

CALIFORNIA COASTAL COMMISSION

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



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Filed: November 20, 1995
 49th Day: January 8, 1996
 180th Day: May 18, 1996
 Staff: Bill Van Beckum
 Staff Report: March 22, 1996
 Hearing Date: April 10, 1996
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: **1-95-68**

APPLICANTS: **DAVID CRESSON**

PROJECT LOCATION: 324 Main Street, Half Moon Bay
 San Mateo County, APN 056-163-070

PROJECT DESCRIPTION: Convert a two-story office building into a 9-unit bed-and-breakfast inn, with manager's unit and parking area for 8 spaces.

Lot area:	10,000 square feet	
	<u>Existing</u>	<u>Proposed</u>
Building coverage:	2,200 square feet	2,200 square feet
Pavement coverage:	3,980 square feet	3,550 square feet
Landscape coverage:	3,820 square feet	4,250 square feet
Ht abv fin grade:	30 feet	30 feet
Parking spaces:	11 spaces	8 spaces
Plan designation:	Commercial-General	
Zoning:	C-D (Commercial Downtown)	

LOCAL APPROVALS RECEIVED: City of Half Moon Bay Site and Design Permit No. PSD-06-89, CEQA Categorical Exemption, and Parking Exception No. PVE-01-95.

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

1-95-68

DAVID CRESSON

Page 2

STAFF NOTES:

1. Standard of Review. The Half Moon Bay Land Use Plan (LUP) was certified by the Commission on September 24, 1985. The LCP Implementation Plan (IP) was reviewed by the Commission, and certified with suggested modifications, at the Commission's December 13, 1995 meeting. However, the full LCP has not yet been effectively certified. In the meantime, the Commission retains permit jurisdiction and 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 also has been reviewed for consistency with the LUP certified by the Commission.

2. Project History. The development proposed in this application, conversion of a commercial-use building to a 9-unit bed and breakfast inn, including a manager's quarters, was originally reviewed by the Commission in 1989, as Coastal Development Permit (CDP) Application No. 3-89-117. The project description in that application was the same as in the current application except that in the current application three fewer parking spaces are proposed (8 spaces instead of 11 spaces).

The Commission approved the application on August 8, 1989, with conditions that limited the conversion to the existing structure's ground floor, "for the establishment of a six unit bed and breakfast inn in accordance with the requirements and water limit use set by Coastside County Water District." At that time, the Coastside County Water District (CCWD) was not able to authorize the installation of a second water connection which was necessary to serve three units proposed on the second floor because the project site was effected by a water moratorium then in place due to shortages within the CCWD system. As further conditioned by CDP 3-89-117, "additional units, including manager's quarters, will require a separate amendment to this permit."

The CCWD now has adequate water to supply the entire project as originally proposed. The reason the original proposal is now before the Commission as a new application, rather than, pursuant to the original permit's conditions, as only a permit amendment request for the managers unit and three upstairs guest units, is because the original permit approval expired. The applicant never formally executed the original permit within two years of its approval by the Commission.

The project already has been completed as originally proposed without benefit of a valid coastal development permit. When adequate water service became available, the applicant completed the total conversion to nine guest units and a manager's unit, and provided 11 on-site parking spaces. That the development occurred without a valid coastal development permit came to light when the applicant, in June 1995, submitted a request to amend CDP 3-89-117 so as to authorize the removal of three of the originally approved eleven parking

spaces in order to accommodate additional site landscaping. When the file for CDP 3-89-117 was reviewed during the processing of the amendment request, Commission staff discovered that the permit never had been formally executed.

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 Attachment A.

III. Special Conditions.

None.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Project and Site Description.

The subject property, on the west side of Main Street, is located 1/4 mile east of Highway 1 and about one mile inland from the ocean. It is at the north end of downtown Half Moon Bay. See Exhibits 1 and 2. The proposed development consists of the conversion of an existing commercial-use building to a nine-unit bed and breakfast inn, including a manager's quarters, and installation of a parking area to accommodate 8 parking spaces. See Exhibits 3, 4 and 5. The existing two-story building, known as the Zaballa House, dates from the mid-1800s. The flat parcel is landscaped and contains no environmentally sensitive habitat.

The Zaballa House occupies the east half of an otherwise undeveloped parcel whose west half, along with the adjacent parcel to the south, was approved for development of two, 2-story mixed-use buildings (for retail, office, and bed and breakfast uses, CDP No. 1-94-88, Cresson and Mascall); these two buildings are depicted as buildings A and B on Exhibit 5. The vacant parcel that is adjacent to the subject site's north side also recently was approved for development (a 2-story commercial building, CDP No. 1-94-107, Fogli).

1-95-68

DAVID CRESSON

Page 4

Although the project as proposed in 1989 included 11 on-site parking spaces, the City in 1995 granted the applicant a "parking exemption" which allows the applicant to provide only 8 spaces on the Zaballa House portion of the applicant's properties, as long as three of the six spaces being provided for retail uses on other portions of the applicant's two adjacent properties are made available for overnight parking by guests of the 9-unit inn. The eight spaces, of the originally proposed 11 spaces, that are part of this current application are located in the area labelled "parking lot" on the Exhibit 5 plan. The other 3 spaces, being removed for landscaping, will be provided for in the area labelled "parking" in the west half of the Exhibit 5 plan. The landscaping proposed to replace the 3 parking spaces is depicted in Exhibit 6.

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 public services are available for the project. The Coastsides County Water District has confirmed that the property has existing water service connections that provide sufficient capacity to serve the proposed development's water needs. With completion of the Crystal Springs pipeline project, the water assigned to the development is now available for use. The project is not constrained by the Sewer Authority Midcoastside (SAM) sewer plant's very limited capacity available for new uses because there currently is an on-site sewer connection available to adequately serve the project.

Therefore, the Commission finds that the project as proposed 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. However, a separate coastal development permit or amendment to this permit would be required for any future development that would locate any more intensive water-consuming use (e.g., a restaurant requiring additional water and sewer capacity) on the site.

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 project has no potential to block views to and along the coast, as the project site is located about one mile from the shoreline and inland of

1-95-68

DAVID CRESSON

Page 5

Highway 1, and, with the exception of additional site landscaping, the development involves only interior remodeling of the historic Zaballa House structure. The City Architectural Review Committee's letter of approval (April 7, 1995) for the landscaping that will replace three parking spaces noted that the Committee "appreciate(s) the look of the landscaping over the look of the asphalt." The view of the Zaballa House from Main Street will be enhanced because there will be three fewer parked cars in the area between the sidewalk and the building. The Commission therefore finds that the project is consistent with Coastal Act Section 30251 because the proposed development will be visually compatible with the character of the surrounding historic downtown area.

4. Alleged Violation.

The conversion of the Zaballa House to a bed and breakfast inn as proposed in this application has occurred without benefit of a coastal development permit. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

5. 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. The LCP Implementation Plan was reviewed by the Commission, and certified with suggested modifications, at the Commission's December 13, 1995 meeting. However, the full LCP will not be effectively certified until (a) the Commission concurs with the Executive Director's determination that the City's subsequent action accepting the certification with suggested modifications is legally adequate, and (b) the Secretary for Resources files the Commission's Notice of Determination that the Commission has certified the LCP. The Executive Director's determination is being reported to the Commission for possible concurrence at the Commission's April 10, 1996 meeting. The required filing by the Secretary for Resources will likely occur a month after the Commission's concurrence with the Executive Director's determination. Therefore, in the meantime, the Commission retains permit jurisdiction and the standard of review for the application is the Coastal Act. Although the application also was reviewed for consistency with the LUP as certified by the Commission, the certified LUP policies are considered advisory and not binding in this case.

The certified LUP designates the subject property as Commercial-General. The proposed commercial 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

1-95-68

DAVID CRESSON

Page 6

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 availability to the site of the necessary water and sewer service connections to adequately serve the proposed development, 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 the City of Half Moon Bay's ability to implement a certifiable LCP for this area.

6. 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 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 determined that the project is categorically exempt from the need to prepare an environmental impact report under categorical exemption class 15301.

Exhibits

1. Regional Location Map
2. Vicinity Map
3. Site Plan and Main Floor Plan
4. Upper Floor Plan and Elevations
5. Parking Areas and Adjacent Development.
6. Landscaping Detail

8649p

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.

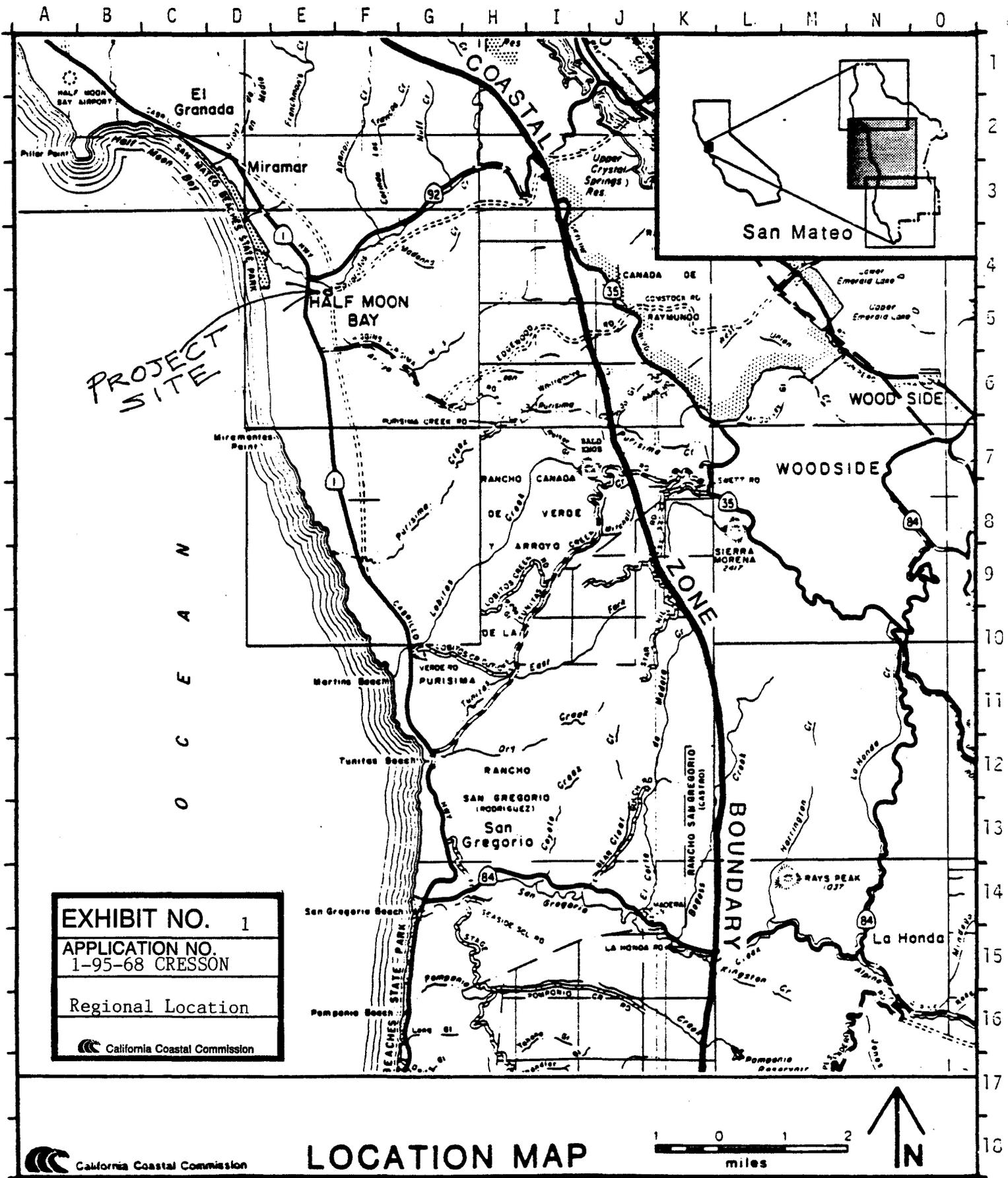
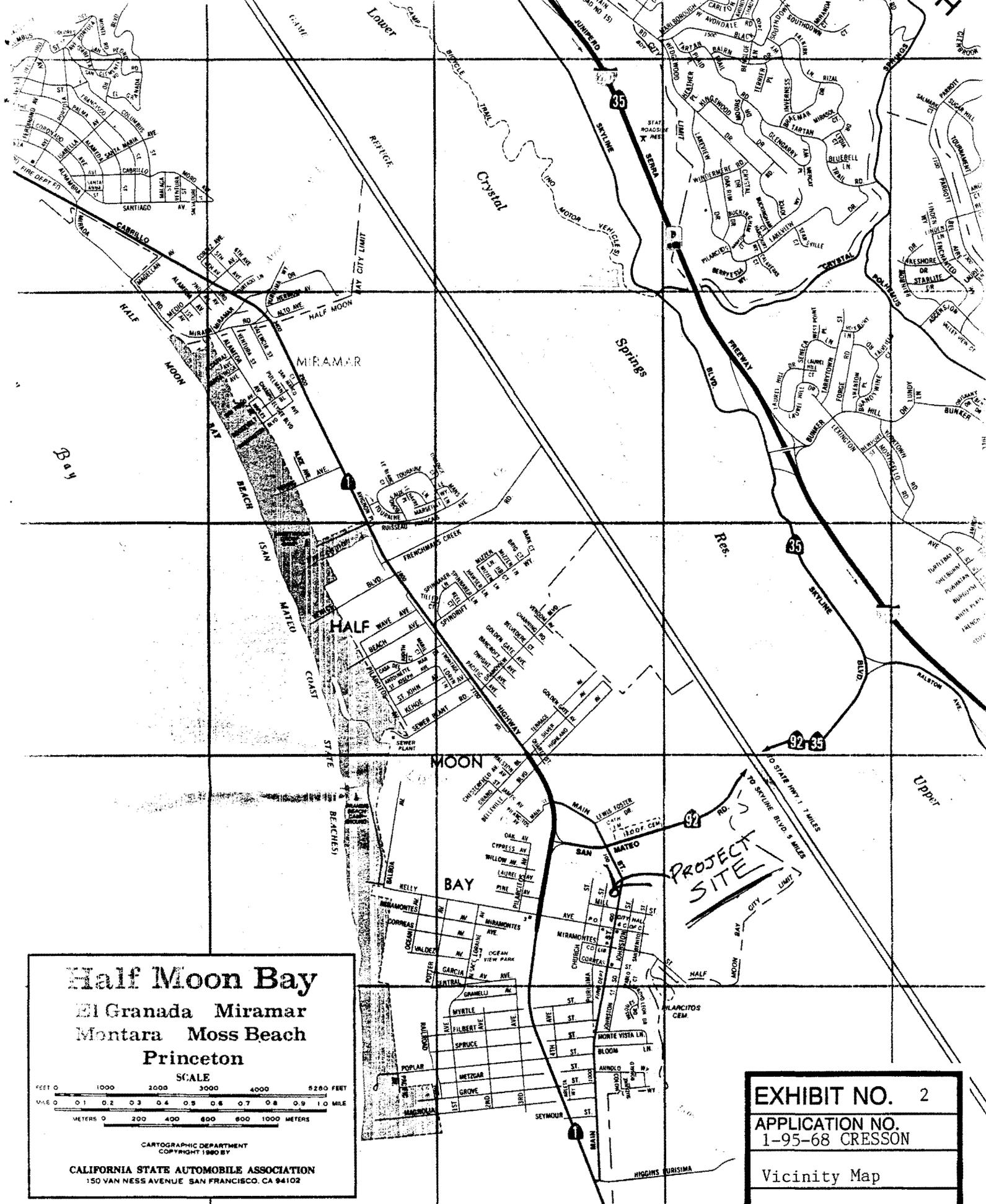


EXHIBIT NO. 1
APPLICATION NO. 1-95-68 CRESSON
Regional Location
California Coastal Commission

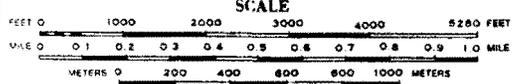
California Coastal Commission

LOCATION MAP





Half Moon Bay
 El Granada Miramar
 Montara Moss Beach
 Princeton



CARTOGRAPHIC DEPARTMENT
 COPYRIGHT 1960 BY

CALIFORNIA STATE AUTOMOBILE ASSOCIATION
 150 VAN NESS AVENUE SAN FRANCISCO, CA 94102

PROJECT SITE

EXHIBIT NO. 2

APPLICATION NO.
 1-95-68 CRESSON

Vicinity Map

California Coastal Commission

(FOR CONTINUATION SEE INSERT AT LEFT)

DWG 1 of 5
 MAP 19
 DEV 1 of 1

ZABELLA HORSE CONVERSION
 FOR OFFICES TO BED & BREAKFAST
 FOR DAVE CRESSON 504 MAIN ST HMTS

PROJECT DATA
 DATE: 10/15/68
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 CHECKED BY: [illegible]
 SCALE: 1/8" = 1'-0"
 SHEET NO: 1 OF 5
 PROJECT NO: [illegible]

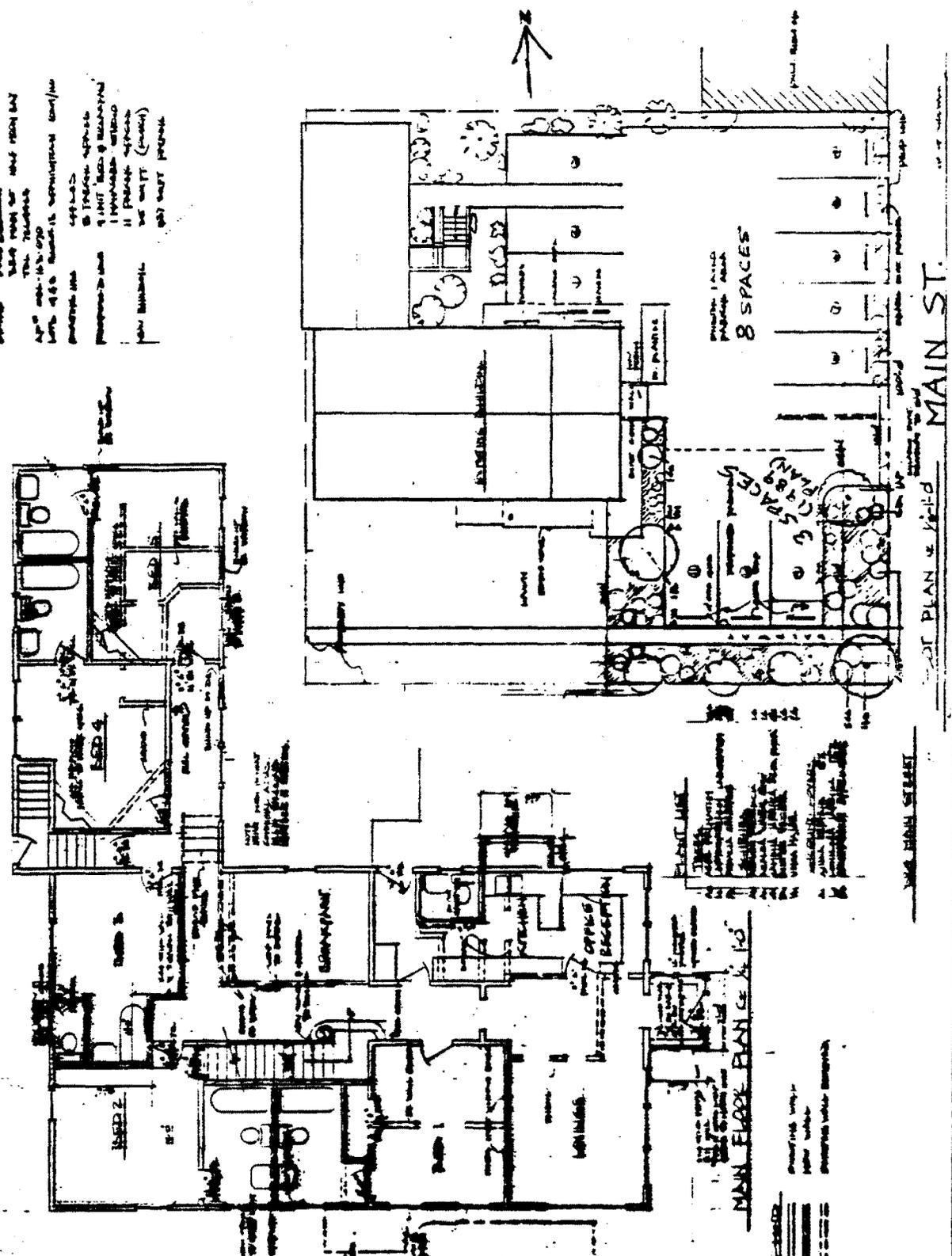


EXHIBIT NO.	3
APPLICATION NO.	1-95-68 CRESSON
Site Plan/ 1st Floor	
California Coastal Commission	

DATE: 1-1-68
 DRAWN BY: [illegible]

PLEASE PRINT COMPLETELY
 FROM OFFICE TO [illegible]
 FOR DATE CESSON [illegible]

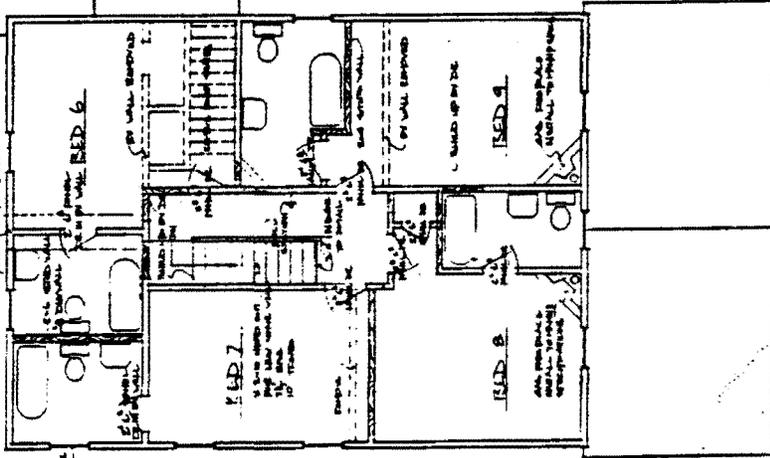
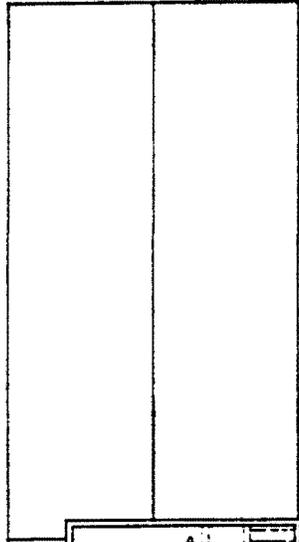
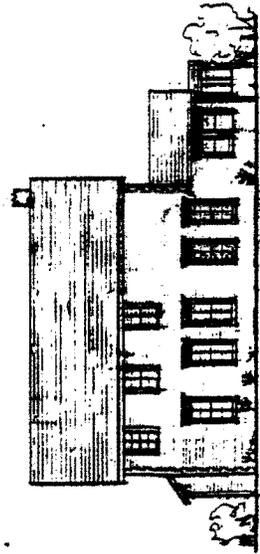
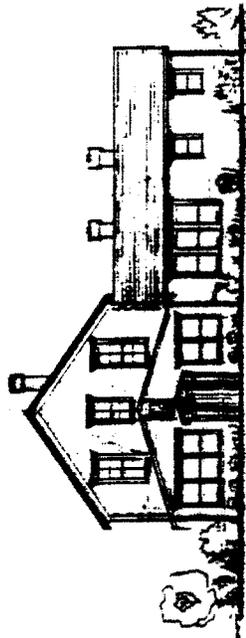
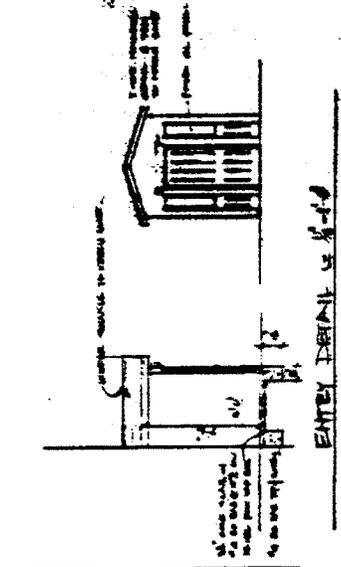


EXHIBIT NO.	4
APPLICATION NO.	1-95-68 CRESSON
Elevations/ 2nd Floor	
California Coastal Commission	

← N → MAIN ST.

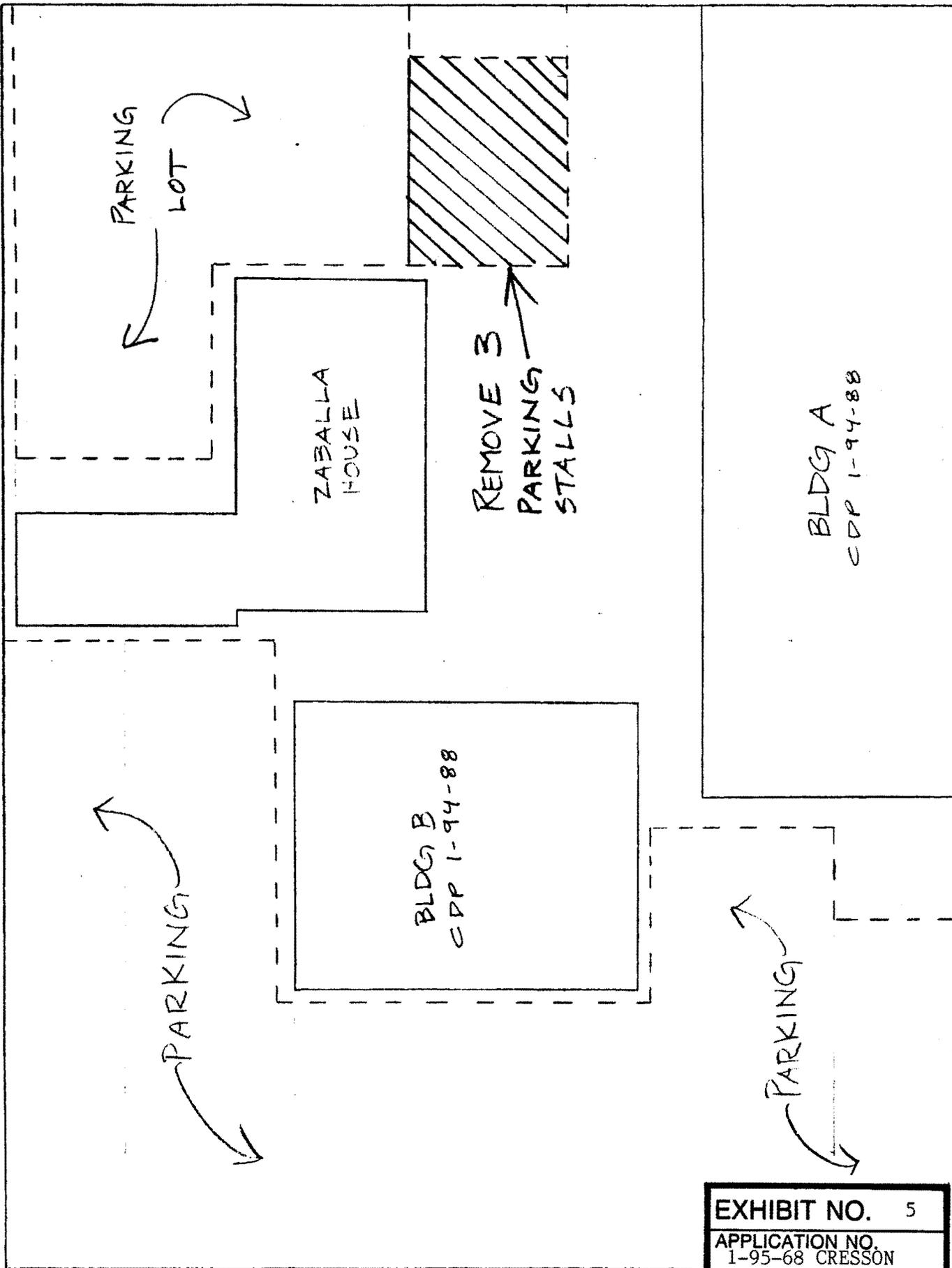


EXHIBIT NO.	5
APPLICATION NO.	1-95-68 CRESSON
Parking/ Adj. Devt.	
 California Coastal Commission	

