

MINUTES

Discussion of all SAN MATEO COUNTY PLANNING COMMISSION

MEETING NO. 839

May 11, 1977

ROLL CALL:

Commissioners Present: Levin, Galeotti, Pavellas, Radisch, Thomas  
Advisory Members Present: McCracken, Ott, Sans  
Staff Members Present: Powers, Perry, Dalton, Waters, Lane, Shrieve  
(at various times)

NOTE: A tape recording of testimony submitted on all matters at this hearing will be held on file of the Planning Commission for a period of two years.

1. VARELLA, YOUNG, ANDREWS & HEREIDA (CHE, Inc.) - Intersection of First Street and Cabrillo Highway in Montara -
  - a) Consideration of Negative Declaration
  - b) Rezoning ZR Map 9.2 (11) - To rezone a 4,630 sq. ft. parcel from R-1/S-7 (Single-Family Residential) District to P (Parking) District.
  - c) Use Permit UP 20-77 - To remodel a 260-seat restaurant and 8-unit motel into a 189-seat capacity restaurant within the H-1 (Limited Highway Frontage) District.
  - d) Exception to Off-Street Parking EX 1-77 - To allow 53 parking spaces where 63 spaces are required in conjunction with remodeling of existing restaurant.

Mr. Perry gave the staff report and displayed and discussed a location map, a zoning and land use map and an ownership pattern map. He displayed and discussed slides of alternative configurations of land ownerships and transfers, and slides of the landscaping plan and elevations of the proposed buildings.

Patrick Goddard, applicant's representative, gave a history of the development and business philosophy of the applicant company and displayed and discussed slides of other restaurants built and managed by the applicant company: The company develops and manages its restaurants and does not operate on a franchise basis. In answer to a letter from Alice and Homer Grimwood, adjacent property owners, concerning noise from a band, Mr. Goddard stated that the policy is not to provide entertainment within their restaurants.

Jean Rusmore, representing the Committee for Green Foothills, asked about contact with the Coastal Commission on the project.

Mr. Perry responded that the staff has contacted the Commission staff who would give no commitment until local permits have been issued.

Moved by Commissioner Thomas, seconded by Commissioner Galeotti, that the hearing be closed. Motion carried.

Moved by Commissioner Thomas, seconded by Commissioner Galeotti, that the Planning Commission recommend that the Board of Supervisors certify the Negative Declaration as being complete, correct and adequate and prepared in accordance with State and County Guidelines for the Implementation of the California Environmental Quality Act. Motion carried.

Discussion of alternative patterns of ownership and parking followed.

Commissioner Radisch: Other rezoning may result if configuration of ownership pattern on the property should change.

Moved by Commissioner Radisch, seconded by Commissioner Pavellas, that the hearing be opened. Motion carried.

Jean Rusmore, Committee for Green Foothills: The Committee wants assurance that public access will continue to be available. There should be a plan for a larger planning area. It is contradictory to put parking on a most beautiful part of the coast. The Committee requests very careful consideration on the pattern of parking on the subject property. It is questionable whether parking on the bluffs is the best use of coastal property.

Commissioner Radisch: The right-of-way portion is a street which is not now zoned and the use of that right-of-way must be resolved.

Mr. Perry: It appears that the County has no right to the street because there is no record of acceptance by the County and there has been no maintenance since 1950. The District Attorney's Office has advised that there is no acceptance, actual or implied, if the County has not accepted the right-of-way over a period of 25 years. In that case, the right-of-way is the applicant's property except for prescriptive use and rights of the public.

Commissioner Radisch: There should be no permits issued for use of the restaurant until the matter of the right-of-way is resolved.

Mr. McCracken: He works on the presumption that the public has the right of access which cannot be taken away. Any future configuration will have to be to his satisfaction.

Further discussion followed on possible ownership configuration and possible trades of property.

Mr. Perry: A problem exists in that there is no commitment by the State for potential future use of the publicly owned property.

Commissioner Pavellas: An ownership configuration should be established that would allow no parking on the bluffs, with parking for the restaurant to be toward the highway.

John Stoddard, County resident: Condition should provide that there be an agreement between the State and County of ownership patterns and land use before a permit is issued.

Mr. Perry discussed the alternatives and conditions recommended by staff for the use permit.

Commissioner Radisch: If the street right-of-way belongs to the County, there would be no on-site parking available and that problem must be resolved before a permit is issued. If the applicant can't use the street right-of-way, private parking could not conform to the Zoning Ordinance requirements.

May 11, 1977

Mr. McCracken: He has not had time to research the matter of right-of-way. He agrees that the ownership of the right-of-way must ultimately be resolved. Such resolution should be a condition of the use permit and the use permit would not be issued until that condition has been met.

Mr. Perry: If the street right-of-way is not available for parking, the applicant could not provide 53 spaces and the use permit could not be issued under those circumstances.

Commissioner Radisch: She approves of the proposal but is concerned with the many uncertainties, and foresees future legal problems.

Chairman Levin: The ownership of the adjacent street right-of-way must be clarified prior to the issuance of a permit.

Mr. McCracken: A condition could provide that all right-of-way and ownership matters must be resolved to the satisfaction of the Planning Director and the District Attorney prior to the issuance of any permit.

Mr. Perry introduced Item #1d, exception to off-street parking.

John Stoddard, County resident: He is concerned that the entire property may change hands. A condition could be included that the applicant would agree to deed parcel 1 to the State or the County to eliminate parking on the bluff.

Mr. Sans: The County may agree to exchange its parcel with the applicant before deeding property to the State.

Mr. Goddard: There is a pedestrian easement to provide access to the bluff so there can be no parking on that easement.

Mr. McCracken: The public access would be threatened, he would not approve the issuance of a permit. The Planning Commission can set guidelines for the Planning Director.

Commissioner Pavellas: The Planning Director should consider the problem of bluff parking and accomplish a tradeoff to avoid that parking.

Commissioner Galeotti: He has a concern for any condition that would eliminate the possibility of parking on the bluff to enjoy the view of the ocean on cold, windy days.

Moved by Commissioner Radisch, seconded by Commissioner Thomas, that the hearing be closed. Motion carried.

Moved by Commissioner Thomas, seconded by Commissioner Pavellas, that the Planning Commission approve the rezoning of the subject property from R-1/S-7 (single-family residential) District to P (parking) District as being in conformity with the County General Plan, and recommend to the Board of Supervisors that the proposed rezoning be adopted.

Commissioner Radisch: It is her understanding that the matter would have to return to the Planning Commission if there were reconfiguration of ownership or a change of land use. Motion carried.

Moved by Commissioner Thomas, seconded by Commissioner Radisch, that the use permit to remodel the restaurant be granted, subject to the following conditions:

1. Extension of a 6" water main (a distance of approximately 350') and the installation of one steamer type fire hydrant at the NW corner of 2nd Street and Cabrillo Highway.
2. Restaurant to be sprinklered (wet system) with fire department connection on the south side of the building.
3. The remodeling be accomplished as per submitted plans.
4. Issuance of the permit shall be subject to resolving to the Planning Director's and the District Attorney's satisfaction:
  - a. The permanent parking configuration providing for a minimum of 53 parking spaces;
  - b. Public access for parking to adjacent property if necessary and pedestrian access to the beach.

Moved by Commissioner Thomas, seconded by Commissioner Radisch, that the Planning Commission grant the exception to off-street parking for 53 parking spaces where 63 are required, subject to the permanent parking configuration being resolved to the satisfaction of the Planning Director and the District Attorney. Motion carried.

2. SPENCER, Antonia J. - Alleged Zoning Violation - APN 063-441-320 - 218 and 218-A O'Connor Street, East Palo Alto - Maintaining a two-family residential use within a single-family residential zoning district. (CONT. from 9/22/76, 10/27/76 & 11/24/76)

Mr. Dalton gave the staff report and displayed and discussed the location map and read a letter from Chairwoman of the East Palo Alto Municipal Council who asked that the matter be continued for 6 months, pending the completion of a general plan study.

Discussion of procedures followed.

Commissioner Radisch: The Commission has not seen a copy of the proposed East Palo Alto General Plan. Would it be possible for the Planning Commission and the East Palo Alto Municipal Council to meet to discuss the Plan?

Mr. Powers: The Planning staff will complete its review of the General Plan study by May 20. After that date the staff could arrange a joint meeting with the Planning Commission and the Municipal Council.

Commissioner Pavellas: A change in the General Plan may remove the stigma of violation.

Antonia Spencer, owner of the subject property: The structures present no safety or health hazards and there are many similar uses within the