

**CALIFORNIA COASTAL COMMISSION**  
 NORTH COAST AREA  
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# Tu10a

Filed:	September 27, 1995
49th Day:	November 15, 1995
180th Day:	March 25, 1996
Staff:	Robert Merrill
Staff Report:	October 27, 1995
Hearing Date:	November 14, 1995
Commission Action:	

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: **1-95-48**

APPLICANTS: **JEREMY AND KATHLEEN TOBY**

PROJECT LOCATION: 75 Guerrero Street, Miramar Beach, Half Moon Bay, San Mateo County, APN 048-085-880

PROJECT DESCRIPTION: Construct a 3,536-square-foot, 28-foot-high, two-story single-family home, with a 799-square-foot 3-car attached garage, decks, a driveway, walkways, and landscaping.

Lot area:	8,800 square feet
Building coverage:	2,649 square feet
Pavement coverage:	600 square feet
Landscape coverage:	5,551 square feet
Ht abv fin grade:	27 feet
Parking spaces:	3 spaces
Plan designation:	Residential-Medium Density, 2-8 units/acre

LOCAL APPROVALS RECEIVED: (1) Granada Sanitary District Sewer Connection Permit (No. 2596 approved August 16, 1995); (2) Reallocation of Water Capacity approved by Coastside County Water District (Resolution No. 877 on September 12, 1995) and the San Mateo County Planning Division (letter dated September 13, 1995).

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

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STAFF NOTE:

Standard of Review. The Half Moon Bay Land Use Plan (LUP) was certified by the Commission on September 24, 1985. However, the City does not have a fully certified Local Coastal Program as the Implementation Program has not yet been reviewed and certified by the Commission. Since the full LCP has not yet been certified, the Commission retains permit jurisdiction. Therefore, the standard of review that the Commission is applying in its consideration of the application is the Coastal Act.

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the application with one special condition. The principal issue raised by the application is the site's geologic capabilities to accommodate development that will be structurally. To address this concern, Special Condition No. 1 requires that final foundation, grading and site drainage plans approved by a geotechnical engineer be submitted that are consistent with recommendations contained in the geotechnical report that has been prepared for the project. As conditioned, staff believes the project is consistent with the Coastal Act.

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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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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, Drainage, 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, drainage, and grading plans prepared in accordance with the recommendations

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contained in the geotechnical report prepared for the project by PGSoils, Inc., dated June, 1995. Evidence of approval of the final foundation and grading plans by a geotechnical engineer and the City of Half Moon Bay shall accompany the plans to be submitted.

**IV. Findings and Declarations.**

The Commission hereby finds and declares as follows:

**1. Site Description.**

The proposed development consists of the construction of a single-family dwelling at 75 Guerrero Street, at the corner of Guerrero Street and Alameda Avenue, in the Miramar Beach area of the City of Half Moon Bay (see Exhibits 1 and 2).

The 8,800-square-foot vacant parcel is located within a developing neighborhood designated for medium density residential use. The parcel is several blocks west of Highway One and one block inland from the beach. Existing development within the Miramar Beach area blocks views of the ocean from Highway One in this area, and the parcel itself is not visible from the highway. The generally flat parcel is at an elevation of approximately 20-30 feet above sea level and is part of the gently sloping coastal terrace that extends along the San Mateo County Coast from Pillar Point south. The mostly barren property contains some grass cover, pampas grass, and other shrubs, but contains no known environmentally sensitive habitat.

**2. Project Description.**

The applicants propose to construct a two-story 27-foot-high single family residence (see Exhibits 3-6). The home will have 3,536 square feet of livable floor area, a 799-square-foot attached three-car garage, and several decks. The building footprint will cover 2,649 square feet of area, resulting in a total lot coverage of approximately 30%. The project also includes paving a driveway and walkways, and installing approximately 5,551 square feet of landscaping.

The proposed residence will be served by the Coastside County Water District and by municipal sewer. The project includes the installation of water and sewer lines, and other underground 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.

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The Half Moon Bay Land Use Plan (LUP) has been approved by the Commission and adopted by the City. The LUP designates the subject site as Medium Density Residential, 2-8 units per acre. The proposed single-family residence is permissible within areas designated as Medium Density Residential.

Water and sewer services for new development along the mid-San Mateo County coast are severely limited. However, the proposed project will be served by both community water and sewage systems and will not have to rely on well water and septic systems. The Coastside County Water District (CCWD) and the San Mateo County Planning Commission recently approved a conversion and reallocation of water to the property from another site, and the Granada Sanitary District has approved a Sewer Connection Permit for the development.

Therefore, the Commission finds that the proposed project as conditioned, 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 by PGSoils, Inc. a consulting soils engineering service. A June 1995 report prepared for the investigation concludes that the site is geotechnically suitable for the construction of the proposed residence provided certain recommendations are included in the design and carried out during construction.

One of the main concerns at the site is the presence of expansive soils. To address this concern, the report recommends the removal of the upper 2.5 feet of soils in areas of new construction and replacing this material with suitable imported material that is layered and compacted on the site. The report also recommends the use of drilled, cast-in-place reinforced concrete piers.

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A second main concern at the site is drainage, as the site is nearly level in a relatively low area. The report recommends a variety of drainage measures, including (1) ensuring that roof downspouts discharge at least five feet away from the structure, (2) grading and constructing exterior pavements so that the ground surface slopes away from the new structure, (3) installing sumps that discharge water away from the new house.

To ensure that the above recommendations are carried out, the Commission attaches Special Condition No. 1, requiring that final foundation, grading, and drainage plans conforming with the recommendations of the geotechnical report prepared by PGSoils, Inc. in June of 1995 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. 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.

As noted previously, the project site is not visible from Highway One. In addition, the proposed residence will not block views from either Guerrero or Alameda Avenue as the subject parcel is not adjacent to the beach and intervening houses block views of the beach through the parcel. Therefore, the proposed project will not block views to and along the ocean.

The proposed house will also be visually compatible with the character of the area. The massing, lot coverage, and height of the building are all consistent with the existing residences in the neighborhood. In addition, most of the existing houses in the surrounding area are of a similar two-story modern design with pitched roofs covered with asphalt shingles, cupolas, and horizontal siding.

Therefore, the Commission finds that the proposed project is consistent with the visual resource policies of Section 30251 of the Coastal Act as the project will not block views to and along the coast and is compatible with the visual character of the surrounding area.

6. Public Access.

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, except where adequate access exists nearby, or where the provision of public access would be inconsistent with public safety. Coastal Act Section 30211 specifically states that development shall

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not interfere with the public's right of access to the sea where acquired through use. In applying these policies, however, the Commission is limited by the need to show that any required public access is necessary to offset a project's adverse impact on existing or potential public access.

The proposed project will not adversely affect public access. The subject property, while located between the first public road and the sea, is not an ocean front lot and is physically distant from the sea. The project is located on Guerrero Street, a public street which continues approximately one block west of the project site to the Half Moon Bay coastal trail and a State Beach. Although there is no parking for beach access in the vicinity, pedestrians may walk along Guerrero Street to the coastal trail and the beach. The proposed project will not interfere with this pedestrian access in any way. Therefore, the Commission therefore finds that the proposed project, which will provide no new public access, is in conformance with the public access policies 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 does not have a fully certified Local Coastal Program as the Implementation Program has not yet been submitted to the Commission. Since the full LCP has not yet been certified, the Commission retains permit jurisdiction. 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 are not binding in this case.

The proposed project is consistent with the certified Land Use Plan. The LUP designates the subject site as Medium Density Residential, 2-8 units per acre. The proposed single-family residence is permissible within areas designated as Medium Density Residential.

Half Moon Bay LUP Section 9.1.2 states, in part, that new residential 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. As the proposed development has been granted approval of a water connection by the Coastsides County Water District and a Sewer Connection Permit by the Granada Sanitary District, the proposed project is consistent with LUP Section 9.1.2. because 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 submittal of final foundation, drainage, and grading plans conforming to the recommendations of the geotechnical investigation prepared for the project, the project will not contribute to erosion or create a geotechnical hazard. Therefore, the project is consistent with the LUP policies regarding erosion and geotechnical hazards.

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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 ensure that the project will minimize risks to life and property in an area of geologic hazard. The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA.

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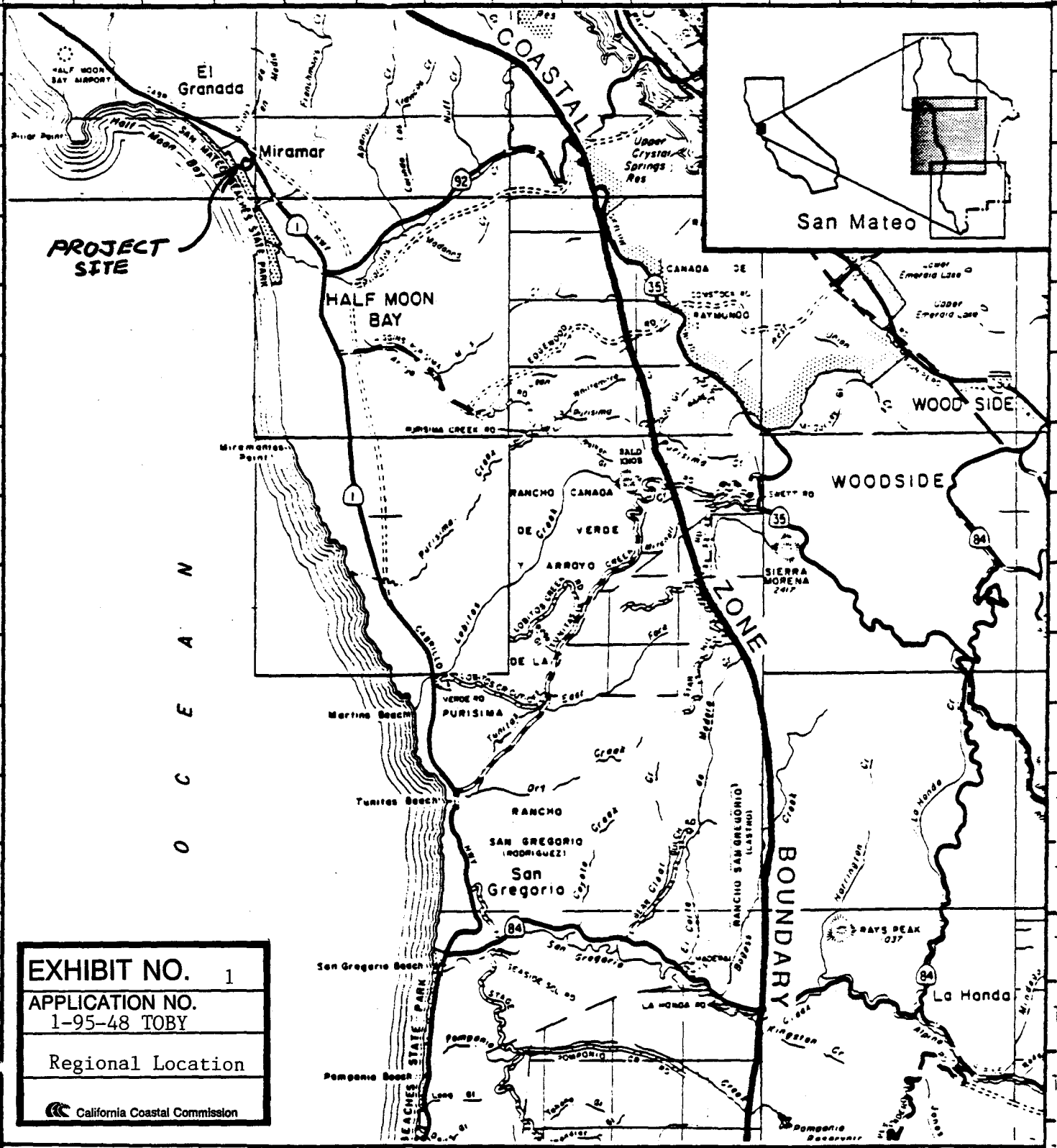
ATTACHMENT A

Standard Conditions

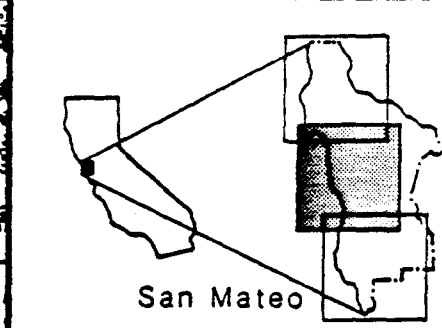
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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 or 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.



A B C D E F G H I J K L M N O



**PROJECT SITE**



<b>EXHIBIT NO.</b>	1
<b>APPLICATION NO.</b>	1-95-48 TOBY
<b>Regional Location</b>	
California Coastal Commission	



**LOCATION MAP**



PROJECT  
SITE

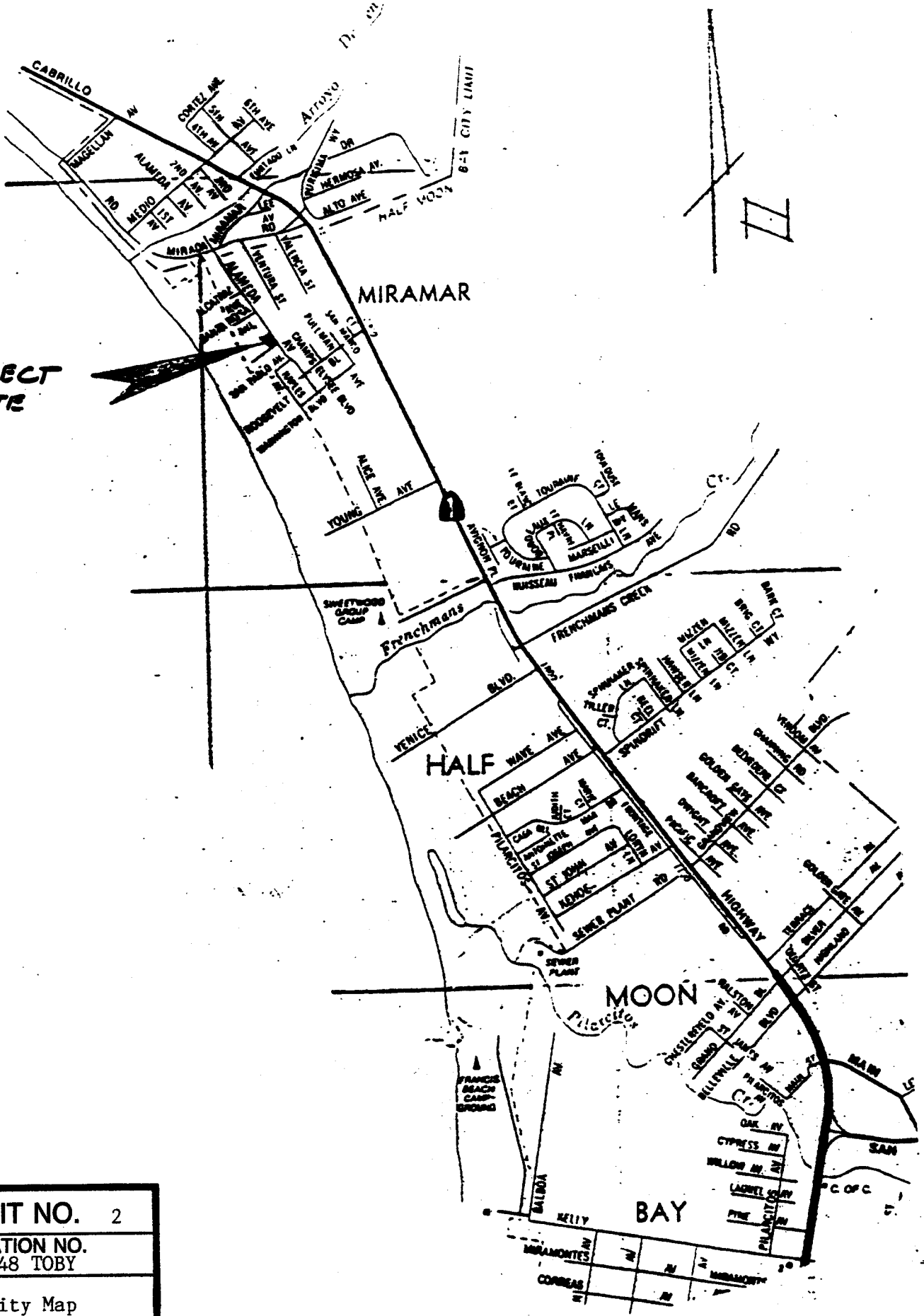


EXHIBIT NO. 2
APPLICATION NO. 1-95-48 TOBY
Vicinity Map
California Coastal Commission

1753'02" 256 800'

ALAMBOA AVE.

DRIVE PAVES

ONE DRIVEWAY

43'0" 7 3/4" x 110'0"

20'0"

20'2"

20'2"

SUBST. DRIVEWAY WITH CURB  
GRADES (S. 26.0')

4" P.V.C. SPILL

653'02" 254 800'

4" P.V.C. SPILL (SIDE)

CONCRETE

CONCRETE

WELL USED TO  
BE 20' x 20' x 2'

Deck

POOL

Deck

25'0"  
25'0" 3/4" P.V.C. (ROAD)

25'0"

EDGE OF PAVG.

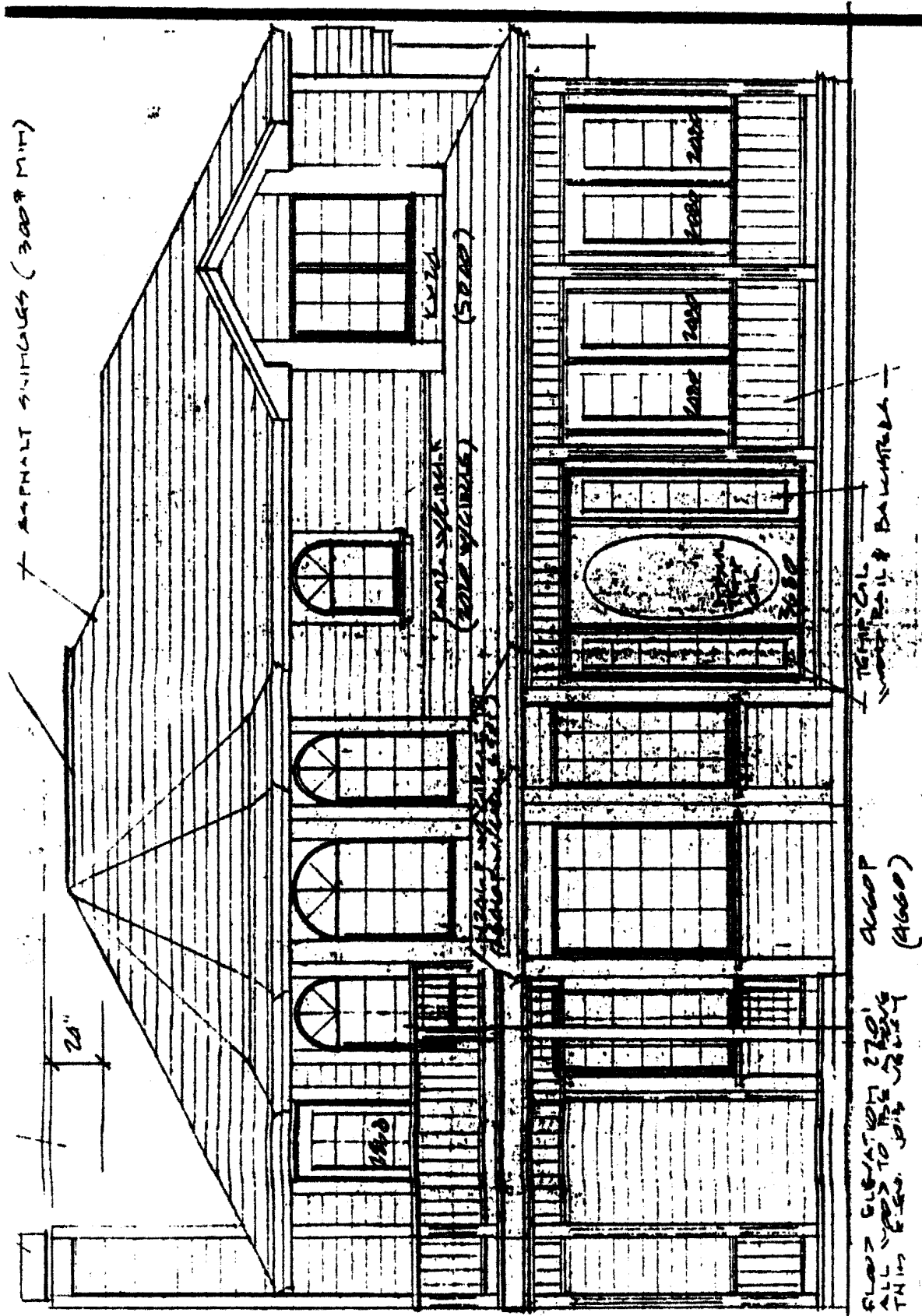
GUERRERO ST.



20' 3/4" P.V.C. (ROAD)

FROM X 215444 BX

EXHIBIT NO. 3
APPLICATION NO. 1-95-48 TOBY
Site Plan
California Coastal Commission



F R O N T E L E V A T I O N

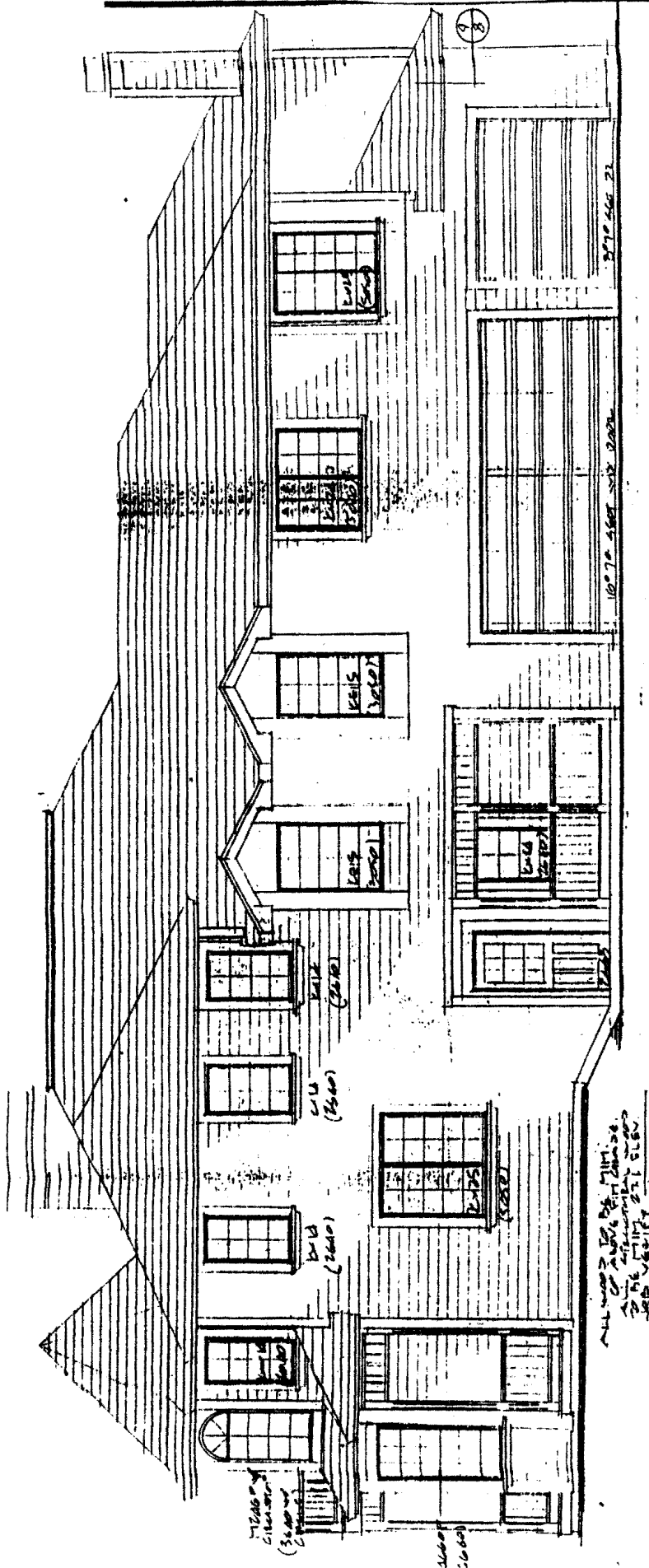
<b>EXHIBIT NO. 4</b>
APPLICATION NO. 1-95-48 TOBY
Front Elevation
California Coastal Commission

FLOOR PLAN WITH 270°  
 TURN TO THE RIGHT  
 THIS SIDE OF THE ROAD

TERRACE  
 WOODEN RAIL & BALUSTRADE

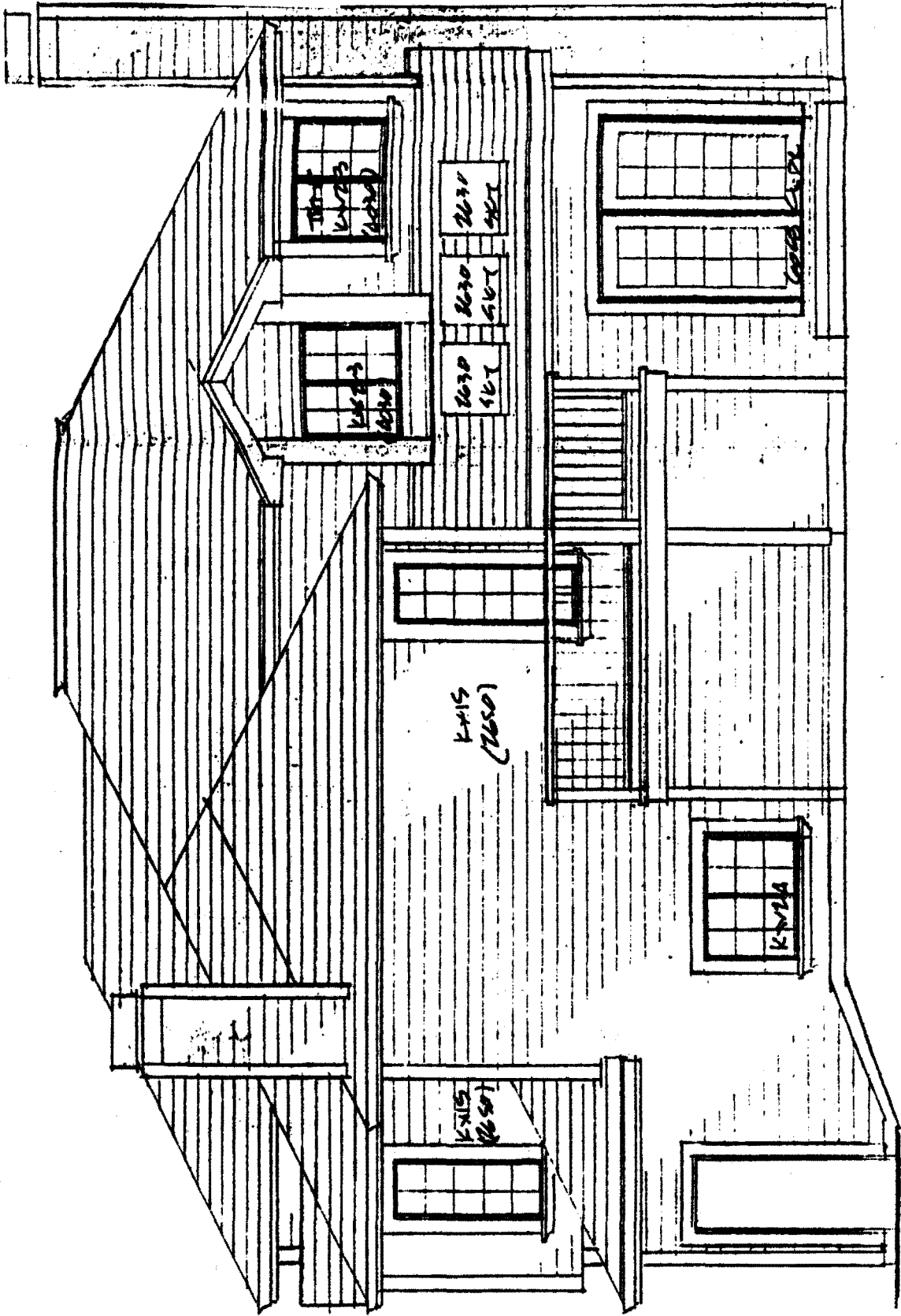
(SHRUBS AND  
 PLANTS)

(500#  
 MIN)



DISTANCE TO CURB

EXHIBIT NO. 5
APPLICATION NO. 1-95-48 TOBY
Right Side Elevation
California Coastal Commission



R E A R E L E V A T I O N

1/4" = 1'-0"

<b>EXHIBIT NO.</b> 6
<b>APPLICATION NO.</b> 1-95-48 TOBY
Rear Elevation
California Coastal Commission