amendment, including application, payment of applicable fees and determination at a public hearing.
4. Any signage plans shall be submitted to the Planning Department for review and approval to the satisfaction of the Coastsides Design Review Officer.

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