

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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49th Day:	December 7, 1995
180th Day:	April 16, 1996
Staff:	Robert Merrill
Staff Report:	November 3, 1995
Hearing Date:	November 14, 1995
Commission Action:	

STAFF REPORT: CONSENT CALENDARAPPLICATION NO.: **1-95-28**APPLICANTS: **WILEY AND ELSIE JOHNSON**

AGENT: David R. Worden

PROJECT LOCATION: Corner of Main and Foster Drive, Half Moon Bay, San Mateo County, APN 056-230-120

PROJECT DESCRIPTION: Construct a 33-foot-high, 9,671-square-foot retail shopping center with 17,600-square feet of paving for 35 off street parking spaces and a driveway for ingress and egress, landscaping and abandonment of an existing well on the site.

Lot area:	31,851 square feet
Building coverage:	9,671 square feet
Pavement coverage:	17,600 square feet
Landscape coverage:	4,580 square feet
Ht abv fin grade:	33 feet
Parking spaces:	35 spaces
Plan designation:	Commercial General

LOCAL APPROVALS RECEIVED: City of Half Moon Bay Site and Design Permit No. PSD-06-94, Use Permit No. UP-07-94, and CEQA Negative Declaration No. EIR-07-94.

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 for the application is the Coastal Act. However, in finding below that the application would not prejudice the preparation of an LCP consistent with Chapter 3 of the Coastal Act, the application was also reviewed for consistency with the LUP certified by the Commission.

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. Connection to City Sewer System.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicants shall submit for the review and approval of the Executive Director evidence of a valid sewer service connection permit (building permit) from the City of Half Moon Bay.

2. 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 and parking plan that has been approved by the City of Half Moon Bay and provides landscaping of comparable quantity and quality as the preliminary landscaping plans submitted with the coastal development permit application.

The landscaping plan to be submitted shall include a planting plan diagram, a plant list, a narrative description of the planting and maintenance techniques

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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 landscaping work shall be performed in accordance with the plan and shall be completed prior to occupancy of the proposed retail development. 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. Project and Site Description.

The proposed commercial development will be located at the corner of Main Street and Lewis Foster Drive in the City of Half Moon Bay. The project site is east of Highway One, about one mile inland from the ocean at the north end of the Downtown section of the City. The site is zoned for commercial use and is adjoined by other commercial development. The relatively flat vacant parcel contains no environmentally sensitive habitat.

The proposed project consists of a 9,671-square-foot, 33-foot-high, single story retail building to be built in an L-shape, and site improvements including a 35-stall parking lot and 4,580 square feet of landscaping. The applicant indicates the project may be oriented toward the home improvement market, such as carpet or flooring stores. The building may be divided into eight individual stores. The proposed project also includes the abandonment of an existing well on the site. See exhibits 3-5.

2. 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 Coastsides County Water District (CCWD). In September of 1995, the District reported in a letter to Commission staff that it can approve 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. In October of 1995, the applicants secured a letter of agreement from Norma V. Fogli for the transfer of two 5/8" water connections to the applicants' property. The two water connections will be sufficient to serve the proposed development.

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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 a letter to Commission staff dated July 19, 1995, the City indicates that as of that date, four sewer connections were available for commercial project applicants. Thus, sufficient sewer capacity may be available for the proposed project. However, it cannot be certain whether any of these four connections will be available by the time the applicants have secured final Building Permits from the City. The City indicated in its July 19, 1995 letter that four other commercial projects that had already received planning approval from the City had not yet been processed for Building Permits. In addition, Commission staff has been contacted by other potential applicants for commercial developments within the City. Thus, there is not a large enough supply of sewer connections to satisfy the demand for them, and there is no guarantee that the applicants for the subject property will secure the necessary final Building Permits before the all the sewer connections are gone. Therefore, to ensure that the project does not proceed if no sewer capacity is available to serve the development in a manner inconsistent with Section 30250 of the Coastal Act, the Commission attaches Special Condition No. One which requires the applicants to submit the review and approval of the Executive Director evidence of a valid sewer service connection permit from the City of Half Moon Bay prior to the commencement of construction.

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.

3. 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 subject property is situated about a mile from the shoreline and 0.15 miles inland from Highway 1. The project therefore has no potential to block views to and along the coast.

The site is visually prominent, however, as it is a corner lot. With regard to the development's visual compatibility with the character of the surrounding area, the design of the proposed building (see Exhibit 4 and 5)

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will be consistent with the character of existing structures in the vicinity. The proposed retail use of the new building is consistent with the mix of uses found in the downtown commercial section of the City. In addition, the proposal to construct the building with a height of 33 feet will make the building compatible with the height of other nearby buildings. Furthermore, the applicant has designed the facade and roof of the building to be compatible with features of other downtown structures. The siding, window sizing, and pitched roof of the new building will be similar to comparable features of other Downtown buildings. Moreover, the project includes appropriate landscaping to soften the view of the parking lot and the structure itself.

The City, in its review of the project, therefore gave considerable attention to the parking and driveway layout. The City approved the project but attached a condition requiring the submittal of revised parking and landscaping plans to allow for the use of a more efficient parking and driveway layout. To ensure that the revised plans approved by the City do not alter the landscaping to the extent that the project is no longer consistent with Section 30251 of the Coastal Act, and to ensure that the project built on the site is consistent with the terms and conditions of this permit, the Commission attaches Special Condition No. 2. The condition requires the applicants to submit prior to the commencement of construction, for the review and approval of the Executive Director a final landscaping and parking plan that has been approved by the City of Half Moon Bay and provides landscaping of comparable quantity and quality as the preliminary landscaping plans submitted with the coastal development permit application.

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.

4. 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 as conditioned

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herein to require the submittal of a valid sewer connection prior to the commencement of construction, 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.

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.

5. 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 adequate services will be available to serve the project and to protect the visual character of the area. 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 25, 1994.

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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 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.

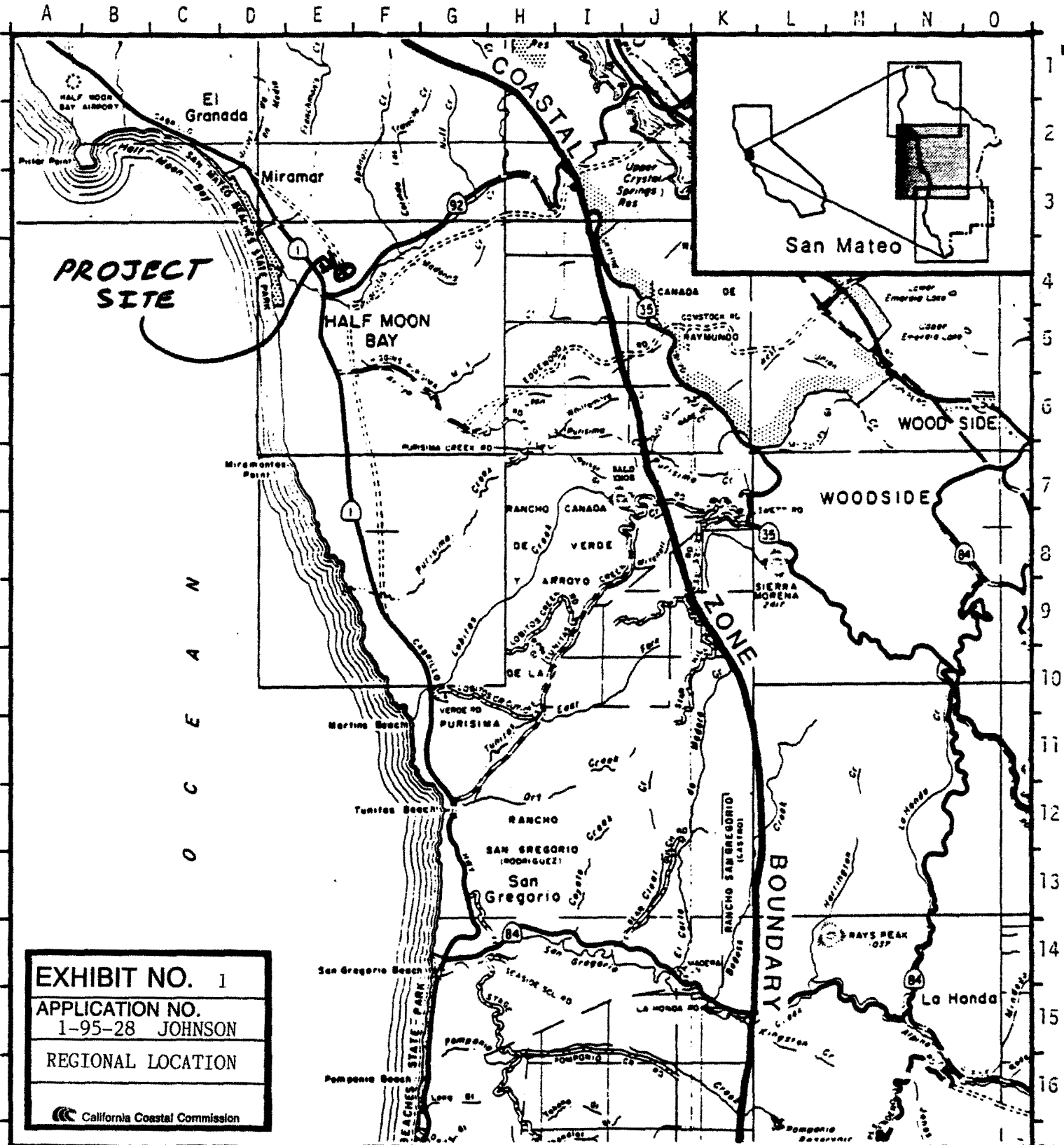


EXHIBIT NO. 1
APPLICATION NO. 1-95-28 JOHNSON
REGIONAL LOCATION
California Coastal Commission

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LOCATION MAP



MAIN STREET

FOSTER DRIVE

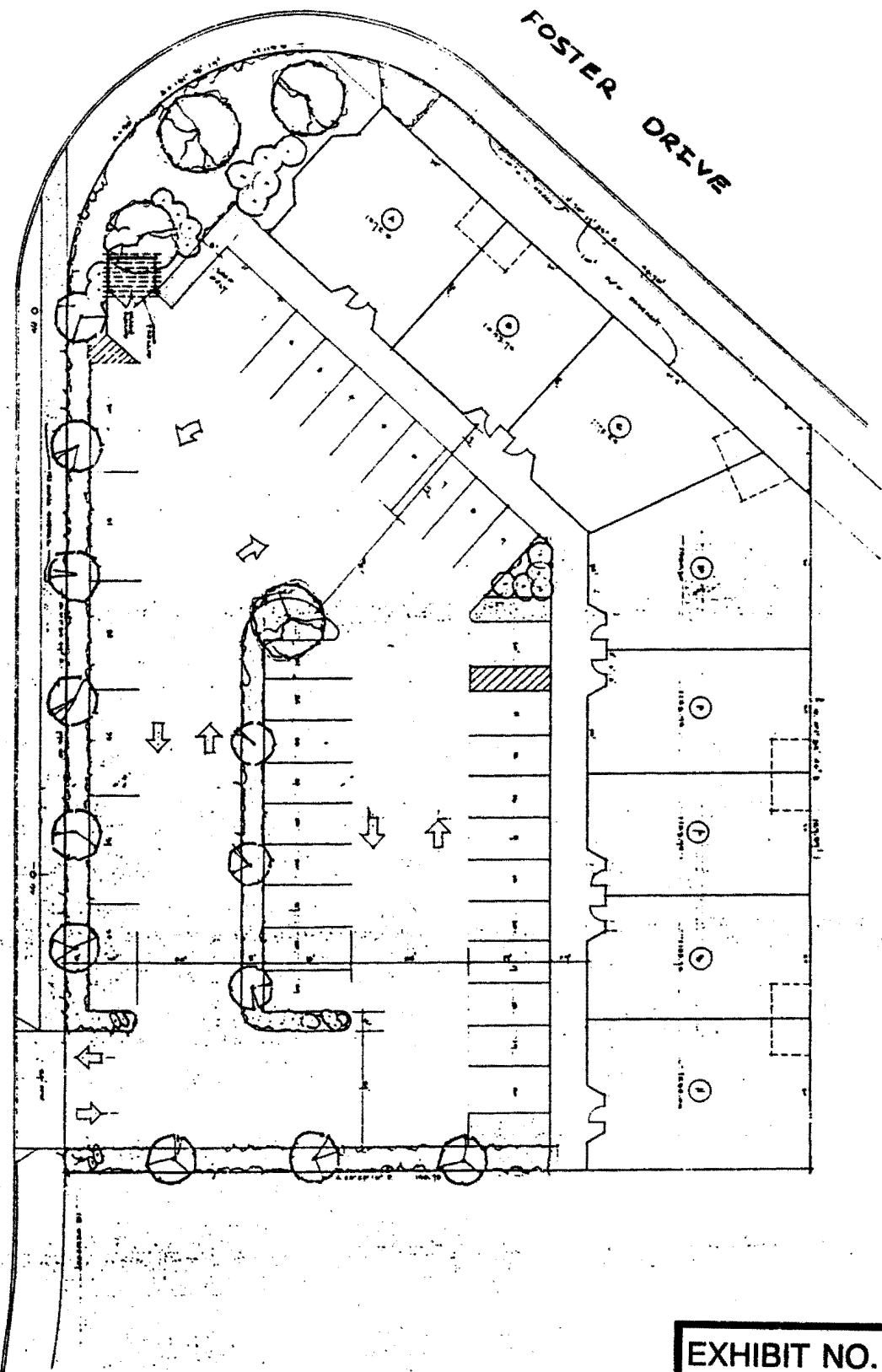



EXHIBIT NO. 3
APPLICATION NO.
1-95-28 JOHNSON
SITE PLAN

 California Coastal Commission

