

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

**DATE:** September 6, 2018

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Use Permit Renewal, pursuant to Section 6500 of the San Mateo County Zoning Regulations, to allow continued operation of a 38 bed elderly residential care facility located at 1185 Acacia Street, in the unincorporated Montara area of San Mateo County.

County File Number: PLN 2000-00656 (KN Resorts)

**PROPOSAL**

The applicant proposes to renew their Use Permit to allow the continued operation of a State-licensed, 38-bed residential care facility and hospice for the elderly on a 38,125 sq. ft. parcel located in a residential zoning district. There are no improvements or amendments proposed as part of this Use Permit Renewal.

**RECOMMENDATION**

That the Zoning Hearing Officer approve Use Permit Renewal, County File Number PLN 2000-00656, by making the required findings and adopting the conditions of approval listed in Attachment A.

**BACKGROUND**

Report Prepared By: Tiare Peña, Project Planner, Telephone 650/333-1850,  
Email [tpeña@smcgov.org](mailto:tpeña@smcgov.org)

Owner/Applicant: KN Resorts (K. Neerhan)

Location: 1185 Acacia Street, Montara

APN: 036-072-430

Size: 38,125 sq. ft.

Existing Zoning: R-1/S-17/DR (Single-Family Residential/5,000 sq. ft. minimum parcel size/Design Review)

General Plan Designation: Medium Density Residential (6.1 – 8.7 dwelling units per acre)

Existing Land Use: Residential Care Facility

Environmental Evaluation: Categorically Exempt under Provisions of Class 1, Section 15301 of the California Environmental Quality Act Guidelines.

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X, Area of Minimal Flooding, Community Panel No. 06081C0117F dated August 2, 2017.

Setting: The subject property is located in the unincorporated Montara area of the County. It is located on the southeastern side of Acacia Street, in a single-family residential area. The care facility has been in existence since 1992.

## **KEY ISSUES**

### **A. COMPLIANCE WITH CONDITIONS OF THE LAST APPROVAL**

All of the Use Permit's 2011 Conditions of Approval are assessed below with regard to compliance and if the conditions should be either retained or revised. Staff recommends that some conditions, as indicated, 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. A new condition has been added which addresses lighting on the property and associated buildings.

#### Current Planning Section

1. The Use Permit shall be valid through November 20, 2018. Ongoing operation of the facility will be evaluated at the use permit renewal. If the operation does not substantially comply with the finding and the conditions of approval, the Planning Commission may hold a public hearing to consider revocation of the Use Permit. If the applicant wishes to renew this Use Permit, an application must be submitted six months prior to expiration to the Planning and Building Division and shall be accompanied by the renewal application and fees applicable at the time.

Compliance with condition? Yes.

Recommend to retain condition? Yes, but modified to: The Use Permit shall be valid for a period of seven years, ending November 2025. Ongoing operation of the facility will be evaluated at the use permit renewal. If the operation does not substantially comply with the finding and the conditions of approval, the Planning Commission may hold a public hearing to consider revocation of this Use Permit. If the applicant wishes to renew this Use Permit, an application must be submitted six months prior to expiration to

the Planning and Building Department and shall be accompanied by the renewal application and fees applicable at that time.

2. The maximum number of residents allowed to reside at the facility is 38. Any proposal to increase this number shall be subject to a use permit amendment.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

3. The applicants, upon request by the Planning Division, shall submit a copy of the valid permit for the residential care facility from the California Department of Social Services to the Planning Division.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

4. Any and all exterior lighting shall be downward directed and all fixtures shaded as to contain all lighting within the subject property.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

#### Coastside Fire Protection District

5. The applicants shall annually have the fire sprinkler system checked and certified by a licensed sprinkler contractor and send the written results to the Fire District.

Compliance with condition? Yes, the Coastside Fire Protection District conducted a business inspection of the facility and they are no problems with the condition of the facility.

Recommend to retain condition? Yes

#### B. COMPLIANCE WITH USE PERMIT FINDING

In order to continue the operation of this facility the following Use Permit finding is necessary:

*That the conducting of the use will not result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

Staff has reviewed the project file, conducted a site inspection, reviewed previous conditions of approval and finds no letters in the project file concerning non-compliance with Planning Department requirements or issues from neighbors in the vicinity. Therefore, this finding can be made.

C. ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from California Environmental Quality Act (CEQA) under Section 15301 (Class 1), continuing use of an existing facility.

D. REVIEWING AGENCIES

	Approve	Conditions	Deny
Building Inspection Section	X	None	
Department of Public Works	X	None	
Coastside Fire Protection District	X	Yes	
Mid-Coast Community Council	No Comment		

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Plan

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2000-00656

Hearing Date: August 16, 2018

Prepared By: Tiare Peña  
Project Planner

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

For the Environmental Review, Find:

1. That the project is categorically exempt under Provisions of Class 1, Section 15301 of the California Environmental Quality Act Guidelines, related to continued operation of existing facility with negligible or no expansion of use.

For the Use Permit, Find:

2. That the conducting of the use will not result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. The Use Permit shall be valid for a period of seven years, ending November 20, 2025. Ongoing operation of the facility will be evaluated at the use permit renewal. If the operation does not substantially comply with the finding and the conditions of approval, the Planning Commission may hold a public hearing to consider revocation of this Use Permit. If the applicant wishes to renew this Use Permit, an application must be submitted six months prior to expiration to the Planning and Building Department and shall be accompanied by the renewal application and fees applicable at that time.
2. The maximum number of residents allowed to reside at the facility is 38. Any proposal to increase this number shall be subject to a use permit amendment.

3. The applicants, upon request by the Planning Department, shall submit a copy of the valid permit for the residential care facility from the California Department of Social Services to the Planning Department.
4. Any and all exterior lighting shall be downward directed and all fixtures shaded as to contain all lighting within the subject property.

Coastside Fire Protection District

5. The applicants shall annually have the fire sprinkler system checked and certified by a licensed sprinkler contractor and send the written results to the Coastside Fire Protection District.

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