

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
 45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 (415) 904-5260

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Filed: January 13, 1997
 49th Day: March 3, 1997
 180th Day: July 12, 1997
 Staff: Bill Van Beckum
 Staff Report: February 28, 1997
 Hearing Date: March 13, 1997
 Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: **1-94-107-A2**

APPLICANT: **DAVID CRESSON**

PROJECT LOCATION: 300 Main Street, Half Moon Bay, San Mateo County,
 APN 056-163-080

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 2-story commercial building (with 10,000-sq.-ft. interior space) with a landscaped parking lot and seating area, and removal of a row of 4 Monterey cypress trees from the west side of the property.

DESCRIPTION OF AMENDMENT: 1) Shift the building's location to provide a front setback (12 feet); 2) increase the height of the building from 30 feet to 32.5 feet; 3) allow for ground floor restaurant space; and 4) modify Special Condition No. 1 to allow for an alternative foundation plan.

SUBSTANTIVE FILE DOCUMENTS: Half Moon Bay LCP

1. **PROCEDURAL AND BACKGROUND NOTE:** Section 13166 of Title 14 of the California Code of Administrative Regulations states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

The Commission's approval of the original project included special conditions intended to address geologic concerns (Special Condition 1), riparian resources (Special Condition 2), and visual resources (Special Condition 3). The first of these conditions is the only special condition affected by the

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DAVID CRESSON

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proposed amendment. Special Condition 1 (Final Foundation and Grading Plans) of the original permit requires, as an assurance that the project will not create problems of erosion, geologic instability, or risks to life and property, that prior to the commencement of project construction the applicant submit, for Executive Director review and approval, final engineered foundation and grading plans prepared in accordance with the recommendations contained in the site's geotechnical report. The proposed amendment includes a request to modify this condition to allow for an alternative foundation plan, one which has been prepared in conjunction with an updated geotechnical report.

The new foundation plan was developed in conformance with the updated geotechnical report's recommendations so as to ensure that the project's structural integrity is not reduced and that the project does not contribute to geologic instability of the site. The staff is recommending that the amended permit contain conditions requiring that development of the project be in accordance with final engineered foundation and grading plans prepared consistent with the recommendations of the new geologic report. Given that the intent of Special Condition No. 1 to avoid geologic hazards will be carried out by the proposed amendment as conditioned, the Executive Director has determined that the proposed amendment request will not lessen or avoid the intent of the originally approved permit and has accepted the amendment request for processing.

2. STANDARD OF REVIEW: At the time the original permit application was acted upon by the Commission, the LCP for the City of Half Moon Bay was not yet certified, and the standard of review for the application was the Coastal Act. The Half Moon Bay LCP was effectively certified in April of 1996. Pursuant to Coastal Act requirements, after effective certification, the standard of review for all coastal permits and permit amendments is the LCP, not the Coastal Act. Therefore, the certified LCP is the standard of review for this amended project.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that the proposed development with the proposed amendment is consistent with the provisions of the Half Moon Bay Local Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

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III. Special Conditions:

1. Final Grading Plans.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for the review and approval of the Executive Director final grading plans prepared in accordance with the recommendations contained in the "Geotechnical Investigation Update and Addendum to William F. Jones Soil Investigation, Pilarcitos Park Plaza" (GeoForensics Inc., September 1995). Evidence of approval by the City of Half Moon Bay shall accompany the submittal. The project shall be developed in accordance with the approved plans.

Special Conditions 2 and 3 of the original permit remain in effect.

4. Foundations.

Foundation construction shall conform to the final engineered foundation plan (MPF Builders and Richard Hanson, Civil Engineer, February 21, 1996) as approved by the Half Moon Bay Public Works Director/City Engineer on November 14, 1996.

5. Final Building Plans.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for the review and approval of the Executive Director final construction plans for the 2-story building as approved with the City's building permit that show that no restaurant facility(ies) are included in the project. Any changes to the approved plans, including developing a restaurant in the building, will require further amendment of the permit.

Special Conditions Nos. 1 and 4 replace Special Condition No. 1 of the original permit, and Special Condition No. 5 is a new condition.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project and Site Description:

The subject site is located on the west side of Main Street in downtown Half Moon Bay. To the north, the property adjoins the Pilarcitos Creek riparian corridor. Project location maps and plans approved by the Commission in 1995 are attached as Exhibits 1-3.

The original project approved by the Commission in 1995 (Coastal Development Permit No. 1-94-107, Fogli) was for construction of a 2-story commercial building (with 10,000 sq.ft. interior space) with a landscaped parking lot and seating area, and removal of a row of 4 Monterey cypress trees from the west side of the property.

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The permit included special conditions intended to address geologic concerns (Special Condition 1 - Final Foundation and Grading Plans), riparian resources (Special Condition 2 - Open Space and Future Development Deed Restrictions), and visual resources (Special Condition 3 - Final Landscaping and Parking Plans). The special conditions appear on Pages 2 and 3 of the staff report for the original permit (Exhibit 6).

Subsequent to the Commission's approval of the original permit in 1995 (Coastal Development Permit No. 1-94-107, Fogli), for construction of a 2-story commercial building, the project was assigned to the current property owner, David Cresson, who has accepted all terms and conditions of the original permit. Since project construction has not yet commenced, Mr. Cresson has applied for an extension of the permit, which otherwise would expire on March 8, 1997. The extension request is being processed separately from the permit amendment request.

This amendment request seeks authorization to 1) shift the building's location to provide a front setback (12 feet); 2) increase the height of the building from 30 feet to 32.5 feet; 3) use the ground floor for restaurant space; and 4) modify the requirements of Special Condition No. 1 to allow for an alternative foundation plan.

2. Visual Resources

Policy 7-5 of Half Moon Bay's certified LCP Land Use Plan LUP) requires that all new development shall be subject to design review and approval by the City Architectural Review Committee (ARC). LUP Policy 7-7 provides in applicable part that new development in the downtown area where the project site is located shall be subject to design approval to ensure scale and style compatibility with the predominant older structures.

The site plan for the original permit is included in Exhibit 3. As described above, the amendment request proposes to shift the building's location east to provide for a 12-foot front setback, instead of a "zero" sidewalk setback, and to increase the height of the building from 30 feet to 32.5 feet. Although wood siding will still be used for the building's facade, minor changes in facade details are proposed to achieve a greater harmony with adjacent structures, including the historic Zaballa House bed and breakfast on the south and the recently completed 2-story commercial complex (CDP No. 1-94-88, Cresson and Mascall) which contains shops and additional guest units for the Zaballa House, next door and behind that 2-story structure. The proposed 32.5-foot height for the structure is slightly (by 1 1/2 feet) higher than the new adjacent structures, but less (by 5 1/2 feet) than the new 38-foot high belltower that is a part of the Cresson and Mascall project. Exhibit 4 is the revised site plan and Exhibit 5 is the revised Main Street elevation.

In describing the proposed setback from Main Street, the applicant has noted that:

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This opens a view pathway across the front for people entering the City so that they can better see the Zaballa House and the open plaza around it. For those leaving the town, the view of the creek and vegetation is similarly opened up by the greater setback.... That setback can be accomplished without surrendering the previously approved/required number of parking spaces.

The Architectural Review Committee reviewed and approved the revised project on November 20, 1996, and the City's Planning Director approved the design revisions on December 16, 1997.

As the revised project design has been reviewed by the Architectural Review Committee, the Commission finds the amendment is consistent with LUP Policy 7-5. In addition, as the revised project design provides for (1) a building height within the range of building heights of adjacent structures, (2) facade changes more in keeping with the facade details of adjacent structures, and (3) increased views of adjacent parts of town and the adjoining riparian area, the Commission finds that the revised project will be compatible with the scale and style of existing development and protect visual resources and thus is consistent with LUP Policy 7-7.

3. Public Services

The Commission found the originally approved project consistent with the new development requirements of Coastal Act Section 30250(a) in that water and sewer connections, from the Coastside County Water District (CCWD) and Sewer Authority Midcoastside (SAM), were available to serve the project at the proposed intensity of commercial use (mixed commercial and retail). These connections had been secured many years before to serve a previous development on the site that was later demolished and removed. The allocation of water and sewer capacity to the previous development was sufficient to serve the new development proposed under Coastal Development Permit Application No. 1-94-107.

Because the current amendment request proposes a new restaurant use for most of the ground floor space, the amended project will require additional water and sewage services.

Several policies and standards of the certified LCP call for new development to be approved only if adequate services are available to serve the proposed development

LUP Policy 9-4 includes requirements pertaining to the availability of public services that are similar to those of Section 30250(a) of the Coastal Act. Policy 9-4 requires, in applicable part, that prior to issuance of a development permit, evidence must be provided that "adequate services ... will be available to serve the project upon its completion."

The provisions of the City's certified LCP Implementation Plan which implement Policy 9-4 are Zoning Code Sections 18.20.045 (Application Requirements) and 18.20.070 (Findings Required). Section 18.20.045 states in applicable part:

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In addition to the submittal requirements for a discretionary or ministerial permit, applications for a Coastal Development Permit shall also include a location map, proof of water and sewer capacity availability to meet the requirements of all of the proposed uses within the project, and any other information deemed necessary and appropriate by the Planning and Building Director. (emphasis added)

Section 18.20.070 states in applicable part:

A Coastal Development Permit may be approved or conditionally approved only after the approving authority has made the following findings:

D. Adequate Services. Evidence has been submitted with the permit application that the proposed development will be provided with adequate services and infrastructure at the time of occupancy in a manner that is consistent with the Local Coastal Program.

With regard to water service, the applicant has provided evidence, in a letter from the CCWD's General Manager (December 6, 1996), that sufficient water connections adequate to serve the proposed project have been assigned to the parcel.

With regard to sewer service, the San Mateo coastside is served by Sewer Authority Midcoastside (SAM), of which the City of Half Moon Bay is a member. The SAM sewer plant has very little remaining unused capacity. Although SAM has embarked on a treatment plant expansion project, the project is not anticipated to be completed and operational for a couple of years. Because of the shortages of sewer capacity, on March 28, 1991, the City Council adopted Urgency Ordinance C-8-91 imposing a moratorium on issuance of new building permits which require a new sewer connection to the sewer system and on processing or approving new or existing applications for subdivisions. The ordinance did reserve a certain amount of the remaining capacity for priority land uses, including commercial projects. The ordinance was modified and/or extended on thirteen subsequent occasions between June 4, 1991 and February 6, 1996.

One of these extensions occurred on May 21, 1996, when the City Council adopted urgency ordinance C-6-96, extending the moratorium through March 31, 1997, and allocating 18 single-family residence equivalent (SFE) sewer connections for commercial, industrial, and institutional projects. Based on this allocation of sewer connections for commercial, industrial, and institutional projects, the City wrote a letter to Commission staff on January 8, 1996, indicating that the City anticipated that sufficient sewer connections would likely be available for the applicant's proposed restaurant use at the time the applicant applies for a building permit to construct the project. However, a subsequent new analysis by City staff of the treatment capacity available for allocation, completed on January 29, 1997, indicated that there currently is no sewage treatment capacity available for allocation

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at this time. As a result, the moratorium provisions were modified on February 4, 1997, when the City Council adopted urgency ordinance C-3-97, extending the moratorium through March 31, 1998 and eliminating sewer connection allocations. Ordinance C-3-97 states, in Sections 2.B and 2.D:

B. The City Council finds based on the staff report of February 4, 1997, of the Public Works Director that there is no additional sewage treatment capacity and zero (0) sewer connection permits are available for present development.

D. The City Council further modifies the moratorium and to the following extent the City will continue to process applications for issuance of building permits and applications for subdivisions. The processing of an application shall not guarantee any applicant issuance of a priority for a building permit or a subdivision.

The City will not accept applications for future allocation of sewer permit's under the sewer connection permit allocation program.

Thus, while there is still sufficient sewer capacity available for the project as originally approved (a building for mixed commercial and retail uses), in the form of an existing on-site sewer connection left over from development which previously had occupied the site, there is no additional capacity available to provide sewer service for the proposed intensification of the project, i.e., the proposed restaurant use. The proposed restaurant is therefore not consistent with LCP Zoning Code Section 18.20.045 requirements because it does not meet the LCP requirements for proof of "sewer capacity availability to meet the requirements of all of the proposed uses within the project."

Therefore, to ensure that the project does not proceed without adequate sewer capacity available to serve the development in the manner specified by LUP Policy 9-4, the Commission attaches Special Condition No. 5, which requires the applicant to submit for the review and approval of the Executive Director, prior to the commencement of construction, evidence that the final building plans include no restaurant facilities. The condition also states that any change to the approved plans, including developing a restaurant, would require additional coastal development permit review.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the new development requirements of LUP Policy 9-4, as adequate public services able to accommodate it will be available.

4. Geologic Stability

LUP Policy 4-6 requires that applications for grading and building permits be reviewed for adjacency to, threats from and impacts on geologic hazards, and that in areas of known hazards, "as indicated on the Geologic Hazards Map," such as the subject site, a geologic report shall be required.

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The original permit proposed a drilled cast-in-place, reinforced concrete pier foundation system for the 2-story commercial building. Since final foundation and grading plans conforming to the recommendations in the project's geotechnical report (William F. Jones, Inc., 1986 and 1994) had not yet been submitted to the Commission, the Commission approved the project with a special condition requiring final foundation and grading plan review by the Executive Director prior to commencement of construction.

The applicant requests an amendment to that condition to provide for an alternative foundation/grading plan based on recommendations contained in subsequent geotechnical report ("Geotechnical Investigation Update and Addendum to William F. Jones Soil Investigation, Pilarcitos Park Plaza," GeoForensics, Inc., September 1995). The revised foundation plan, for a "compensated mat foundation" system, includes features found acceptable in the conclusions and recommendations contained in the GeoForensics update.

The City's Public Works Director/City Engineer reviewed the proposed final engineered foundation plan (MPF Builders and Richard Hanson, Civil Engineer, February 21, 1996) and approved (November 14, 1996) the plan as in accordance with the GeoForensics recommendations. The site's grading plan, however, has not yet been revised to reflect the revised site plan and the GeoForensic report's recommendations.

The Commission therefore replaces Special Condition No. 1 of the original permit with a new Special Condition No. 1, requiring that final grading plans conforming with the recommendations of the updated geotechnical report be submitted for the review and approval of the Executive Director prior to the commencement of construction, and with Special Condition No. 4, requiring that the building's foundation be constructed according to the final engineered foundation plan. The new Special Condition No. 1 also requires that evidence of approval by the City of Half Moon Bay be provided with the submittal.

As conditioned, the Commission finds that the amended project is consistent with LUP Policy 4-6 because (1) the applicant has provided a geologic report to establish appropriate design criteria for the proposed modified development to minimize the development's threats from and impacts on geologic hazards, (2) the City has reviewed and approved a final engineered foundation plan as being consistent with the design criteria, and (3) Special Condition No. 1 will ensure that plans for the proposed grading work will be reviewed for consistency with the recommendations of the geologic report.

5. CEQA:

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives

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or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. As discussed above, the proposed development amendment has been conditioned to ensure the project will not contribute to geologic hazards or burden sewer service capacity and the project will not otherwise have a significant adverse effect on the environment, within the meaning of CEQA.

EXHIBITS

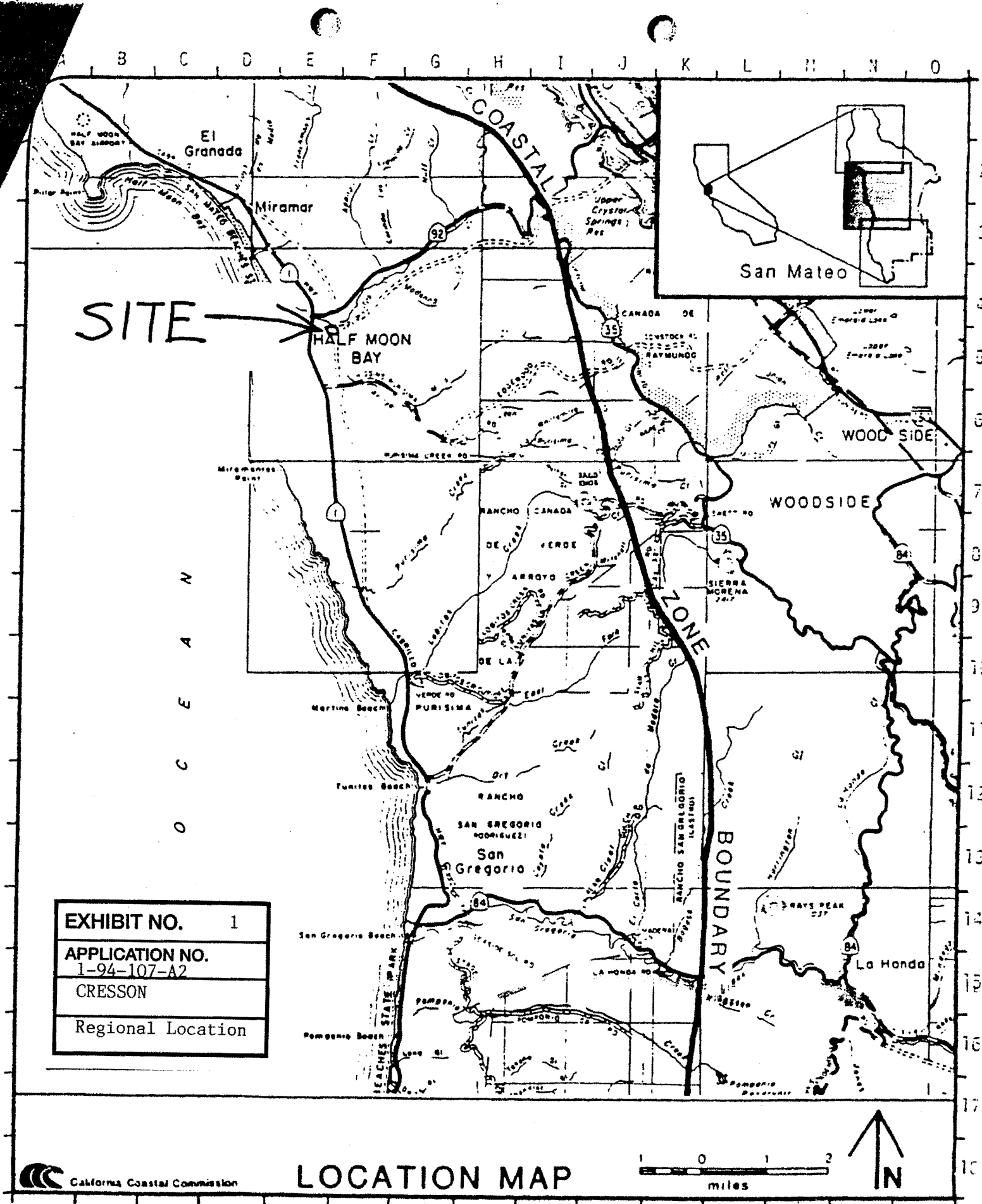
1. Regional Location Map
2. Area Location Map
3. Original Site Plan/Deed Restriction Areas
4. Proposed Site Plan
5. Proposed Elevation
6. Original Staff Report

9271p/WANG/bvb

ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



SITE

San Mateo

WOODSIDE

WOODSIDE

BOUNDARY

RANCHO
SAN GREGORIO
MADRIGAL
San
Gregorio

EXHIBIT NO.	1
APPLICATION NO.	1-94-107-A2
CRESSION	
Regional Location	

LOCATION MAP



Half Moon Bay

13

14

15

16

HALF MOON BAY

STATE BEACH

HALF MOON BAY

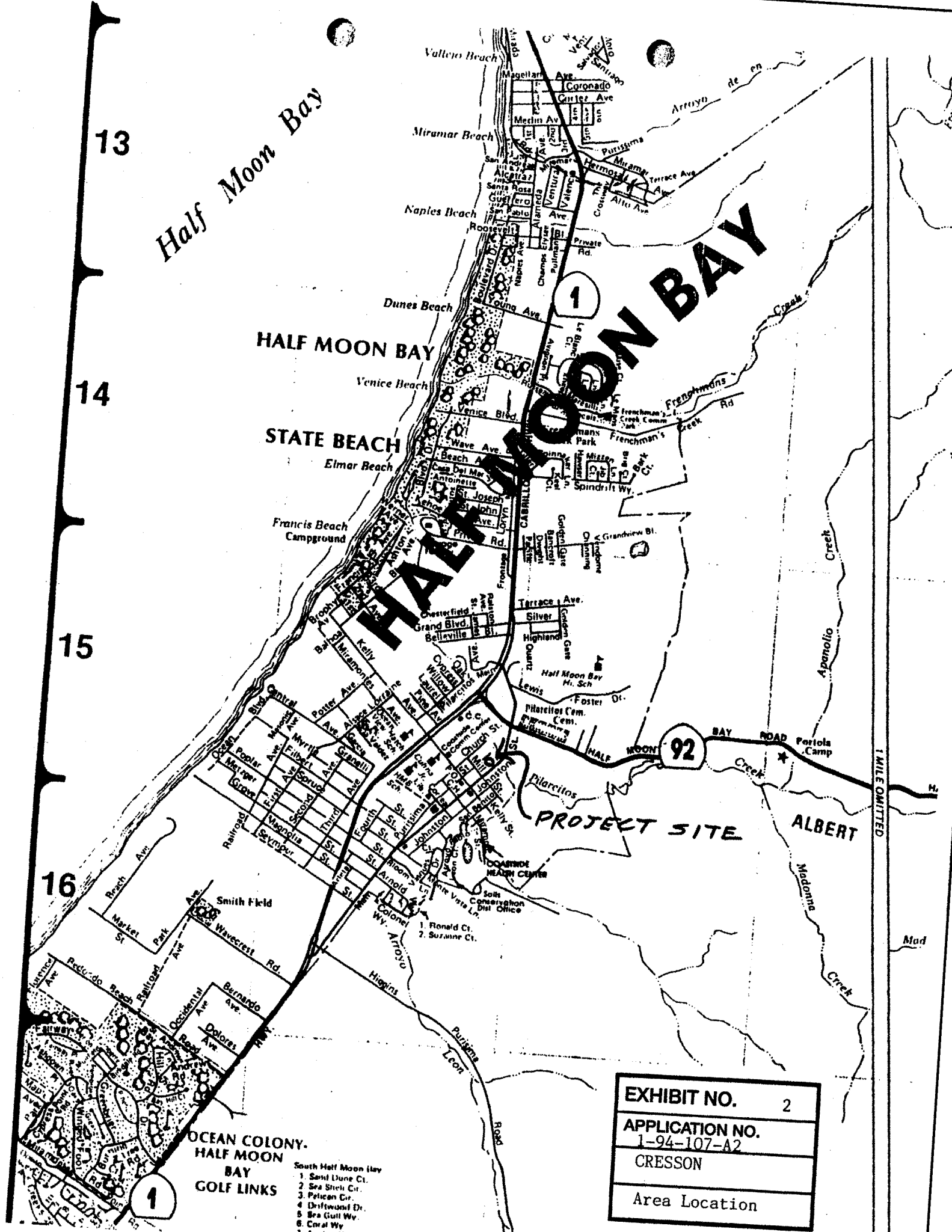
PROJECT SITE

ALBERT

OCEAN COLONY-
HALF MOON
BAY
GOLF LINKS

- South Half Moon Hwy
- 1. Sand Dune Ct.
- 2. Sea Shell Cr.
- 3. Pelican Cr.
- 4. Driftwood Dr.
- 5. Sea Gull Wy.
- 6. Coral Wy.
- 7. Anchor Wy.

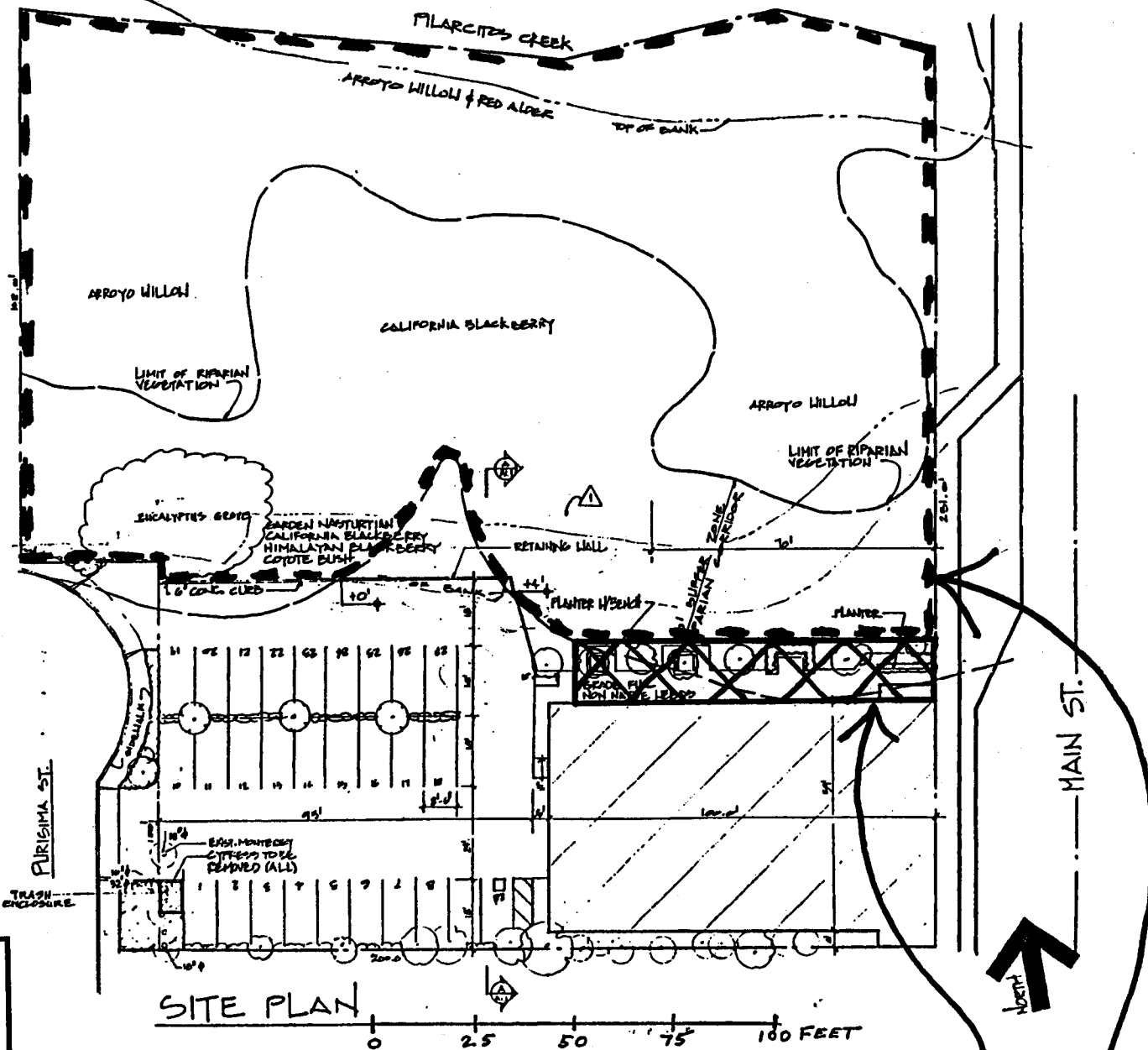
EXHIBIT NO.	2
APPLICATION NO.	1-94-107-A2
CRESSON	
Area Location	



RECEIVED

FEB 16 1995

CALIFORNIA
COASTAL COMMISSION



SITE PLAN

0 25 50 75 100 FEET

Deed Restriction -
Future Development



Deed Restriction -
Riparian



REVISIONS
2-10-95 A
2-13-95

MICHAEL
FOGLI
BUILDING
& DESIGN
1100 S. EL CAMINO
REAL SUITE 5
SAN MATEO, CA
415 545 618

SITE
PLAN

DESIGN
STUDY

MAR

8-5-92

940215

A-1
OF 4 SHEETS

EXHIBIT NO.	3
APPLICATION NO.	1-94-107-A2
CRESSON	
Originally Approved Site Plan	

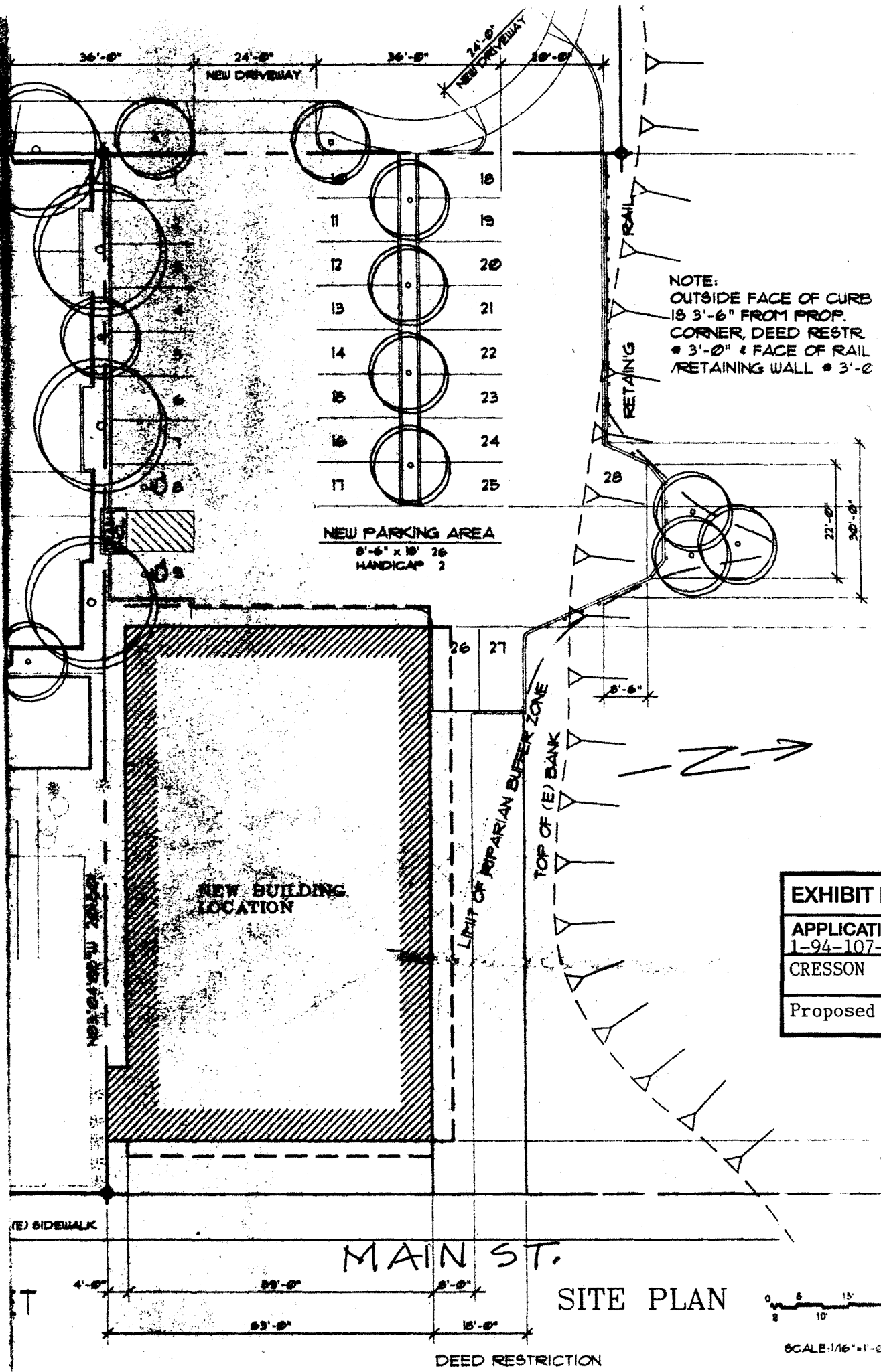
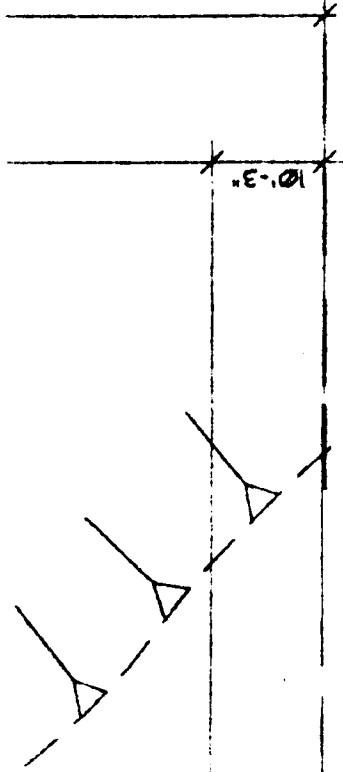
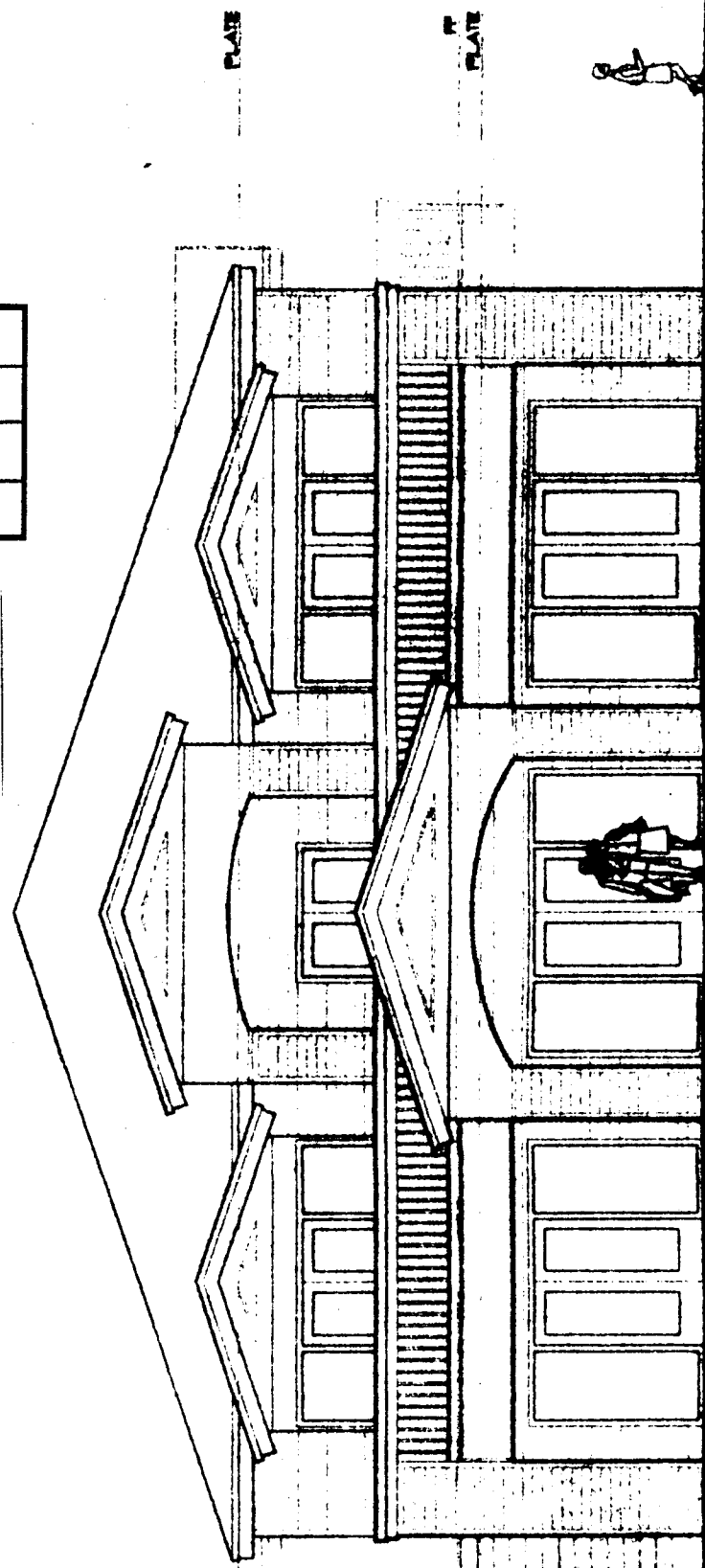


EXHIBIT NO. 4
APPLICATION NO. 1-94-107-A2
CRESSON
Proposed Site Plan

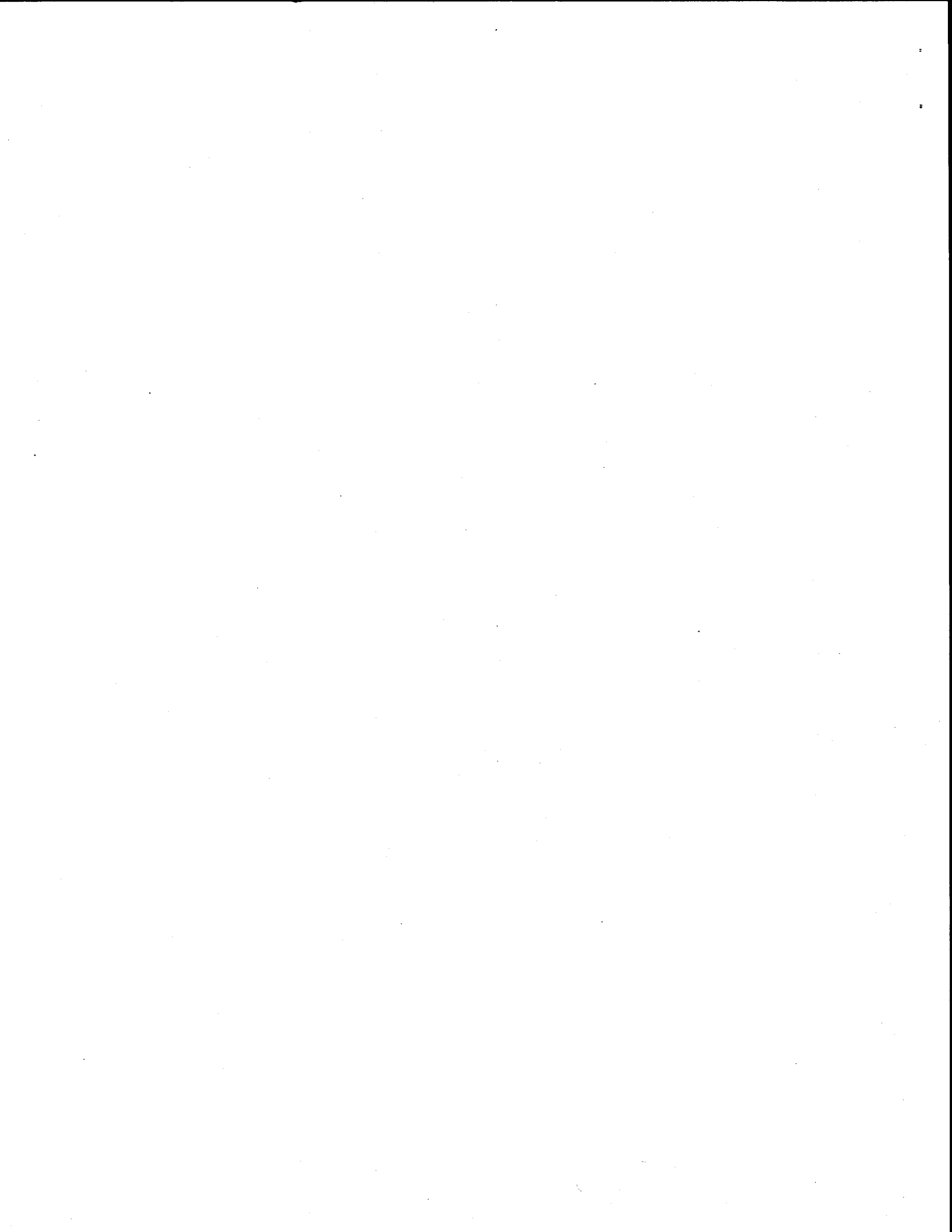
EXHIBIT NO.	5
APPLICATION NO.	1-94-108-A2
	CRESSON
Proposed Elevation	



VISION
POINT
MISSION

EAST ELEVATION

10'-0"



CALIFORNIA COASTAL COMMISSION
 NORTH COAST AREA
 45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 (415) 904-5260

W13a



Filed: February 17, 1995
 49th Day: April 7, 1995
 180th Day: August 16, 1995
 Staff: Bill Van Beckum
 Staff Report: February 24, 1995
 Hearing Date: March 8, 1995
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: **1-94-107**

APPLICANT: **NORMA FOGLI**

PROJECT LOCATION: 300 Main Street, City of Half Moon Bay, San Mateo County, APN 056-163-080.

PROJECT DESCRIPTION: Construct a 2-story commercial building (with 10,000 sq.ft. interior space) with a landscaped parking lot and seating area, and remove a row of 4 Monterey cypress trees from the west side of the property.

Total Lot area: 49,832 square feet (1.2 acres)
 Building coverage: 5,900 square feet
 Pavement coverage: 7,500 square feet
 Ht abv fin grade: 30 feet
 Parking spaces: 28 spaces
 Zoning: General Commercial, C-2
 Plan designation: Commercial General

EXHIBIT NO. 6
APPLICATION NO. 1-94-107-A2
CRESSON
Original staff report

LOCAL APPROVALS RECEIVED: City of Half Moon Bay Site and Design Permit No. PSD-05-94, Architectural Review Committee Approval, and CEQA Negative Declaration.

SUBSTANTIVE FILE DOCUMENTS: Half Moon Bay Land Use Plan, certified September 24, 1985.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the City of Half Moon Bay to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. See Exhibit A.

III. Special Conditions.

1. Final Foundation and Grading Plans.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for the review and approval of the Executive Director final engineered foundation and grading plans prepared in accordance with the recommendations contained in the soil investigation report by William F. Jones, Inc., Soil Engineers & Geologists, dated March 26, 1986, with addendum dated December 29, 1994. Evidence of approval by a geotechnical engineer and the City of Half Moon Bay shall accompany the submittal.

2. Deed Restriction.

PRIOR TO ISSUANCE OF THE Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director open space deed restrictions, in a form and content acceptable to the Executive Director, over the following areas:

- A. an open space deed restriction over that part of the property identified on the attached Exhibit 6 as a Deed Restriction - Riparian (the area within the heavy-dashed-line border). The deed restriction shall specify that no development as defined in Section 30106, including alteration of landforms, removal of vegetation and deposition of materials, shall be permitted in the riparian or buffer area subject to the deed restriction.
- B. a future development deed restriction over that portion of the property identified on the attached Exhibit 6 as a Deed Restriction - Future Development (the cross-hatched area between the proposed building and the Deed Restriction - Riparian area). The deed restriction shall specify that the subject permit is only for the development herein described in the coastal development permit and that any proposed addition(s) to the north side of the permitted building, into the Deed Restriction - Future Development area, that might otherwise be exempt under Public Resources Code Section 30610(b), will require an amendment to this permit or will require an additional coastal development permit from the California Coastal Commission or from its successor agency.

The deed restriction shall be recorded free of any prior liens and encumbrances that the Executive Director determines will affect the interest being conveyed, excepting tax liens, and shall be irrevocable, running from the date of recordation, and shall run with the land binding the landowners, their heirs, assignees and successors in interest to the subject property.

3. Final Landscaping and Parking Plans.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for the review and approval of the Executive Director (a) a final landscaping plan providing for the planting of at least 4 trees along the western and/or southern sides of the parking lot, and/or along the north side of the parking lot's retaining wall outside the open space deed restriction area (Exhibit 6), and (b) a final parking plan depicting any changes in the proposed parking lot configuration needed to accommodate the required landscaping work. The trees to be planted shall be at least 24-inch box in size and shall be of an evergreen or nearly evergreen species that will reach a height at maturity of at least 40 feet, and any tree(s) planted north of the parking lot's retaining wall shall be native species or non-native species commonly found in the area and adapted to the local environmental conditions.

The landscaping plan to be submitted shall include a planting plan diagram, a plant list, a narrative description of the planting and maintenance techniques to be followed (e.g., size and depth of holes to be dug, soil amendments to be added, planting schedule, fertilizing schedule, irrigation method and schedule, etc.).

The planting and maintenance program shall be designed to maximize the chances of survival of the vegetation to be planted. The trees to be planted shall be planted within three months of approval of the planting plan. Any planted tree that dies shall be replaced at a one-to-one or greater ratio for the life of the project.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Site Description.

The subject property is a 200-foot-long by 231-foot-wide vacant site occupying the area between the west side of Main Street and the east side of Purissima Street. (See Exhibits 1 & 2.) The downtown neighborhood around the property is devoted to mostly commercial uses on Main Street and a mix of commercial and residential uses off of Purissima Street. To the south the property adjoins the site of the historic Zaballa House Bed and Breakfast Inn and a not-yet-developed commercial complex approved by the Commission in December 1994 (Coastal Development Permit No. 1-94-88, Cresson & Mascall). To the north the property adjoins the Pilarcitos Creek corridor.

The property is terraced above the creek. An upper terrace, comprising almost the south half of the site, is nearly at street level, while a lower terrace is about 15 feet below the upper one. The distance from the base of the upper terrace to the north edge of the lower terrace is about 100 feet. The creek bottom is about 8 to 9 feet below the level of the lower terrace.

The upper terrace has a cover of weeds, grasses and shrubs, and, in the southwest corner, a row of four mature Monterey Cypress trees. These trees are the remnant of a row of twenty-six Cypress trees that that formed a landmark backdrop to the Zaballa House as seen from Main Street. Coastal Development Permit No. 1-94-88 authorized removal of the other twenty-two trees. A small grove of Eucalyptus trees is located near the west edge of the site, on a slope just below the upper terrace edge.

As the lower terrace descends toward the creek, its vegetative cover transitions from a mix of non-native exotic species and native coyote bush and California blackberry to riparian vegetation comprised of willows and red alder.

The City of Half Moon Bay does not yet have a fully certified Implementation Ordinance for its Local Coastal Program. Thus, the project requires a coastal development permit from the Commission, and the standard of review for the application is the Coastal Act.

2. Project Description.

The proposed downtown Half Moon Bay project is a two-story building with retail and incidental office/storage uses proposed for both floors. The 5,900 sq.ft. rectangular building footprint, oriented perpendicular to Main Street, is sited in the southern corner of the lot; see Exhibit 3, Site Plan. The building will be constructed in an architectural style and materials (e.g., wood siding) that the applicant intends to be in character with the Zaballa House and other buildings in the immediate vicinity. The building's height will be 30 feet above finished grade (31 feet above existing grade); see Exhibit 4, Elevations. By comparison, the height of the structures allowed on the adjacent property by Coastal Permit No. 1-94-88 is 31 feet above finished grade (and a 38-foot-high tower). The height of the Zaballa House is 29.5 feet.

A 28-car paved parking lot will be constructed in the area west of the building and will be accessed off Purissima Street. Except at the two driveway entrances from Purissima, the parking lot will be bounded on the west and south by landscaping beds. The parking lot will extend several feet beyond the edge of the upper terrace. The 75 cu.yds. of fill needed to support the extension of the parking lot will be retained by an 8-inch thick concrete retaining wall, up to 4 feet in height, that will extend along 68 feet of the parking lot's north and northeast edge. See Exhibit 3 (Site Plan) and Exhibit 5 (Section). The top of the retaining wall will be flush with a 6-inch high curb that will abut the parking lot's entire 115-foot-long north and northeast perimeter.

An 8-foot-wide paved pedestrian way along the north edge of the proposed building will provide access to two of the building's street-level interior spaces and serve as a connection between the proposed parking lot and the sidewalk along Main Street. Combination planter boxes/benches are proposed along the north edge of this pedestrian way.

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To accommodate the proposed parking lot and for safety reasons, the applicant proposes to remove all 4 of the existing Monterey Cypress Trees along the west property line. These trees are adjacent to what will be the first parking space in from Purissima Street, in the south row of parking spaces. In the place of two of the trees the applicant proposes to locate a 48-sq.ft., 6-foot-high, wood-sided enclosure for a trash bin. This location, about 15 feet in from Purissima Street, will be easily accessible to garbage collection vehicles travelling on that street.

The City is requiring the applicant to execute a Street Improvement Agreement, "because the street adjacent to the parcel ... is partially improved but not to City standards," prior to issuance of a building permit. According to the City's requirement, "the property owner shall agree to install street improvements, to participate in an assessment district for the construction of the improvements ... and shall install curb, gutter, sidewalk, storm drain and any necessary paving on Main Street and Purissima Street." Plans for the new sidewalk along Purissima, in an area outside the subject property's boundaries, are shown on the site plan (Exhibit 3).

The project requires on-site relocation of an existing City sewer line that runs through the proposed building footprint. The proposed building will be connected to the sewer system and also to existing water lines and other utilities.

3. New Development.

Section 30250(a) of the Coastal Act states that new development shall be located in or near existing developed areas able to accommodate it and where it will not have significant adverse effects on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The proposed development is located in an existing urban area, in which existing public services are available. The proposed project will be served by the Coastside County Water District (CCWD). The District has reported that it has approved the transfer of a water service connection available for another parcel within the District to the project property with sufficient capacity to serve the proposed development. With completion of the Crystal Springs pipeline project, the water assigned to the development is now available for use.

The San Mateo coastside is served by Sewer Authority Midcoastside (SAM), of which the City of Half Moon Bay is a member. Expansion of the SAM sewer plant, which currently has very limited capacity, is not anticipated to be completed before the proposed commercial development is constructed. The City has adopted a sewer connection moratorium and has adopted an ordinance allocating some additional sewer capacity for commercial sewer connection permits. According to the City, such permits are issued on a first-come, first-served basis and cannot be reserved for specific commercial projects but are issued concurrently with the building permit.

In the case of this permit application, however, there currently is an active sewer connection available to serve the site. Development of the site as proposed therefore will not be constrained by any lack of sewer treatment capacity at this time.

Therefore, the Commission finds that the proposed project is consistent with Section 30250(a) of the Coastal Act to the extent that the project will be located in an existing developed area with adequate public services able to accommodate it.

4. Erosion/Geologic Stability.

The Coastal Act contains policies to assure that new development does not create erosion, and to minimize risks to life and property. Section 30253 of the Coastal Act states in applicable part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

A geotechnical investigation for the project was conducted in March 1986 by William F. Jones, Inc., Soil Engineers & Geologists. The resulting soil investigation report dated March 26, 1986, with addendum dated December 29, 1994, concludes that the proposed structure, sited in the property's southeast corner on the upper terrace, at an elevation 8.8 feet above the Pilarcitos Creek 100-year flood plain, can be constructed as planned, with a pier (drilled cast-in-place) type of foundation, provided the recommendations presented in the report are incorporated in the project design and construction.

The report recommends that a drilled cast-in-place, reinforced concrete pier foundation system be used with a minimum pier diameter of 18 inches, and a pier depth at minimum 10 feet into the dense layer of silty sands and gravels that are encountered at a depth of approximately 15 feet below the proposed graded upper terrace. The report also recommends, among other things, that: (a) the center-to-center spacing between the piers should not exceed 4 pier diameters; (b) because there is a potential for liquefaction at the site which could result in minor settlements and lateral movements, exterior concrete slabs-on-grade should not be tied into the building and should be underlain by 6 inches of granular material such as angular gravel, clean crushed rock or base rock; (c) final grading and exterior pavements should be designed to provide positive drainage away from the structure so that water does not pond near the building, nor penetrate under concrete slabs and

pavements; and (d) building downspouts should be connected by closed pipe and discharged to a storm drain or the creek.

The report addendum notes that the recommended criteria for the design of the building do not address the potential for damage to the parking area in the event of liquefaction and/or lateral spreading of soils, and suggests that a retaining wall could limit those potentials. This suggestion was made before the application was amended to include such a wall along portions of the parking lot's north edge.

Foundation and grading plans conforming to the above recommendations have not yet been submitted to the Commission. Therefore, the Commission attaches Special Condition No. 1, requiring that final foundation and grading plans conforming with the recommendations of the geotechnical report be submitted for the review and approval of the Executive Director prior to the commencement of construction. The condition also requires that evidence of approval by the geotechnical engineer and the City of Half Moon Bay be provided with the submittal. As conditioned, the Commission finds that the project is consistent with Section 30253 of the Coastal Act.

5. Environmentally Sensitive Habitat.

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and that development near such sensitive habitat areas shall be sited and designed to prevent significant adverse impacts to these areas. Section 30231 requires protection of coastal streams by maintaining natural vegetation buffer areas to protect riparian habitats.

The project site is located on the higher of two terraces that rise from the south side of Pilarcitos Creek in an area that does not contain environmentally sensitive habitat. As the lower terrace descends toward the creek, its vegetative cover transitions from a mix of non-native exotic species and native coyote bush and California blackberry to riparian vegetation comprised of willows and red alder. The Commission considers riparian areas to constitute environmentally sensitive habitat areas subject to the protections of Coastal Act Section 30240.

A botanist has evaluated the site's habitat and has found no rare or endangered species (Exhibit 5, "Assessment of Riparian Vegetation," prepared by Michael Wood, Botanical Consulting Services, July 28, 1993, with February 15, 1995 addendum). However, the botanist found that:

The banks of Pilarcitos Creek and adjacent river terrace support streambank vegetation consisting predominantly of arroyo willow (Salix lasiolepis) and red alder (Alnus oregona) with scattered individuals of red willow (Salix laevigata). Arroyo willow and red alder are included in the City of Half Moon Bay's list of riparian species commonly found in San Mateo County.

Based on survey observations and measurements made in the field, the botanist mapped the limits of the riparian vegetation and the approximate boundary of a 50-foot-wide riparian buffer zone recommended by the City's LUP to protect riparian corridors along perennial streams such as Pilarcitos Creek. As defined by the LUP, riparian vegetation is described as any habitat composed of at least 50 percent cover of some combination of any of 11 listed plant species "normally found near streams." The project site plan (Exhibit 3) depicts those areas classified by the botanist as riparian according to the LUP definition. The outer "limit of riparian vegetation" depicted on the site plan abuts an area in the center of the property containing California blackberry. Although the presence of this species is often an indicator of riparian and wetland habitats, the botanist did not consider this site's California blackberry cover riparian because, "For purposes of this survey, habitats dominated by wetland associated species not listed in the LCPLUP were not considered as riparian." However, the area dominated by California blackberry is included within the 50-foot-wide riparian buffer zone recommended by the botanist.

The site for the proposed building is consistent with the botanist's initial 1993 recommendation to shift the building south to place it outside the delineated buffer area; the 1993 report noted that the building as sited at that time overlapped the buffer zone by as much as 24 feet. As proposed, the building is outside, but adjacent to, the buffer by virtue of being shifted south into the property's southeast corner. However, a portion of a stairway landing totalling approximately 16 sq.ft., at the building's northeast corner, encroaches into the buffer area.

Also proposed within 50 feet of the riparian area are the planters, benches, and the pedestrian way (approximately 850 sq.ft. total) between Main Street and the parking lot, and approximately 495 sq.ft. of the parking lot's northwest and northeast corners, including, in the latter corner, approximately 10 feet of the 68-foot-long retaining wall.

The botanist's evaluations of the proposed project have concluded that locating these developments within 50 feet of the riparian where shown in the site plan would not compromise the effectiveness of the buffer to protect adjacent riparian values. In the 1993 report the botanist stated that:

Decks, walkways, seating, and tree plantings could be placed within the riparian buffer zone, are not believed to seriously compromise the ecological integrity of the existing riparian system and would provide a scenic and restful environment for tenants and visitors. The City should encourage that maximum use of the scenic values of the creek-side environment be incorporated into the final project design.

The botanist's 1994 addendum, prepared to include a review of the parking lot's encroachment into the buffer area, noted that:

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The project plans were reviewed by Catlin Bean, Environmental Specialist with the California Department of Fish And Game (CDFG). The CDFG does not view this encroachment as a significant compromise of the riparian buffer zone and would not oppose the project.

While staff has not had the opportunity to personally discuss the project with this CDFG representative, a similar evaluation of the project was recently provided to staff over the phone (February 2 and 7, 1994) by Mr. Brian Arnold, another CDFG representative.

To ensure protection of all riparian habitat areas from any future development on the property, in accordance with Sections 30240 and 30231 of the Coastal Act, the Commission attaches Special Condition No. 2(A), requiring establishment of an open space deed restriction over all of the riparian habitat and an adjacent buffer area on the property. The required buffer includes all areas within 50 feet of the riparian habitat area except for the areas to be occupied by the specific developments described above that the consulting biologist and Department of Fish and Game representatives determined would not adversely affect the riparian habitat. These improvements include a portion of a stairway landing totalling approximately 16 sq.ft., at the building's northeast corner; the planters, benches, and the pedestrian way (approximately 850 sq.ft. total) between Main Street and the parking lot; and approximately 495 sq.ft. of the parking lot's northwest and northeast corners, including, in the latter corner, approximately 10 feet of the 68-foot-long retaining wall. The required deed restriction prohibits all development in the designated areas to protect the environmentally sensitive riparian habitat.

To further ensure protection of the riparian area, the Commission also attaches Special Condition No. 2(B). This condition requires the applicant to record a deed restriction regarding potential future development of the pedestrian way and bench/planter area adjacent to the north side of the proposed building, because of that area's proximity (34 feet) from arroyo willow habitat. This deed restriction requires that a coastal development permit be obtained for any addition(s) to the north side of the building, that otherwise might be exempt under Section 30610(b) of the Coastal Act and the California Code of Regulations. In this way, the Commission will be able to review any future additions to the building to ensure that it will not adversely affect nearby riparian habitat.

To address the potential problem of contaminated run-off from the proposed parking lot polluting Pilarcitos Creek, the botanist's addendum recommends that a suitable oil/grease separator be installed where the parking area drains into Pilarcitos Creek. This potential is reduced, however, by provisions already being incorporated into the project's design; as noted in the City's staff report for the project, "The project will be graded in such a manner that all runoff will be directed into approved storm drain facilities and not Pilarcitos Creek." Furthermore, the City has included a condition (no. 10) of approval requiring the applicant to install storm drain facilities that "shall be connected to existing improvements on Main Street and Purissima Street."

Therefore, as approved by the City and as conditioned by this permit to protect the watercourse and riparian habitat from disturbance, the Commission finds that the project is consistent with Section 30240 and 30231.

6. Visual Resources.

Section 30251 of the Coastal Act provides in applicable part that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall: (a) be sited and designed to protect views to and along the ocean and scenic coastal areas, and (b) be visually compatible with the character of surrounding areas. The proposed project will not block views to and along the coast from Highway One as the site is located within a developed area approximately one quarter mile east of Highway One in a location where the coastline is not visible.

With regard to the development's visual compatibility with the character of the surrounding area, the design of the proposed building (Exhibit 4) will be consistent with the character of existing structures in the vicinity. The proposed mix of retail and office use of the new building is consistent with the mix of uses found in this downtown commercial section of the City. In addition, the proposal to construct the building as a two-story structure with a height of 30 feet will make the building compatible with the height of other nearby buildings which include many two story structures, one of which is the existing Zaballa House adjacent to the project site.

Furthermore, the applicant has designed the facade and roof of the building to be compatible with features of other downtown structures, including the Zaballa House. The wood siding, second-story window sizing, and pitched roof of the new building will be similar to comparable features of the Zaballa House. Moreover, the close spacing of the proposed building to the Zaballa House (seven feet from the Zaballa House north wing) is not out of character with existing downtown development as many buildings along Main Street abut each other or are located within a few feet of other buildings.

The principal issue with respect to the development's visual compatibility with the character of the surrounding area is the proposal to cut down all 4 of the mature Monterey Cypress trees along the west property line of the subject property adjacent to Purissima Street, for safety reasons and to accommodate the proposed parking lot. Due to the aged condition of the trees and the fact that large limbs have fallen from the trees in the past, the applicant believes the trees pose a safety hazard not only for users of the proposed development but pedestrians and automobiles using Purissima Street.

The Monterey Cypress is not a rare and endangered plant species and the row of trees does not otherwise comprise an environmentally sensitive habitat area. However, the 4 Cypress trees, the last vestige of a landmark row of 26 Cypresses, can be considered a visual resource. Even though the 22 adjacent Cypress trees west of the Zaballa House recently were removed, as authorized by Coastal Development Permit No. 1-94-88, from certain vantage points along Main Street the four remaining trees still form a pleasant backdrop to the

Zaballa House, and the approximately 50-foot height of the trees make them very prominent. As such, the row of Cypress trees is part of the visual character of the downtown area. Therefore, removal of the trees without mitigation would adversely affect the visual character of the downtown area.

Following submittal of the application, the applicant retained a professional arborist (Kenneth D. Meyer, Mayne Tree Expert Company, Inc.) to examine the health of the trees and determine whether the trees could be saved. The arborist's report (January 3, 1995) indicates that three of the four trees are in poor condition and should be removed. Specifically, the arborist found that 90% of the circumference of one of the trees is dead and "the tree is beyond remedial repair." A second tree was found to be invaded by "heart-rot fungi" and "has an easterly lean and only twenty (20) percent of its normal canopy." The third tree was found to be severely pruned in the past and now, according to the report, "all the foliage exists in the upper 15 feet. These conditions make windthrow or breakage probable." The report concluded that:

Based on the condition of your four trees, three should be removed. However, it is furthermore my opinion that if the three cypress are removed ... your one remaining tree will be susceptible to windthrow, limb or trunk failure. I fully agree with the Osterling report (a professional forester's August 1994 report prepared during the site planning process for the adjacent Cresson and Mascall project, Coastal Development Permit No. 1-94-88) where he states that "these trees have grown together as a "grove" or "family." They are now dependent upon each other for mutual support during windy conditions." The stability of your tree would furthermore be compromised by any root cutting around the tree.

In summary, only one tree is worth keeping, but that tree, too, must be removed, as it would be hazardous if left standing.

Considering these conclusions by the arborist, there is little or no hope of saving the trees and eliminating the unacceptable safety risk they pose. Therefore, the Commission finds that removal of the trees and the resulting impact on the visual resources of the site is unavoidable.

To mitigate for the impact on visual resources of removal of the Monterey Cypress trees, the applicant is agreeable to replacing the trees on a one-to-one basis. The Commission notes, however, that the visual amenities that will be lost by removal of the 4 Monterey Cypress trees cannot be entirely replaced anytime soon with mitigation. Trees of that size and majesty do not develop quickly. However, the Commission finds that the planting of replacement trees is a feasible mitigation measure that can help reduce the impact of the loss of the trees over the long term. To best mitigate the particular impact on visual resources that will be caused by removing the existing trees, replacement trees that will grow to a height of at least 40 feet should be planted. To restore the elements of the existing visual character of the site that will be lost by removal of the Cypress trees as much as possible, the replacement trees should be ones that are capable of

growing tall enough to rise above the 30-foot height of the proposed building to be seen from Main Street, the principal vantage point from which people currently view the existing Monterey Cypress trees.

Therefore, to ensure that a tree replacement program is carried out in an appropriate fashion to mitigate for the visual impact of removal of the four Monterey Cypress trees, and to provide a visual backdrop for the development, the Commission attaches Special Condition No. 3. The condition requires the submittal for the review and approval of the Executive Director of a final landscape/tree maintenance plan that includes the planting of 4 trees along the western and/or southern sides of the parking lot and/or along the north side of the parking lot's retaining wall outside the open space deed restriction area (Exhibit 6).

Because of its bulk, spreading root zone, and other considerations, Monterey Cypress may not be an appropriate tree species to replant at the now urban project site and some other tree species may need to be specified for replanting. The condition requires that the trees be of a species that will grow to a height of at least 40 feet so that they will be visible above the roof of the building as seen from Main Street, that they be evergreen, or nearly evergreen, to provide a continuous backdrop even during the winter months as the existing Cypress trees do, and that any tree(s) planted north of the parking lot's retaining wall be native species or non-native species commonly found in the area and adapted to the local environmental conditions.

To reduce the number of years before the trees reach maturity, the condition requires that at least 24"-box size trees be planted. The condition also requires submittal of a final parking lot plan to allow for an administrative review by Commission staff of any needed changes to the parking lot to accommodate the required tree planting and avoid the need for the applicant to apply for a permit amendment if changes to the parking lot do become necessary.

As conditioned, the Commission finds that the proposed project will preserve the visual character of the area and will be consistent with Section 30251 of the Coastal Act.

7. Local Coastal Program.

The Half Moon Bay Land Use Plan (LUP) was certified by the Commission on September 24, 1985, and adopted by the City. However, the City's Implementing Ordinance has not yet been submitted for certification by the Commission. Therefore, the standard of review that the Commission is applying in its consideration of the application is the Coastal Act. The certified LUP policies are considered advisory and not binding in this case.

The certified Half Moon Bay Land Use Plan (LUP) designates the subject property as Commercial General. The proposed retail development is consistent with this land use designation.

Half Moon Bay LUP Section 9.1.2 states, in part, that new development shall be located within 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 on coastal resources. With the existing assignment of the necessary water service connections to serve the development from the Coastside County Water District, and an active sewer connection available to serve the site, the proposed project is consistent with LUP Section 9.1.2., as the project will be located within a developed area with adequate public services to accommodate it.

The Half Moon Bay LUP contains policies stating that development shall neither create nor contribute significantly to erosion and geotechnical hazards. As conditioned to require the submittal of final foundation and drainage plans consistent with the project's geotechnical report, the proposed project will not contribute significantly to geotechnical hazards. As conditioned the project also is consistent with LUP policies requiring the protection of riparian habitat.

Coastal Act Section 30604(a) authorizes permit issuance if the Commission finds that the proposed development is in conformity with the provisions of Chapter 3 of the Coastal Act and if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare or implement a local coastal program that is in conformance with Chapter 3 of the Coastal Act. As discussed above, approval of the project, as conditioned, is consistent with Chapter 3 of the Coastal Act, and thus will not prejudice local government's ability to implement a certifiable LCP for this area.

8. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed above, the project has been mitigated to minimize risks to life and property in an area of geologic and flood hazard, to avoid significant impacts to riparian habitat, and to avoid significant impacts to the visual resources of the coast. The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA.

For purposes of CEQA, the lead agency for the project is the City of Half Moon Bay. The City adopted a negative declaration for the project on August 11, 1994.

ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Exhibits

1. Regional Location Map
2. Area Location Map
3. Site Plan
4. Elevations
5. Parking Lot/Retaining Wall Section
6. Deed Restriction Areas