

## CALIFORNIA COASTAL COMMISSION

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Filed: July 16, 1999  
Hearing Opened: August 13, 1999  
Staff: DR/SF  
Staff Report: October 20, 1999  
Hearing Date: November 5, 1999  
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Half Moon Bay  
DECISION: Approval with Conditions  
APPEAL NO.: A-1-HMB-99-051  
APPLICANTS: WAVECREST VILLAGE, L.L.C.  
AGENT: PATRICK FITZGERALD

**PROJECT LOCATION:** 207.5-acre site, approximately one mile south of downtown Half Moon Bay, west of Highway One, bounded by Seymour St. right-of-way to the north, the Pacific Ocean to the west, and Marinero Avenue to the south, Half Moon Bay (San Mateo County).

**PROJECT DESCRIPTION:** Wavecrest Village Specific Plan, Development Agreement, Vesting Tentative Maps and associated Coastal Development Permits for a mixed-use project consisting of the development of 225 market rate and 46 affordable residential units on approximately 75.8 acres; mixed-use commercial uses on approximately 16.8 acres; additional community serving public uses, including ball fields, community gardens, and open space and trails on approximately 105 acres; 9.89 acres of roadways and landscape buffers; and associated Middle School and Boys and Girls Club projects.

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**APPELLANTS: Leonard Beuth, et al.; Helen J. Carey; Wayward Lot Investment Co. and San Mateo Land Exchange; and Commissioners Sara Wan and Shirley Dettloff.**

**SUBSTANTIVE FILE** All coastal development permits associated with or approved by City Council Resolutions C-56-99 and C-57-99; Wavecrest Village Draft Specific Plan; Development Agreement Between the City of Half Moon Bay and Wavecrest Village, LLC for the Wavecrest Village Specific Plan; Wavecrest Village Draft and Final Environmental Impact Report; Half Moon Bay Local Coastal Program.

**SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed, because the appellants have identified potentially significant issues with the local government's action and its consistency with the certified LCP.

On July 7, 1999, the City of Half Moon Bay approved a Specific Plan and associated coastal development permits for development of the 207.5 acre North Wavecrest Village area. The City's action included: (1) certification of a Final Environmental Impact Report and approval of a Planned Unit Development and Coastal Development Permit for the Wavecrest Village Specific Plan; (2) approval of a Coastal Development Permit and Use Permit for the North Residential Neighborhood; (3) Coastal Development Permit and Use Permit for the South Residential Neighborhood (Market Rate Units); (4) Coastal Development Permit and Use Permit for the South Residential Neighborhood (Below-Market Rate Units); (4) Coastal Development Permit and Use Permit for Community Open Space; (5) Coastal Development Permit, Use Permit, and Site Design Permit for Middle School; (6) Coastal Development Permit, Use Permit, and Site Design Permit for Boys and Girls Club; (7) Coastal Development Permit and Use Permit for Community Park and Ball Fields; Phase 1-A, 1-B, and 1-C Vesting Tentative Maps and Coastal Development Permit; and (8) Development Agreement and Development Phasing Plan for the entire Wavecrest Village Specific Plan area (hereinafter project).

The appellants' contentions are summarized as follows: (a) the environmental documentation prepared for the project contains errors and omissions that constitute a failure to meet the sensitive habitat protection requirements of the Half Moon Bay LCP; (b) the approved project is inconsistent with the flexible design concept of the LCP, which requires, among other things, clustering of units to protect coastal resources including sensitive habitats and buffers, scenic resources, and beach access; (c) the City does not have adequate public services, such as domestic water and sewer capacity, available to serve existing infill lots and the project; (d) the development agreement allocates substantially all Measure A Allocations (residential building permits) over the next 8 years or more inconsistent with the goals and policies of the LCP; (e) the approved project is inconsistent with policies giving priority to development adjacent to developed areas and effectively denies any development of existing in-fill lots; and (f) the entire North Wavecrest site is not being planned as a unit as required by the LCP.

The Commission staff analysis indicates that the appeal of the project, as approved by the City, raises a substantial issue of whether the proposed project, located west of Highway 1, is consistent with the policies of the certified LCP as they pertain to the protection of sensitive habitats, provision of public access, protection of visual resources, new development and the availability of public services, including domestic water service.

The Motion to adopt the Staff Recommendation of Substantial Issue is found on Page 5.

**I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE.**

Pursuant to Section 30603(b) of the Coastal Act as discussed below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper MOTION is:

I move that the Commission determine that Appeal No. A-1-HMB-99-51 raises NO substantial issue as to conformity with the certified Local Coastal Program with respect to the grounds on which the appeal has been filed pursuant to Section 30603 of the Coastal Act.

Staff recommends a NO vote on the motion. A majority of the Commissioners present is required to pass the motion. Approval of the motion would mean that the City permit is effective. If the motion fails, the Commission would conduct a hearing on the merits of the project.

**II. FINDINGS AND DECLARATIONS.**

**The Commission hereby finds and declares:**

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**A. BACKGROUND**

**1. Appeal Process.**

After certification of Local Coastal Programs (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Coastal Act Section 30603 provides, in applicable part, that action taken by a local government on a coastal development permit application may be appealed to the Coastal Commission for certain kinds of developments including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, those located in a sensitive coastal resource area or those located within 100 feet of any wetland, estuary, or stream. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use"

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under the certified LCP. Finally, developments that constitute a major public works or a major energy facility may be appealed, whether approved or denied by the city or county.

The Wavecrest Village project is located between the sea and the first public road paralleling the sea (Highway 1), the inland extent of a coastal bluff and thus meets the Commission's appeal criteria provided for in Section 30603 of the Coastal Act.

Section 30603 limits the grounds for an appeal to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access and public recreation policies set forth in the Coastal Act. The Wavecrest Village appeal raises allegations that address both the project's consistency with the certified Local Coastal Program and the public access policies of the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of the Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would conduct a full public hearing on the merits of the project. If the Commission were to conduct a de novo hearing on the appeal the applicable test under Coastal Act Section 30604 would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons eligible to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives) and the local government. Testimony from other persons regarding the substantial issue question must be submitted in writing.

2. Filing of Appeal.

The appellant(s) filed appeals to the Commission in a timely manner on July 16, 1999, and July 21, 1999, within ten working days of receipt by the Commission of a complete notice of final local action on July 7, 1999. On July 16, 1999, the Commission sent notice of the appeal to Wavecrest Village, LLC and to the City of Half Moon Bay. Pursuant to Section 30261 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. In accordance with the California Code of Regulations, on July 16, 1999 staff requested all relevant documents and materials regarding the subject permit from the City, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. Consistent with Section 13112 of the California Code of Regulations, since the Commission did not timely receive all requested documents and materials, at the August 13, 1999 meeting the Commission opened and continued the hearing. Subsequently, all of the remaining file materials were transmitted to the Commission.

3. Standard of Review.

On July 7, 1999, the City of Half Moon Bay approved the Wavecrest Village Specific Plan. The Wavecrest Village Specific Plan provides a general overview of the project, its environs, surrounding land uses, and its relationship to Specific Plan legislation. The Specific Plan also includes design/development standards and land use policies for development within the project area. The land use policies of the Wavecrest Village Specific Plan were established by "*synthesizing goals and proposed development conditions defined in the certified LCP with Principals of Development defined by the Wavecrest Village Subcommittee and the urban design principles outlined in the Community Character section of the Wavecrest Village Specific Plan.*" According to the Specific Plan, the zoning standards are intended to supplement the City's Zoning Code. As approved by the City, in the cases in which the provisions of the Specific Plan conflict with the City's Zoning Code, the Wavecrest Village Specific Plan rather than the City's certified Zoning Code, is intended to prevail. It appears that the Wavecrest Village Specific Plan, rather than the certified LCP, was utilized by the City to review the project approved in the subject appeal.

However, the Wavecrest Village Specific Plan has never been submitted by the City to the Commission for certification. Any proposed changes to the City's certified Local Coastal Program, including land use policy and zoning changes must be authorized by the Coastal Commission via the Local Coastal Program Amendment process. To date, no such Local Coastal Program Amendment request has been submitted by the City. Therefore, the Local Coastal Program, as certified by the Coastal Commission remains the standard of review for the Wavecrest Village project area.

Further, as discussed above, because the project is located between the first public road and the ocean, the project is also subject to the public access and recreation policies of the Coastal Act.

B. APPELLANT'S CONTENTIONS.

The Commission received appeals by Leonard Beuth, et al.; Helen J. Carey; Wayward Lot Investment Co. and San Mateo Land Exchange; and Commissioners Sara Wan and Shirley Dettloff of the City of Half Moon Bay decision to approve the Wavecrest Village Specific Plan, Development Agreement, Vesting Tentative Maps and associated coastal development permits. The project as approved consists of the development of a 207.5-acre site, with a mixed-use project consisting of: (1) the development of 225 market rate and 46 affordable residential units on approximately 75.8 acres; (2) mixed-use commercial uses on approximately 16.8 acres; additional community serving public uses, including ball fields, community gardens, and open space and trails on approximately 105 acres; (3) 9.89 acres of roadways and landscape buffers; and (4) a Middle School and Boys and Girls Club projects. The project area is located approximately one mile south of downtown Half Moon Bay, west of Highway 1, bounded by Seymour St. right-of-way to the north, the Pacific Ocean to the west, and Marinero Avenue to the south, Half Moon Bay (San Mateo County).

The appellants' contentions are summarized below, and the full text of the contentions are also included as Exhibit Nos. 8, 9, 10, 11, & 12. The appellants assert that the project and development agreement as approved by the City are inconsistent with the certified LCP. The appellants' contentions involve the project's inconsistencies with Land Use, Development, Public Works, Sensitive Habitat Protection, Visual Resource and Public Access policies contained in Land Use Plan (LUP) Section of the certified LCP Chapters 1, 3, 9, and 10, and inconsistencies with several Coastal Act policies cited in the City's LCP.

As stated above, some of the issues raised by the appeal assert inconsistencies of the project with the Chapter 3 Policies of the Coastal Act as well as development policies of the LUP. The appellants argue that the LUP Policy 1-1 incorporates Chapter 3 of the Coastal Act as the guiding policies of the LUP. In fact, LUP Policy 1-1 states that: "*The City shall adopt those policies of the Coastal Act (Coastal Act Section 30210 through 30264) cited herein, as the guiding policies of the Land Use Plan.*" LUP Policy 1-4 states that: "*Prior to the issuance of any development permit required by this plan, the City shall make the finding that the development meets the standards set forth in all applicable Land Use Plan policies.*" LUP Policy 1-2 states that: "*Where policies within the Land Use Plan overlap or conflict, on balance, the policy which is the most protective of coastal resources shall take precedence.*" Therefore, the LUP requires that development be consistent with all applicable policies, including guiding policies, as well as the most protective policy, if policies conflict or overlap. As established below, the appeal raises a substantial issue with both the Chapter 3 Policies of the Coastal Act and policies of the City's LUP. Accordingly, whether Chapter 3 Policies of the Coastal Act are incorporated or not, the appeal raises a Substantial Issue of the project's conformance with the City's certified LCP.

Asserted Inconsistencies with LUP Chapters 1 (Introduction), 3 (Environmentally Sensitive Habitat Areas), 7 (Visual Resources), 9 (Development), 10 (Public Works) Policies, and Chapter 3 Policies of the Coastal Act.

The appellants assert that the City's approval of the Wavecrest Village Specific Plan and Development Agreement raises a substantial issue of conformance with the City's certified LCP because they are inconsistent with the following LCP Policies:

- LUP Policy 1-1, which states that:

*The City shall adopt those policies of the Coastal Act (Coastal Act Section 30210 through 30264) cited herein, as the guiding policies of the Land Use Plan.*

- LUP Policy 3-1 – Definition of Sensitive Habitats.

*(a) Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and as those areas which meet one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and*

*their tributaries, (3) coastal tideland and marshes, (4) coastal and offshore areas containing breeding and/or nesting sites and coastal areas used by migratory and resident water-associated birds for resting and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes.*

*Such areas include riparian areas, wetlands, sand dunes, marine habitats, sea cliffs, and habitats supporting rare, endangered, and unique species*

- LUP Policy 3-3 – Protection of Sensitive Habitats.

*(a) Prohibit any land use and/or development which would have significant adverse impacts on sensitive habitat areas.*

*(b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.*

- LUP Policy 9-2 – Build-out.

*The City shall monitor annually the rate of build-out in categories designated for development. If the rate of build-out exceeds the rates on which the estimates of development potential for Phase I and Phase II in the Plan are based, further permits for development or land divisions shall not be issued outside existing subdivisions until a revised estimate of development potential has been made. At that time the City shall establish a maximum number of development permits to be granted each year in accordance with expected rates of build-out and service capacities. No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities, including such improvements as are provided with the development, (See Table 9.3). (Exhibit No. 15)*

- 9.3.2 – Specific Planned Development Policies.

*The purpose of the Planned Development designation is to ensure well-planned development of large, undeveloped areas planned for residential use in accordance with concentration of development policies. It is the intent of this designation to allow for flexibility and innovative design of residential development, to preserve important resource values of particular sites, to ensure achievement of coastal access objectives, to eliminate poorly platted and unimproved subdivisions whose development would adversely affect coastal resources, and to encourage provision for low and moderate income housing needs when feasible. It is also the intent of the Planned Development designation to require clustering of structures to provide open space and recreation, both for residents and the public. In some cases, commercial development such as convenience stores or visitor-serving facilities may be incorporated into the design of a*

*Planned Development in order to reduce local traffic on coastal access roads or to meet visitor needs.*

*All areas designated in the Land Use Plan for Planned Development shall be subject to the following policies:*

- LUP Policy 9-4 – Public Services.

*All new development, other than development on parcels designated Urban Reserve or Open Space Reserve on the Land Use Plan Map permitted while such designations are effective, shall have available water and sewer services and shall be accessed from a public street or shall have access over private streets to a public street. Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources are available to serve the proposed development upon its completion and that such development is located within and consistent with the policies applicable to such an area designated for development. The applicant shall assume full responsibility for cost incurred in the service extensions or improvements that are required as a result of the proposed project, or such share as shall be provided if such project would participate in an improvement or assessment district. Lack of available services or resources shall be grounds for denial of the project or reduction in density otherwise indicated in the Land Use Plan. (See Table 10.3). (Exhibit No. 17)*

- Policy 9-8 – Comprehensive Planning of Entire Site.

*The entire site shall be planned as a unit. Preparation of specific plans (Government Code Section 65450) may be required for one or more separate ownerships, individually or collectively, when parcels comprising a site designated PD are in separate ownership*

- LUP Policy 9-9 – Flexible Design Concepts.

*Use of flexible design concepts, including clustering of units, mixture of dwelling types, etc., shall be required to accomplish all of the following goals:*

*(a) Protection of the scenic qualities of the site;*

*(b) Protection of coastal resources, i.e. habitat areas, archaeological sites, prime agricultural lands, etc., as required by the Coastal Act;*

*(c) Avoidance of siting structures in hazardous areas; and*

*(d) Provision of open space, recreation, and/or beach access.*

- Coastal Act Section 30251 (incorporated into the LUP by Policy 1-1) requires, 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 be sited and designed to protect public views to and along the ocean and scenic coastal areas ... to be visually compatible with the character of surrounding areas ...*

- 10-3 – Public Works Capacity.

*The City shall limit development or expansion of public works facilities to a capacity which does not exceed that needed to serve build-out of the Land Use plan, and require phased development of public work facilities in accordance with phased development policies in Section 9 and the probable water capacity of other public works and services.*

- 10-4 – Public Works Capacity.

*The City shall reserve public works capacity for land uses given priority in the Plan, in order to assure that all available public works capacity is not consumed by other development and control the rate of new development permitted in the City to avoid overloading of public works and services.*

C. LOCAL GOVERNMENT ACTION.

On July 7, 1999, the City of Half Moon Bay approved a Specific Plan Development Agreement and associated coastal development permits for development of the 207.5 acre North Wavecrest Village area. The City's action included: (1) certification of a Final Environmental Impact Report and approval of a Planned Unit Development and Coastal Development Permit for the Wavecrest Village Specific Plan; (2) approval of a coastal development permit and Use Permit for the North Residential Neighborhood; (3) Coastal Development Permit and Use Permit for the South Residential Neighborhood (Market Rate Units); (4) Coastal Development Permit and Use Permit for the South Residential Neighborhood (Below-Market Rate Units); (4) Coastal Development Permit and Use Permit for Community Open Space; (5) Coastal Development Permit, Use Permit, and Site Design Permit for Middle School; (6) Coastal Development Permit, Use Permit, and Site Design Permit for Boys and Girls Club; (7) Coastal Development Permit and Use Permit for Community Park and Ball Fields; Phase 1-A, 1-B, and 1-C Vesting Tentative Maps and Coastal Development Permit; and (8) Development Agreement and Development Phasing Plan for the entire Wavecrest Village Specific Plan area (herein after project).

On July 16, 1999, and July 21, 1999, within ten working days of receipt by the Commission of a complete notice of final local action on July 7, 1999, the respective appellant(s) filed appeals to the Commission in a timely manner.

D. PROJECT SETTING AND DESCRIPTION.

1. Site Location and Description.

The Wavecrest Village Project is located entirely within the City of Half Moon Bay, approximately one mile south of downtown, where Highway 1 and Main Street intersect. The 207.5-acre site is located between Highway 1 and the Pacific Ocean and is largely undeveloped. The Wavecrest Village Plan area is bounded by Highway 1 to the east, the Seymour Street right-of-way to the North, and the Pacific Ocean and undeveloped coastal bluffs to the west, and Marinero Avenue to the south. Automobile access to the site is from Highway 1 via currently undeveloped public rights-of-way. The undeveloped site provides for broad views of the Pacific Ocean from along Highway 1.

Geographic Areas.

The Wavecrest Village site is a broad coastal bluff comprised of a combination of wetland and riparian habitat, native grasses and scrub, fallow farm fields, cypress and eucalyptus windrows and a community park. The site can be generally divided into five geographic areas: Western, Northeastern, Ball Fields (Smith Field), Central, and Southern. (see Exhibit No. 4)

The **Western** area is comprised of a coastal bluff landscape and is located in the westernmost portion of the plan area. Cypress and eucalyptus windrows line its northern, southern and part of its eastern edges. It is bounded to the west by cliffs that abruptly drop to the sandy beaches of the Pacific Ocean. The coastal bluff area contain numerous informal and unimproved paths and trails that are used as coastal access. One of the more prominent trails skirts the edge of the coastal bluff and represents an important link to a longer informal path that parallels the coast.

The **Northeastern** area comprises approximately one-third of the Wavecrest Village Specific Plan Area is currently being dry farmed. This area consists of the northeastern-most portion of the site, which abuts Highway 1 and Seymour Street, and has been farmed for hay and barley for several years. This area also contains a large stock/irrigation pond.

**Smith Field** is a popular well-used community sports facility, and is located within the central one-third of the project area at the end of Wavecrest Road. It is bounded by undeveloped coastal grasslands to the west and dry farm to the north and east. Smith Field is developed with five baseball diamonds, bleachers, temporary restrooms, small storage buildings, unimproved parking lots, and several horseshoe pits. Although the baseball diamonds are clearly defined, the surrounding areas are not and they are criss-crossed with numerous dirt paths.

The **Central** area comprises that portion of the site located south of Wavecrest Road to the northern edge of the Southern pasture area. As discussed below under Sensitive Habitats, this area contains the most diverse habitat of the entire site, including varied tree canopy as well as

riparian and wetland vegetation. This area is adjacent to and due west from a large commercial nursery facility.

The **Southern** area located north of Marinero Avenue and south of the Central area is primarily comprised of grassland with a well defined riparian willow corridor. The grassland area has been grazed and is traversed with informal trails and paths. A small farm house, its outbuildings and corral are located on the site.

#### Sensitive Habitat Areas.

The Wavecrest Village site contains a number of sensitive habitat areas with wetland and riparian features, including: (1) extensive wetland and riparian features throughout the Western, and Central portions of the site; (2) a well defined willow dominated riparian corridor that traverses the Southern portions of the site; (3) several drainage ditches located throughout the plan area; (4) an irrigation stock pond located in the Northeastern area; and (5) other wet areas in various locations throughout the site (see Exhibit 5).

Wetlands. The wetlands on the site consist primarily of grasslands that remain ponded and saturated because of rain water and run-off generated from surrounding areas including a commercial nursery located at the east central boundary of the project site. Photo documentation contained in the administrative record indicates lush stands of cat tails and low-lying wet areas throughout the central portion of the site, both adjacent to the commercial nursery and sufficiently away from the nursery as to not be affected by run-off therefrom. Wildlife species observed in these wetlands were Pacific chorus frog, coast garter snake, great blue heron, barn swallow, black phoebe, song sparrow, red-winged black bird, and raccoon.

Since the publication of the Wavecrest Village Environmental Impact Report (EIR) in January 1999, and without the benefit of a coastal development permit, efforts have been undertaken on the property to manipulate on-site drainage to divert water to other areas on the site. Apparent on-site drainage manipulation includes: (1) the construction of a drainage ditch along the western boundary of the adjacent commercial nursery and installation of an underground drainage from the drainage ditch to the head of the southern riparian corridor; and (2) installation of an underground drainage pipe from the northwestern portion of commercial nursery, north to a drainage ditch to the east of the Smith Field baseball complex. Although the wetland investigation prepared in conjunction with the EIR that was prepared for the Wavecrest Village project area identified the disputed wetland area as wetland which requires protection under the certified LCP, the EIR concludes that "Due to the recent off-site diversion of nursery irrigation water away from the Central area, much of the wetland vegetation currently present in this area will likely change overtime, as conditions become drier, and may become dominated by non-native grassland. Historical photographs predating the nursery irrigation water strongly suggest that the Central area was previously dry uplands and will revert to that condition." The administrative record contains no documentation to support this conclusion. The U.S. Army Corps of Engineers and the appeal of the local government action additionally raise questions as to the validity of this conclusion.

Riparian Corridor. A well defined riparian corridor, as identified in the Wavecrest Restoration Plan, is located within the southern portion of the project area. The riparian corridor is characterized by a greater variety of plant species than adjacent areas and is structurally more complex than the surrounding grasslands. These conditions and the presence of water provide nesting, shelter and foraging habitat for a variety of wildlife species. Riparian vegetation along this corridor consists of a fairly uniform, dense stand of willows. Although plant diversity in this riparian corridor is relatively low as compared to more complex riparian habitat area, the willows provide shelter and nesting habitat for a variety of wildlife. Wildlife observed in the willow riparian corridor in August of 1998, include Anna's hummingbird, black phoebe, California towhee, spotted towhee, song sparrow, red-winged blackbird, and house finch. Other wildlife species would be expected to occur during other seasons, particularly migrants and summer resident bird species that would likely nest in the willows.

Man-made Drainage Ditches. The 207.5-acre site contains a number of man-made drainage ditches. Vegetation associated with the man-made drainage ditches consists primarily of ruderal herbaceous plant species. Wildlife species observed in the drainage ditches in August 1998, was coast garter snake. Other wildlife species potentially occurring in the ditches would include Pacific chorus frog, and wildlife species that occur in the adjacent grasslands.

Stock Pond. A large irrigation pond is located in the Northeastern area of the site. The stock pond was dry at the time of the survey, however the U.S. Army Corps of Engineers have identified the pond as waters of the U.S. and as a potential Section 404 Jurisdictional area. Wildlife species observed in the dry pond area were coast garter snake and alligator lizard. When water is present in the pond, populations of invertebrates and Pacific chorus frogs are likely to occur, which would provide a prey base for birds such as a great blue heron, and possibly foraging and roosting habitat for waterfowl, such as mallard. In September of 1999, without the benefit of a coastal development permit, efforts were undertaken to remove the pond's berm structure and convert the pond area to dry farming. According to Blair King, City Manager, this activity was halted by the City, pending the approval of a coastal development permit.

Other Wet Areas. The wetland investigation prepared in conjunction with the EIR also revealed a few additional aquatic habitats which include two small ponds, one within the canopy of the eucalyptus grove between the Northeastern and Western portions of the site, (approximately 0.14 acres) and a small pond in the eastern Central area near the nursery (approximately 0.005 acres). The EIR concludes that these two areas may not qualify as wetlands, but contains no documentation to support this conclusion.

## 2. Project Description.

The Wavecrest Village Specific Plan is a mixed-use project consisting of the development of 225 market rate and 46 affordable residential units on approximately 75.8 acres; mixed-use commercial uses on approximately 16.8 acres; additional community serving public uses, including ball fields, community gardens, and open space and trails on approximately 105 acres; 9.89 acres of roadways and landscape buffers; and associated Middle School and Boys

and Girls Club projects. Project approvals include a Planned Unit Development Permit, a Use Permit, Site and Design Permit, Vesting Tentative Maps, and Development Agreement. (See Exhibit 3)

E. SUBSTANTIAL ISSUE ANALYSIS.

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

The appellants contentions cited above that involve inconsistencies with (a) the adopted LUP policies contained in LUP Chapters 1, 3, 7, 9, & 10, and (b) several Coastal Act policies cited in the City's LCP all present potentially valid grounds for appeal in that they allege the project's inconsistency with the certified LCP.

Public Resources Code Section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the Commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs. Title 14, section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed herein, the Commission exercises its discretion and determines that with respect to certain allegations (**a. b. c. d. e. & f. below**) a substantial issue exists with regard to the project's conformance with the certified Half Moon Bay LCP. As further discussed below, the Commission finds that with respect to certain other allegations (**g. below**) the development as approved by the City presents no substantial issue.

**Allegations Raising Substantial Issue.**

The following are the appellants' contentions which raise a substantial issue with regards to the project, as approved by the City, consistency with the Policies of the City's certified LUP:

**a. Sensitive Habitats (LUP Policies 3-1, 3-3, 9.3.2, and 9-9).**

**i. Contention.**

The appellants contend that the City's approval is not consistent with LUP Policies 1-1, 3-1, 3-3, 9.3.2 and 9-9 provisions relating to the protection of sensitive resources. The appellant assert that the Draft (January 1999) and Final (June 1999) Environmental Impact Reports (EIR) for the project includes evidence of several potential wetland areas on the subject property which were not previously identified. The largest of these areas is located within the Central area south of, and adjacent to Smith Field. According to the EIR, (a) this wetland area was created as a result of irrigation water from an adjacent parcel which contains a commercial nursery, (b) the irrigation water no longer flows onto the site because of drainage alteration performed in October 1998, and (c) "in the absence of the nursery water, existing wetlands in the Central area will likely become drier and smaller."

Although the draft EIR identifies the Central area as containing sensitive habitat that includes wetlands, the Final EIR concludes that due to recent drainage modifications, the Central area wetland will likely dry up and revert to uplands. However, the Final EIR does not contain documentation to support this conclusion. In fact, photo-documentation of the site from August 1999 and contained in the administrative record, clearly indicate the presence of wetlands throughout the Central area.

**ii. LCP Policies.**

- LUP Policy 1-1 states:

*The City shall adopt those policies of the Coastal Act (Coastal Act Section 30210 through 30264) cited herein, as the guiding policies of the Land Use Plan.*

LUP Policy 3-1 – (Definition of Sensitive Habitats) states:

*(a) Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and as those areas which meet one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tideland and marshes, (4) coastal and offshore areas containing breeding and/or nesting sites and coastal areas used by migratory and resident water-associated birds for resting and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes.*

*Such areas include riparian areas, wetlands, sand dunes, marine habitats, sea cliffs, and habitats supporting rare, endangered, and unique species.*

• LUP Policy 3-3 – Protection of Sensitive Habitats states:

*(c) Prohibit any land use and/or development which would have significant adverse impacts on sensitive habitat areas.*

*(d) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.*

• LUP Policy 9.3.2 – Specific Planned Development Policies, states in applicable part:

*The purpose of the Planned Development designation is to ensure well-planned development of large, undeveloped areas planned for residential use in accordance with concentration of development policies. It is the intent of this designation to allow for flexibility and innovative design of residential development, to preserve important resource values of particular sites, to ensure achievement of coastal access objectives, to eliminate poorly platted and unimproved subdivisions whose development would adversely affect coastal resources, and to encourage provision for low and moderate income housing needs when feasible. It is also the intent of the Planned Development designation to require clustering of structures to provide open space and recreation, both for residents and the public. In some cases, commercial development such as convenience stores or visitor-serving facilities may be incorporated into the design of a Planned Development in order to reduce local traffic on coastal access roads or to meet visitor needs.*

• LUP Policy 9-9 states, in applicable part:

*Use of flexible design concepts, including clustering of units, mixture of dwelling types, etc., shall be required to accomplish all of the following goals:*

...  
(b) *Protection of coastal resources, i.e. habitat areas, archaeological sites, prime agricultural lands, etc., as required by the Coastal Act;*  
...

- Coastal Act Policy 30233 states, in applicable part, that:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*

*(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*

*(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*

*(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

*(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

*(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

*(7) Restoration purposes.*

*(8) Nature study, aquaculture, or similar resource dependent activities. (Emphasis Added.)*



iii. Analysis.

As discussed below, the Commission finds that the appellants' assertions regarding the protection of sensitive coastal resources raise a substantial issue regarding the project's conformance with LUP Policies 1-1, 3-1, 3-3, 9.3.2, 9-9 and Coastal Act Section 30233.

The Wavecrest Village Specific Plan proposes a mixed-use residential, commercial and community-serving public use project consisting of the development of 207.5 acres of coastal terrace within the City of Half Moon Bay. Project approvals include a Planned Unit Development Permit, a Use Permit, Site and Design Permits, and Vesting Tentative Maps.

The appellants assert that because no final determination of the Central area "potential" wetlands was made at the time of the City's approval of the project, it was not possible to demonstrate that the local approval protects all wetlands consistent with the LCP, including the sensitive habitat protection requirements of LUP Policy 3-3. Furthermore, based on the documentation in the EIR regarding the existence of the wetlands/sensitive habitat areas and the requirement for adequate buffers for the same, the lot configuration approved by the City (Resolution C-57-99) also raises an issue of consistency with LUP Policy 9.3.2 (Specific Planned Development Policies) and LUP Policy 9-9 (Flexible Design Concepts). LUP Policies 9.3.2 and 9-9 both require the use of flexible and innovative design, including clustering of units, to preserve resource values. According to the wetland investigation prepared in conjunction with the Wavecrest Village EIR sensitive resources for which the LCP requires protection do in fact exist in the Central area that is planned for development. Both the City's certified LCP and the Coastal Act prohibit development within sensitive habitat areas and restrict development within required buffer areas.

According to the City's findings of project approval (Council Resolution C-56-99), "*The Specific Plan and conditions of approval adequately preserve and protect any LCP wetlands from diking, filling, dredging, or other prohibited activities.*" The City's findings state that "*As to the irrigated central residential portion of potential wetlands, historical photographs, biological evidence, and other information strongly suggest that those areas are not wetlands as defined in the LCP and applicable Coastal Commission regulations and guidelines, and have reverted or will revert to uplands once the nursery irrigation waters are diverted or otherwise eliminated. In such an event, those areas will either have drained hydric soils that are no longer capable of supporting hydrophytes or will lack water table at, near or above the land surface long enough to promote formation of hydric soils or to support the growth of hydrophytes.*"

In addition to the fact that the Specific Plan that was utilized to review the development is not part of the certified LCP, the City's findings contain no evidence that supports the conclusion that the Central area wetlands have reverted or will revert to uplands. According to the EIR (June 1999) the last wetlands investigation of the site occurred in December 1998, only two months after the unpermitted drainage alteration were undertaken at the site. The EIR contains no documentation or other evidence that the central area riparian habitat no longer exist. In

fact the EIR is inconclusive to the exact extent of wetlands contained in the central area. The EIR states that *"With respect to areas of the site that meet the City's LCP/LUP definition of wetlands, the City will be required to make a finding prior to approval of any grading permits or Final Maps for the project that an accurate site survey mapping areas that meet the City's LCP wetland definition ... and development in such areas will not conflict with the City's LCP."* The City's action to approve the project requires that *"With respect to wetlands in the southern residential neighborhood as shown on WRA's delineation map, the applicant shall submit to the City further evidence reasonably satisfactory to the City that such irrigated wetlands do not constitute wetlands under the City's LCP."*

LUP Policy 3-1 defines sensitive habitat areas to include, among other things, intermittent streams, riparian areas and wetlands. Coastal Act Section 30116 defines "sensitive coastal resource area" to include wetlands. Coastal Act Section 30121 defines "wetland," in applicable part, as *"land within the coastal zone which may be covered periodically or permanently with shallow water."* The Coastal Commission's identification of wetlands includes those areas which have any one of the following three identification parameters: 1) hydrology (the presence of water); 2) hydrophytic vegetation (adapted for life in saturated soils); and 3) the presence of hydric soils. However, the City's certified LCP is more constrained and identifies wetlands by the presence of two or more of three characteristics (hydrology, hydric soils, and hydrophytic vegetation).

The EIR identifies the Central wetland area as containing all three of the wetland identification criteria. Since the publication of the EIR and without the benefit of a coastal development permit, actions appear to have been undertaken to manipulate the drainage of the site to divert water from the Central wetland area. Nevertheless, according to the EIR, the Central area contains hydric soils and hydrophytic vegetation. The presence or lack of standing water in the Central area has not been documented since the unpermitted drainage manipulation activities were undertaken in October of 1998.

iv. Conclusion.

Based on the environmental documentation on sensitive habitat areas contained in the administrative record, the project does not provide for protection of all identified sensitive resources, as required by the City's certified LCP. Thus, the Commission finds that, as discussed above, the appeal raises a substantial issue with respect to conformance of the approved project with provisions of LUP Policies 1-1, 3-1, 3-3, 9.3.2, 9-9 and Coastal Act Section 30233, that require the protection of sensitive coastal resources and prohibit fill in wetland areas for uses proposed in the Wavecrest Village Specific Plan. In making this finding, the Commission has determined that the 207.5-acre specific plan addresses a significant portion of the undeveloped land within the City, and would have a precedential value for the local government for future interpretation of its LCP. Further, the City's approval inappropriately defers environmental documentation of wetland resources from the discretionary approval stage of coastal development permits and vesting tentative maps to the ministerial permit stage of grading permits and final map approvals.

b. Visual Resources.

i. Contention.

The appellants contend that the Wavecrest Village project is inconsistent with the visual resource protection policies contained in the City's certified LCP because the development blocks public views to and along the ocean. The appellants further contend that the project, as approved by the City, does not include adequate measures to mitigate adverse impacts to public views to and along the ocean. The appeal raises issues of the project's conformance with Coastal Act Section 30251 and LUP Policy 9-9.

ii. LCP Policies.

Coastal Act Section 30251 (incorporated into the LUP by Policy 1-1) requires, in part, that:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas ... to be visually compatible with the character of surrounding areas ...*

LUP Policy 9-9 – Flexible Design Concepts, states in applicable part:

*Use of flexible design concepts, including clustering of units, mixture of dwelling types, etc., shall be required to accomplish all of the following goals:*

*(a) Protection of the scenic qualities of the site;*

*...*

iii. Analysis.

Like Coastal Act Policy 30251, LUP Policy 9-9 acknowledges the importance and value of the scenic and visual qualities of coastal areas and requires protection of this sensitive coastal resource. LUP Policy 9-9 specifically requires that flexible design concepts, such as clustering of units, be incorporated into project design to accomplish the task of protecting the scenic qualities of the site.

Highway 1 is designated as a County Scenic road in the City's certified LCP/LUP. The view shed in the vicinity of the Wavecrest Village project area includes intermittent views of offshore waters, stands of trees and coastal bluff terrace. The Northern Residential Neighborhood of the Wavecrest Village Project is a standard subdivision plat that maximizes the number of residential lots and does not adequately protect the scenic and visual quality of offshore waters or the coastal bluff terrace. The project includes a "noise attenuation barrier" (sound wall) along the rear property boundary of the first row of single-family residential lots that are proposed along Highway 1 in the northern most portion of the project site (identified as

the "Northern Residential Neighborhood in Planning Commission Resolution No. C-57-99). The sound wall would be 11-feet-high and run for a length of 1000 feet along and adjacent to Highway 1. The top 7 feet of the sound wall would be a solid wood fence, and the lower 4 feet would be an earthen berm. Vegetative landscaping efforts would be undertaken on the highway side of the fence to soften its appearance from Highway 1.

The Wavecrest Village project also includes a single-point view corridor that would extend westward and fan out toward the Pacific Ocean and is intended to protect ocean views from the western extension of Main Street where it intersects with Highway 1 at the northern-most vehicular access to the Specific Plan area. The single-point view corridor would be located at the southern terminus of the noise attenuation barrier, between the Northern Residential Neighborhood and Mixed-Use Area along Highway 1. (See Exhibit 3). According to the Specific Plan, the view corridor would be the strongest connection between the coastal and urban environments. In addition, although improvements such as roadways, street lights, and paths would be constructed in this corridor, it would retain a naturalistic landscape, and no structures over 42 inches in height would be constructed within its boundaries.

iv. Conclusion.

There is no apparent evidence in the administrative record that the City considered the use of alternative design concepts, such as clustering required by LUP Policy 9-9. Implementation of a clustering design concept might have resulted in the siting of residential lots in such a way that their exposure to noise would be lessened, thus possibly eliminating the need for a noise attenuation barrier. If the clustering design concept were employed, and the single-family residential lots were located farther away from Highway 1, a smaller scale fence or sound wall that is more in character with the surrounding area could be utilized, and impacts to visual resources could be reduced significantly. Additionally, approval of an 11-foot-high sound wall along the west side of Highway 1 could set a precedential value for future interpretations of the City's LCP and result in significant individual and cumulative impacts to visual resources to and along the ocean. Thus, the Commission finds that the project as approved raises a substantial issue with respect to conformance of the approved project with the LCP provisions regarding the protection of visual resources.

c. Public Access.

i. Contention.

The appellants contend that the Wavecrest Village project approved by the City is inconsistent with the public access policies contained in the City's certified LCP and Chapter 3 of the Coastal Act because the project fails to provide adequate physical access to the shoreline. Further, the appellants assert that the approved project's design and physical location between Highway 1 and a larger parcel directly adjacent to the shoreline, would preclude future opportunities to connect existing informal public access trails to and along the shoreline on adjacent properties.

ii. LCP and Coastal Act Policies.

LCP Policy 2-2 states:

*For all new development along the Shoreline Trail alignment shown on the Access Improvement map, granting of lateral easements to allow for continuous public access along the shoreline shall be mandatory unless publicly owned bluff top land suitable for trail development intervenes between the development and the bluff edge. All beach seaward of the base of the bluff shall be dedicated. At a minimum, the dedicated easement shall have a width sufficient to allow an adequate trail and to protect the privacy of any residential structures built near the accessway.*

*Lateral trails along the bluff edge shall be set back at least 10 feet and native vegetation shall be established between the trail and the edge to stabilize the bluff top.*

LCP Policy 2-6 states:

*All vertical and lateral accessways shall have clearly posted signs specifying the public's right to use these areas; signs shall also contain any limitations on the public's right of access and specific uses.*

Coastal Act Policy 30210 states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Coastal Act Section 30211 states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal Act Section 30212 states, in applicable part, that:

(a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development project, except where:*

(1) *it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*

(2) *adequate access exist nearby, or,*

(3) *agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

iii. Analysis.

The 207.5-acre Wavecrest Village Specific Plan area is located on the west side of Highway 1, which is the first public road parallel to the ocean. Because the project is located between the first public road and the ocean, the project is subject to both the public access and recreation policies of the City's LCP and the Coastal Act.

According to the Wavecrest Village Specific Plan, the project is designed as a pedestrian-oriented, mixed-use community that integrates coastal and urban environments. The Specific Plan would provide approximately 77 acres of passive and active public recreation opportunities that include: a single-point view corridor; a publicly accessible bluff area; a riparian corridor; sports fields; community gardens; neighborhood greens; and a pedestrian/bicycle path system. Each of these open space areas, except the neighborhood greens and the view corridor, would be dedicated to the City of Half Moon Bay. The view corridor and neighborhood greens would be privately owned and maintained open space areas.

The streets in the plan area would be designed to be pedestrian and bicycle friendly. The streets would be lined with sidewalks, and an area-wide path system would be developed. All collector streets would be designed with Class III bicycle accommodations. The non-motorized circulation system would include trails connecting open spaces and park areas to mixed-use area, and paths connecting the Plan Area to the adjacent Arleta Park.

Coastal Access would include a bluff top trail and a scenic outlook area, and an access trail connecting the bluff top trail to a 15-car parking lot located at the terminus of Main Street (Western area). The Parking lot and trail head would be marked with directional signage and would be accessible from Highway 1. In addition as discussed above, an internal pedestrian path system would also provide access to the bluff area. According to the Specific Plan, the design of the trail system would be in accordance with the Coastal Access Standards adopted by the Coastal Commission, California Department of Fish and Game and the Army Corps of Engineers.

**Bluff Top Trail** – An existing informal bluff top trail roughly parallels the bluffs overlooking the Pacific Ocean, and represents one section of a more extensive trail system that may be expanded by others in the future. The project would include a 15-foot wide trail easement to be located 50 feet eastward from the bluff edge. The bluff top trail would be improved to 10-foot wide and would be used by both pedestrians and cyclists (Class I Bikeway).

**Scenic Overlook** – One scenic overlook would be provided along the bluff top trail. Located in the southern portion of the bluff area, the overlook would provide places for people to sit and view the coast line, away from the main bluff top trail. The Scenic overlook would provide two benches, a trash can and bicycle rack.

Access Trail – A 15-foot wide access trail easement that would connect the bluff trail to the access parking lot would be located within the coastal bluff open space area (Western area). The access trail would be 10 feet wide and would be used by both pedestrians and cyclists (Class I Bikeway).

Access Parking Area – The western extension of Main Street would lead to a 15-space parking lot designed for coastal access with informational signage, and a bluff walk trailhead.

Although the project provides public access opportunities as describe above, the appellants assert that the physical layout of the approved project would preclude future opportunities to link a major portion of the informal trail system that potentially has implied or prescriptive easements with a vertical access trail system that is currently used as coastal access. Aerial photography of the site shows a trail system that begins at the western terminus of Wavecrest Road and south of the Smith Field recreation complex. From Smith Field, the existing informal trail runs due south and towards the riparian corridor which begins in the Southern Residential Neighborhood of the Wavecrest Village Plan area. The trail crosses the riparian corridor and terminates at Redondo Beach Road. Along both sides of the riparian corridor, the trail continues toward the coastal bluff edge and the sandy beach below.

Most of the informal trail network described above is located south and seaward of the Wavecrest Village Plan area. However, a critical link to this informal trail system runs along the western boundary of the Southern Residential Neighborhood from Smith Field toward the southern riparian corridor. The approved project does not include any provisions to provide a link to a visually apparent informal trail system and could preclude future efforts to develop a trail link.

iv. Conclusion.

As approved by the City, the project would develop 207.5 acres of mostly undeveloped coastal bluff terrace with, among other things, a total of 271 residential units. The approved project also includes provisions to develop a vertical and lateral public access link to an existing trail system, a 15-car parking lot dedicated exclusively for public beach access, and informational signage.

The project area is located west of Highway 1, which is the first public road paralleling the sea. Development proposals located between the first public road and the sea must be found to be consistent with both the public access policies of the City's certified LCP and the Coastal Act. Providing public access to and along the ocean is an essential element of the Coastal Act and is an issue of statewide significance. Although the Wavecrest Village Specific Plan does provide some public access opportunities and a link to an existing trail system, a comprehensive planning approach that includes the entire area which encompasses the Wavecrest Village Specific Plan area and those lands that are located west of and south of the plan should also be considered. As approved by the City, the project would preclude or significantly hinder opportunities to provide a critical link to the larger trail system. Thus, the Commission finds

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that the project as approved raises a substantial issue with respect to conformance of the approved project with the LCP and Coastal Act policies regarding provisions for public access opportunities.

d. **Specific Plan Requirement.**

i. Contention.

The appellants assert that approval of the Wavecrest Village project would frustrate future development of adjoining properties and that the entire North Wavecrest Planned Development area is not being planned as a unit as required by LUP Policy 9-8. The appellants contend that approval of the Wavecrest Village project would amount to piecemeal development and would not provide for a uniform or harmonious Planned Development of the entire North Wavecrest area.

ii. LUP Policy.

- LUP Policy 9-8 states:

*The entire site shall be planned as a unit. Preparation of specific plans (Government Code Section 65450) may be required for one or more separate ownerships, individually or collectively, when parcels comprising a site designated PD are in separate ownership*

iii. Analysis.

LUP Policy 9-8 requires that areas designated for Planned Development (PD) be planned as a unit and the preparation of Specific Plan may be required for one or more of the parcels within a given PD area that are under separate ownership. The Wavecrest Village Plan area is a "T" shaped portion of the North Project Area of the Wavecrest Restoration Plan, locally known as North Wavecrest. The Wavecrest Restoration Plan Area is held in multiple ownerships and includes the Wavecrest Village Plan Area and properties that lie west, east and south of the Project area. Because of the irregular configuration of the Wavecrest Village Specific Plan area, issues such as land use, public access, circulation and resource protection should be considered for the entire Wavecrest Restoration Plan area. For example, there are numerous footpaths to and along the coastal bluff that lays to the west of the Wavecrest Village Specific Plan area. The physical configuration of the Specific Plan area would preclude future opportunities to access the majority of these informal coastal accessways. Further, the circulation design in the Southern Residential Neighborhood includes two streets that dead-end on the adjacent property. As such, this traffic circulation design in the Southern Residential Neighborhood would both dictate to, and limit the design opportunities for development of the adjacent property which is also located within the North Wavecrest Restoration Plan area but not within the Wavecrest Village Plan area. Furthermore, the willow riparian corridor that begins in the Southern Residential Neighborhood, traverses the bluff terrace and terminates at the ocean edge significantly restricts both circulation and public access opportunities for the properties west of the Plan Area.



iv. Conclusion.

Although LUP Policy 9-8 does provide the option to prepare a specific plan when parcels comprising a site designated for Planned Development (PD) are held in separate ownership, it also requires that the entire site be planned as a unit. The Wavecrest Village Specific Plan area encompasses 207.5 acres that would result in a substantial development link between the existing residential developments that lie to the north and south of the project area. The "T" shaped configuration of the Wavecrest Village Plan Area significantly limits planning opportunities on adjoining properties that lie to the south and west of the Plan area. As such, issues such as public access, sensitive habitat protection and traffic circulation could be addressed for the entire Wavecrest Restoration Plan area between Seymour Road to the north and Redondo Beach Road to the south in a comprehensive fashion. (see Exhibits Nos. 2, 3, 4 & 5). Thus, the Commission finds that, as discussed above, the appeal raises a substantial issue with respect to conformance of the approved project with provisions of LUP Policy 9-8, that requires that an entire site designated as Planned Development be planned as a unit.

e. Build-out Monitoring.i. Contention.

The Beuth et al. appeal asserts that the Wavecrest Village Specific Plan is not consistent with LUP Policy 9-2. The appellant more specifically asserts that there is no evidence that the City has complied with the requirement to monitor the rate of build-out within various categories designated for development to determine if the build-out rate exceeds the development potential in the plan area. LUP Policy 9-2 requires that no permit shall be issued for development or subdivision outside of existing subdivisions until the City prepares a revised estimate of development potential within the various development categories. Thus, the appellant asserts that the Wavecrest Village project is inconsistent with LUP policy 9-2 because no such revised estimate has been made.

ii. LCP Policy.• LUP Policy 9-2 – Build-out

*The City shall monitor annually the rate of build-out in categories designated for development. If the rate of build-out exceeds the rates on which the estimates of development potential for Phase I and Phase II in the Plan are based, further permits for development or land divisions shall not be issued outside existing subdivisions until a revised estimate of development potential has been made. At that time the City shall establish a maximum number of development permits to be granted each year in accordance with expected rates of build-out and service capacities. No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities, including such improvements as are provided with the development, (See Table 9.3). (Exhibit No. 15)*

iii. Analysis & Conclusion.

LUP Policy 9-2 requires that the City monitor rates of build-out in the various development categories as shown in Tables 9.1 & 9.3. LUP Policy 9-2 further requires that if the rates of build-out exceed the rates on which the estimates in the Plan area were based, permits for development and land divisions outside existing subdivisions shall not be issued until such time that a revised estimate of development potential has been made. The administrative record for the Wavecrest Village project contains no apparent indication as to whether or not the City has complied with the monitoring and finding requirements for expected rates of build-out and service capacities. Thus, the Commission finds that the project, as approved by the City, raises a substantial issue with respect to conformance of the approved project with LUP Policy 9-2 regarding built-out rate and public service capacity.

f. New Development.

i. Contention.

The appellants contend that the Wavecrest Village Project is not consistent with LCP Policy 9-4 and Coastal Act Policy 30250 (incorporated by LUP Policy 1-1). These policies require that new development be located within, contiguous with, or in close proximity to, existing developed areas, and that infrastructure (water, sewer, and roads) be designed to accommodate needs generated by the permitted development.

The appellants assert that adequate public services such as sewer and domestic water and the infrastructure to support these services are not available and as such the project should have been denied. The appellants further assert that the City's approval of the Wavecrest Village Specific Plan is inconsistent with policies giving priority to development that is located adjacent to existing developed areas and that approval of the Wavecrest Village Specific Plan and Development Agreement would effectively deny "in-fill" development proposals because the Specific Plan and Development Agreement obligates the City to provide all available Measure A certificates (residential building permit allocations) to the Wavecrest Specific Plan area for a period of eight or more years. Approval of the Wavecrest Village project would obligate the City to provide all Measure A certificates to this plan rather than to existing in-fill lots that are otherwise suitable for development.

ii. LCP and Coastal Act Policies.

- LUP Policy 9-4 states:

*All new development, other than development on parcels designated Urban Reserve or Open Space Reserve on the Land Use Plan Map permitted while such designations are effective, shall have available water and sewer services and shall be accessed from a public street or shall have access over private streets to a public street. Prior to issuance of a development permit, the Planning Commission or City Council shall make*

*the finding that adequate services and resources are available to serve the proposed development upon its completion and that such development is located within and consistent with the policies applicable to such an area designated for development. The applicant shall assume full responsibility for cost incurred in the service extensions or improvements that are required as a result of the proposed project, or such share as shall be provided if such project would participate in an improvement or assessment district. Lack of available services or resources shall be grounds for denial of the project or reduction in density otherwise indicated in the Land Use Plan. (See Table 10.3). (See Exhibit 17)*

Coastal Act Policy 30250 states, in applicable part that:

*(a) New residential, commercial, or industrial development, except as otherwise provided for in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ...*

iii. Analysis.

Like Coastal Act Policy 30250, LUP Policy 9-4 requires that new development be located within an area designated for such development and that adequate public services, such as domestic water, sewer and public roads would be available upon project completion to serve the development.

The Wavecrest Village Project is located entirely within the City of Half Moon Bay, approximately one mile south of downtown, where Highway 1 and Main Street intersect. The 207.5-acre site is located between Highway 1 and the Pacific Ocean and is largely undeveloped and is designated in the City's LUP for Planned Development. The Wavecrest Village Plan area is bounded by Highway 1 to the east, the Seymour Street right-of-way to the North, the Pacific Ocean and undeveloped coastal bluffs to the west, and Marinero Avenue to the south. Automobile access to the site is from Highway 1 via currently undeveloped public rights-of-way.

Residential neighborhoods exist to the north and south of the Wavecrest Village Plan area. Arleta Park, a residential neighborhood, is located to the north and is separated from the plan area by a mostly vacant parcel (between Magnolia Avenue and the Seymour Street right-of-way) that is zoned and has City approval for residential development. Development within the Arleta Park residential neighborhood consist of low density one- and two-story single-family residences in a standard subdivision grid plat. These older homes fill most of the neighborhood's developable land; however, there are a few remaining undeveloped lots within this area. A church is located on the adjacent mostly vacant parcel at the intersection of Highway 1 and the Seymour Street right-of-way. Improvements in this area are likely to include the westward extension of Seymour Street from Highway 1, which would abut the

Wavecrest Village plan area's northern boundary and the southern extension of First, Second, and Third Avenues.

Ocean Colony, a private golf course community is located to the south of the Wavecrest Village Plan area and is also separated from the plan area by a vacant parcel. Ocean Colony is developed with low density one- and two-story single-family residences along meandering streets that include several loop roads. The Wavecrest Village Specific Plan assumes that the area between the commercial greenhouses and Redondo Beach Road which separates the Wavecrest Village plan area from Ocean Colony north to the Wavecrest Plan area would also be developed with low-density single family homes.

Approximately one-third of the Wavecrest Village plan area's western boundary abuts the Pacific Ocean. The remaining two-thirds abut mostly undeveloped gently sloping coastal bluff terrace. The mostly-undeveloped coastal bluff terrace contains a model airplane runway and is criss-crossed with numerous informal trails which provide access to and along the ocean. Although very little development has occurred in this area, the land has been parceled, as documented on an antiquated subdivision map. In order for further development to occur within this area, a Specific Plan must be prepared on behalf of all of the property owners as described in the City certified LCP.

Most of the land along the east side of Highway 1 and south of the intersection of Main Street and Higgins/Purissima Creek Road is used for commercial agriculture. A variety of non-irrigated field crops is grown. A variety of commercial uses are located adjacent to or near the Wavecrest Village Plan area. Commercial greenhouses have been developed adjacent to the Plan area's southeastern boundary, between Wavecrest Road and Redondo Beach Road. A church, daycare center, horse riding stable, and restaurant are also located in this area. A fire station is located near the intersection of Highway 1 and Main Street, and an automobile dealer is located at the intersection of Main and Seymour Streets.

The City's action to approve the Wavecrest Village project included findings which state that the project is located within an area appropriately planned for mixed-use development and was further consistent with the policies which require that adequate public services would be available to serve such development upon its completion. Wavecrest Village would be served by the City of Half Moon Bay's existing infrastructure and public facilities. The Specific Plan includes schematic sketches that illustrate connecting points, routing and location of sewer and water facilities within the plan area. Exact sizing and location of facilities would be illustrated on Tentative and Final improvement maps.

Wastewater generated by the project would be collected and carried to an existing 21-inch sanitary sewer line that runs along the western boundary and through portions of the Plan Area. The existing sewer line flows north from Redondo Beach Road through the Plan Area to a regional wastewater plant operated by the Sewer Authority Mid-Coastside. According to the Specific Plan, the wastewater treatment facility has recently undergone expansion and now has adequate capacity to serve Wavecrest Village.

Domestic water would be provided by the Coastside County Water District (CCWD), which serves the City of Half Moon Bay. The Plan area would be served by connecting to an existing 16-inch water transmission line that runs along Highway 1, and to an existing 10-inch water transmission line that runs along Redondo Beach Road. The Plan would result in the average use of approximately 324.5 acre-feet of water per year, or approximately 289,655 gallons of water per day.

As approved, it is not apparent that adequate domestic water service would be available for the Wavecrest Village project upon its completion consistent with the requirement of LUP Policy 9-4. According to the Plan "*prior to approval of any building permit a signed contract or letter of agreement from the CCWD stating it will have the capacity to serve the project shall be obtained.*" LUP Policy 9-4 requires that the determination of adequate public services be made prior to the issuance of a coastal development permit. The project, as approved by the City, defers the determination of domestic water availability to the ministerial building permit stage.

iv. Conclusion.

LUP Policy 9-4 requires that new development be located within an area designated for such development and that adequate public services, such as domestic water, sewer and public roads would be available upon project completion to serve the development. The purpose of the Planned Development designation is to ensure well-planned development of large, undeveloped areas in accordance with resource protection and concentration of development policies. LUP Policy 9-4 further requires the concentration of new development and favors infill of existing highly developed and partially developed areas and other areas committed to urban development, having existing or potential local service capacities to support it (e.g. sewer and water lines and streets).

The Wavecrest Village Plan area is designated as Planned Development on the LUP Land Use Map. Single-family residential development exists to both the north and south of the Plan area. Both sewer and domestic water infrastructure currently exist on or near the Plan area and extension of these facilities appears reasonable. The City's approval includes a finding that the project is consistent with the policies which require that adequate public services would be available to serve the project. According to the City, the wastewater treatment facility has recently undergone expansion and now has adequate capacity to serve Wavecrest Village. However, a significant question exist as to whether or not the project is consistent with LUP Policy 9-4. LUP Policy 9-4 requires a finding that adequate services, including water service, would be available prior to issuance of the coastal development permit. The City's approval defers the requirement to submit evidence of water service availability to the ministerial building permit stage. As approved, the City would require a signed contract or letter of agreement from the CCWD stating it will have the capacity to serve the project prior to approval of any building permit. Thus, the Commission finds that, as discussed above, the appeal raises a substantial issue with respect to conformance of the approved project with provisions of LUP Policy 9-4 and Coastal Act Section 30250.

2. Appellant's Contentions That Do Not Raise a Substantial Issue.

The following contention raised by the appellant do not raise a substantial issue regarding the project's conformance with the City's certified LCP or with the public access policies of the Coastal Act.

g. Water Supply.

i. Contention.

The Carey appeal asserts that the project is inconsistent with all of the Water Supply Policies contained in Chapter 10.52 of the City's LUP. More specifically, the appellant asserts that according to the Water Supply Policies 10-8 through 10-16, water connections should be made available to infill lot owners and that projects like Wavecrest Village should wait until the completion of the Phase II Water Project to be undertaken by the CCWD.

ii. LUP Policies.

Chapter 10.52 -- Water Supply Policies

LUP Policy 10-8

*The City shall request the Coastside County Water District to annually inform the City of current system capacity, surplus available to new users, and scheduling for Crystal Springs pipeline or other capacity increases.*

LUP Policy 10-9

*The City will support an increase in the water supply to capacity which will provide for, but not exceed, the amount needed to support build-out of the Land Use Plan of the City and County within the Coastside County Water District.*

LUP Policy 10-10

*The City will support phased development of water supply facilities (chiefly pumping stations and water treatment facilities) so as to minimize the financial burden on existing residents and to avoid growth-inducing impacts, so long as adequate capacity is provided to meet City needs in accordance with phased development policies (including expected development to the year 2000) and allocations for floriculture uses.*

LUP Policy 10-11

*The City will support expansion of water supplies by those sources and methods which produce the highest quality water available to the area in order to assure the highest possible quality of water to horticulture. All supplies shall, at a minimum, meet potable water standards for domestic use and the highest practicable quality for floriculture.*

LUP Policy 10-12

*The City shall support equal water rates for agricultural users and residents.*

LUP Policy 10-13

*The City will support and require reservation of water supplies for each priority use in the plan, as indicated in Table 10.3 for build-out, and shall monitor and limit building permits accordingly. The amount to be reserved for each phase of water supply development shall be the same percentage of capacity for priority uses as that needed at build-out, until a determination is made that a priority use is satisfied by available reservation.*

**Table 10.3**  
**NEW COASTSIDE COUNTY WATER DISTRICT (CCWD) CAPACITY TO BE RESERVED FOR PRIORITY LAND USES UNDER THE HALF MOON BAY LCP AT YEAR 2000**

COASTAL ACT PRIORITIES	ANNUAL DEMAND (mgd)
<b>Marine-Related</b>	
<b>Commercial – Recreation</b>	
Equestrian Facilities	.01
Hotel/Motel	.03
Restaurant	<u>.00</u>
<b>Total</b>	<b>.04</b>
<b>Public Recreation</b>	
Local Recreation (local parks, playfields)	.02*
Campsites	.02
Beaches	<u>.02</u>
<b>Total</b>	<b>.06</b>
<b>Indoor Floriculture</b>	
Field Flowers and Vegetables	<u>.04</u>
<b>Total</b>	<b>.24</b>
<b>Total Water Capacity for priority Land Uses</b>	<b><u>.34</u></b>

\*based on maximum use of reclaimed water.

LUP Policy 10-14

*If new or increased well production is proposed to increase supply, the City shall require that:*

- (a) *Water quality be adequate, using blending if required, to meet water quality standards of Policy 10-12.*
- (b) *Wells are installed under inspection according to the requirements of the State and County Departments of Public Health.*
- (c) *The amount pumped be limited to a safe yield factor which will not impact water-dependant sensitive habitats, riparian habitats, marshes, and agricultural water use.*
- (d) *Base the yield and pumping restriction on studies conducted by a person agreed-upon by the City and the applicant which shall (1) prior to the granting of the permit, examine the geologic and hydrologic conditions of the site to determine a preliminary safe yield which will not adversely affect a water-dependant sensitive habitat; (2) during the first year, monitor the impact of the well on groundwater and surface water levels and quality and plant species and animals of water-dependant sensitive habitats to determine if the preliminary safe yield adequately protects the sensitive habitats and what measure should be taken if and when adverse effect occur.*

LUP Policy 10-15

*The City will encourage the use by Coastside Water District of user fees and standby fees to assure the availability of water to horticulture without assessment for water supply facilities designed to serve urban users.*

LUP Policy 10-16

*The City will support pricing of reclaimed water at an economic level beneficial to all parties concerned.*

iii. Analysis and Conclusion.

As discussed above, the appellant asserts that the project is inconsistent with all of the Water Supply Policies contained in Chapter 10.52 of the City's LUP and more specifically LUP Policies 10-8 through 10-16. With the Exception of LUP Policy 10-13 (see also Table 10.3), all of the Water Supply policies in referenced in the appeal are programmatic in nature and have no bearing on the Wavecrest Village Project. The appellant does not attempt to demonstrate how the referenced policies are related to the Wavecrest Village Project but only states that the project is inconsistent with them.

As shown in Table 10.3, LUP Policy 10-13 requires the reservation of potable water supplies for priority uses. The appellant asserts that, pursuant to LUP Policy 10-13, infill residential lots should be given priority for water allocation. However, LUP Policy 10-13 does not address infill residential lots at all. According to Table 10.3, uses given priority for water



allocation include equestrian facilities, hotel/motel, restaurant, local recreation (local parks and play fields), campsites, beaches, indoor floriculture and field flowers and vegetables. Thus, the Commission finds that, as discussed above, the appeal raises no substantial issue with respect to conformance of the approved project with provisions of LUP Policies 10-8 through 10-16, as they pertain to water supply allocation for infill residential use.

## EXHIBITS

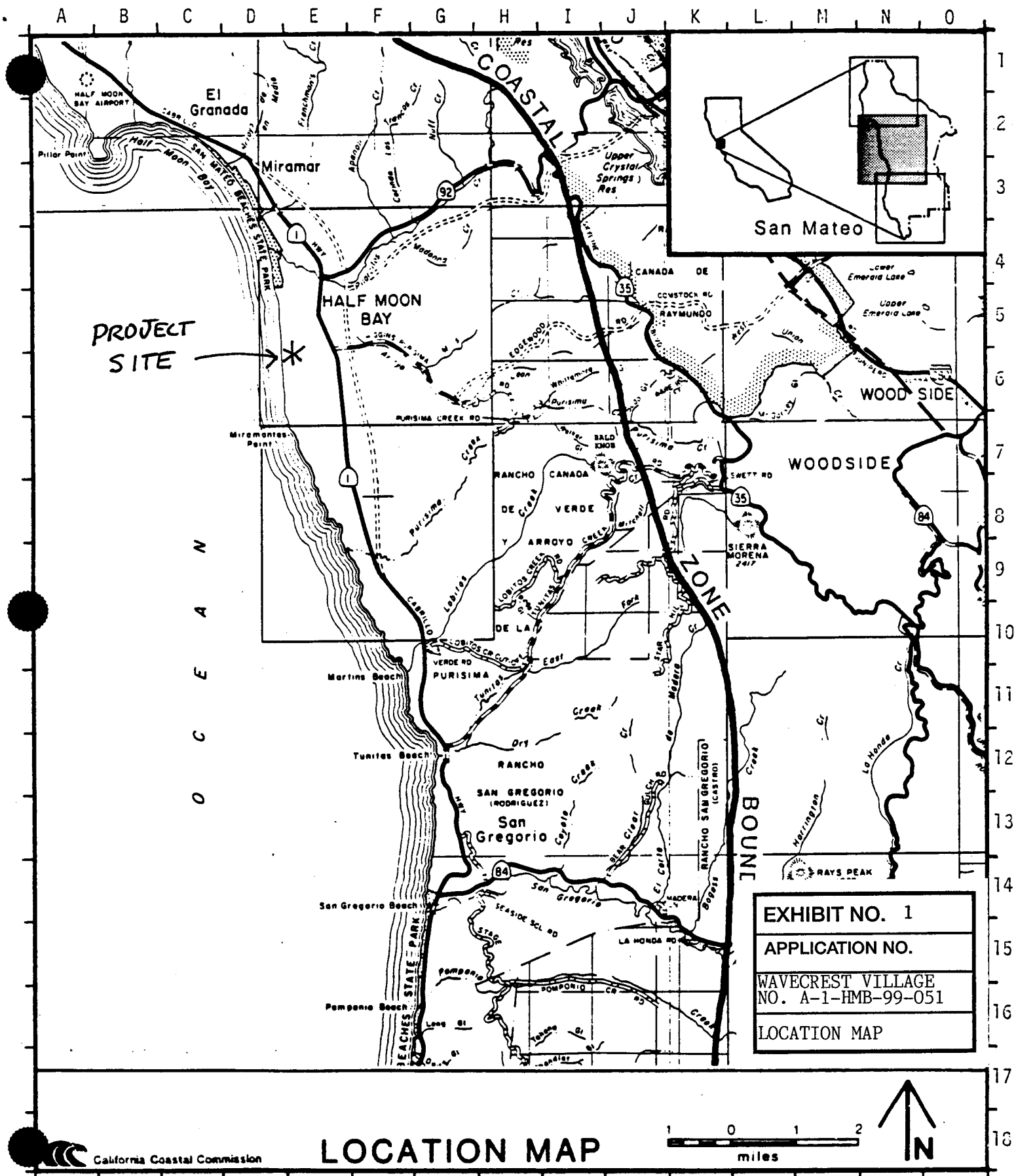
### Maps

1. Regional Location Map
2. Local Location Map
3. Site Plan
4. Geographic Areas
5. Wetlands
6. View Corridor
7. Noise Barrier

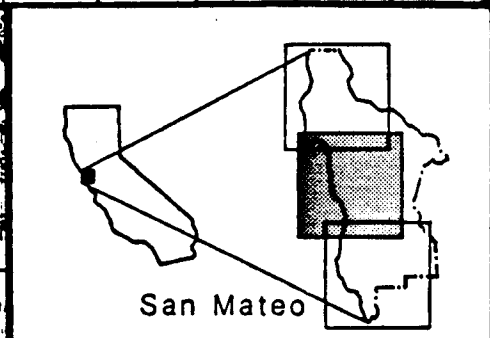
### Other

8. Commissioner Wan Appeal
9. Commissioner Dettloff Appeal
10. Beuth, et al. Appeal
11. Helen Carey Appeal
12. Wayward Lot Investment / San Mateo Land Exchange Appeal
13. City of Half Moon Bay LCP / LUP Table 9.1
14. City of Half Moon Bay LCP / LUP Table 9.2
15. City of Half Moon Bay LCP / LUP Table 9.3
16. City of Half Moon Bay LCP / LUP Figure 9.1
17. City of Half Moon Bay LCP / LUP Table 10.3
18. City of Half Moon Bay Title 17 Subdivision Code





PROJECT  
SITE

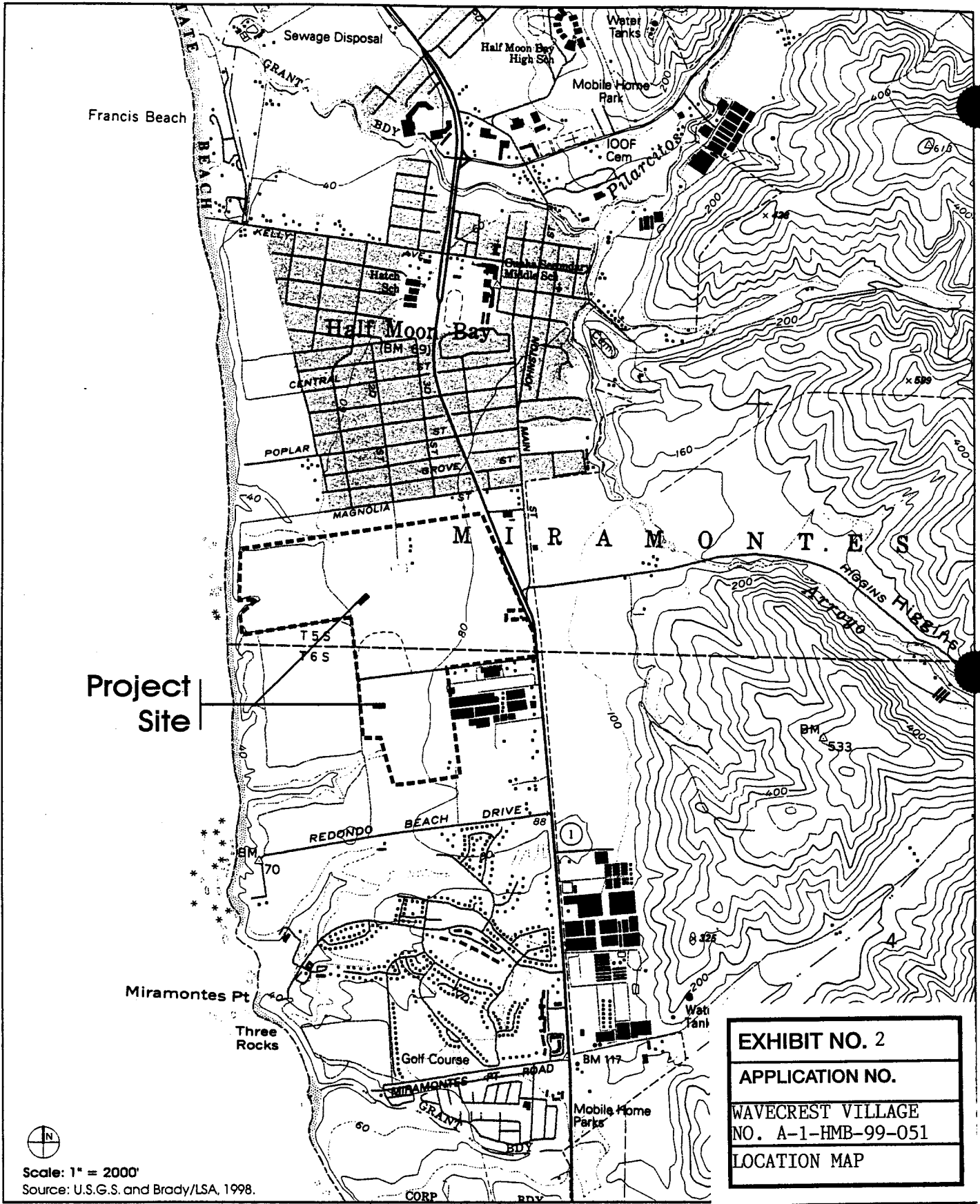


San Mateo

EXHIBIT NO. 1  
 APPLICATION NO.  
 WAVECREST VILLAGE  
 NO. A-1-HMB-99-051  
 LOCATION MAP

LOCATION MAP





WAVECREST VILLAGE DRAFT SPECIFIC PLAN EIR

Figure 2  
Project Location

SEYMOUR ROAD

10' Buffer Planting

Buffer Planting

Main Street

Entry Landscape

50' Buffer Planting

Publicly Maintained 15' Wide Buffer Planting Area

WAVECREST ROAD

HIGHWAY 1

REDONDO BEACH ROAD

PACIFIC OCEAN



Source: Brian Kangas Foulk, EDAW, 1999.

WAVECREST VILLAGE DRAFT SPECIFIC PLAN EIR




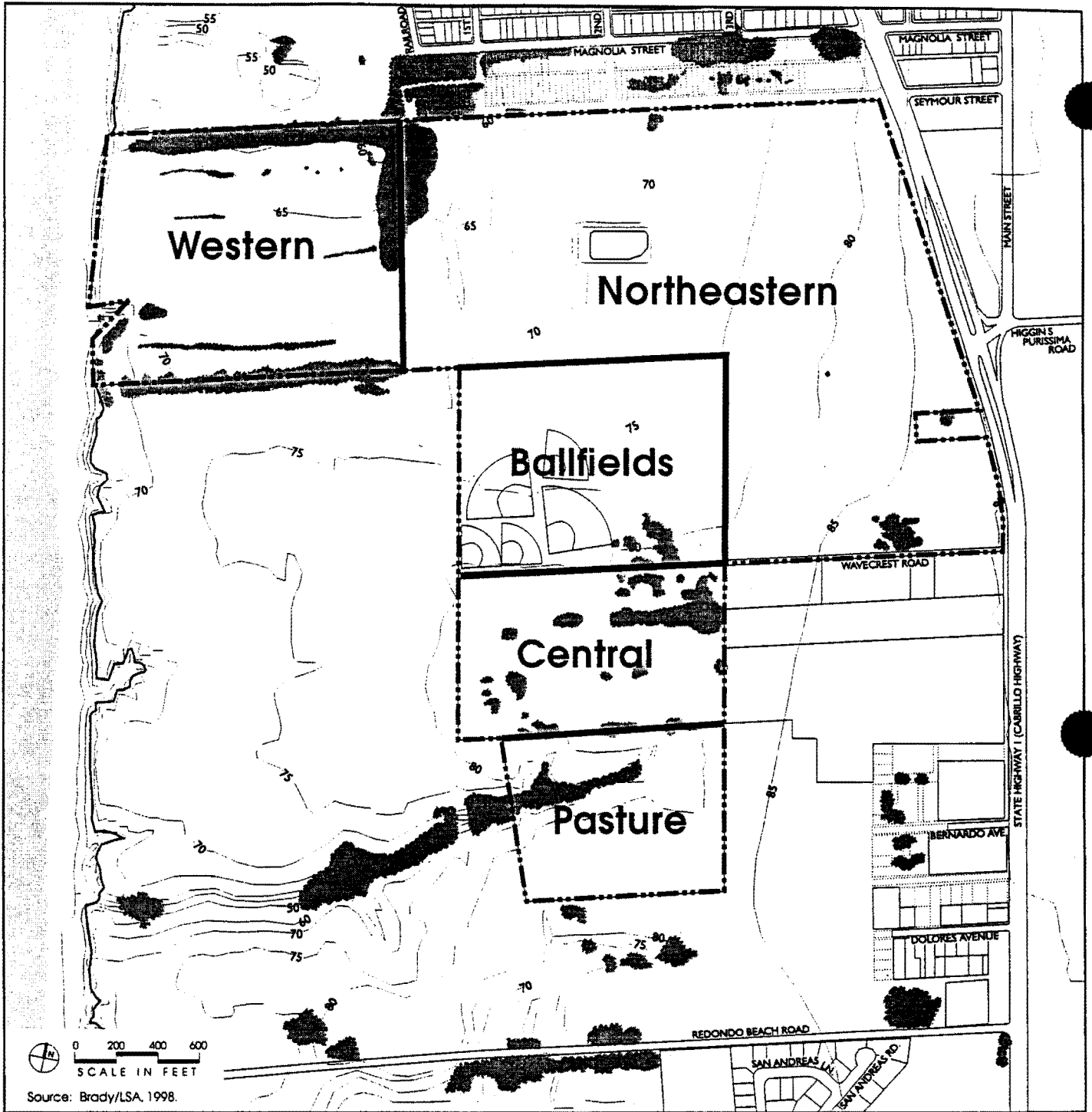
-  Publicly Owned and Maintained
-  Privately Owned and Maintained
-  Privately Owned and Maintained

EXHIBIT NO. 3
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
SITE PLAN

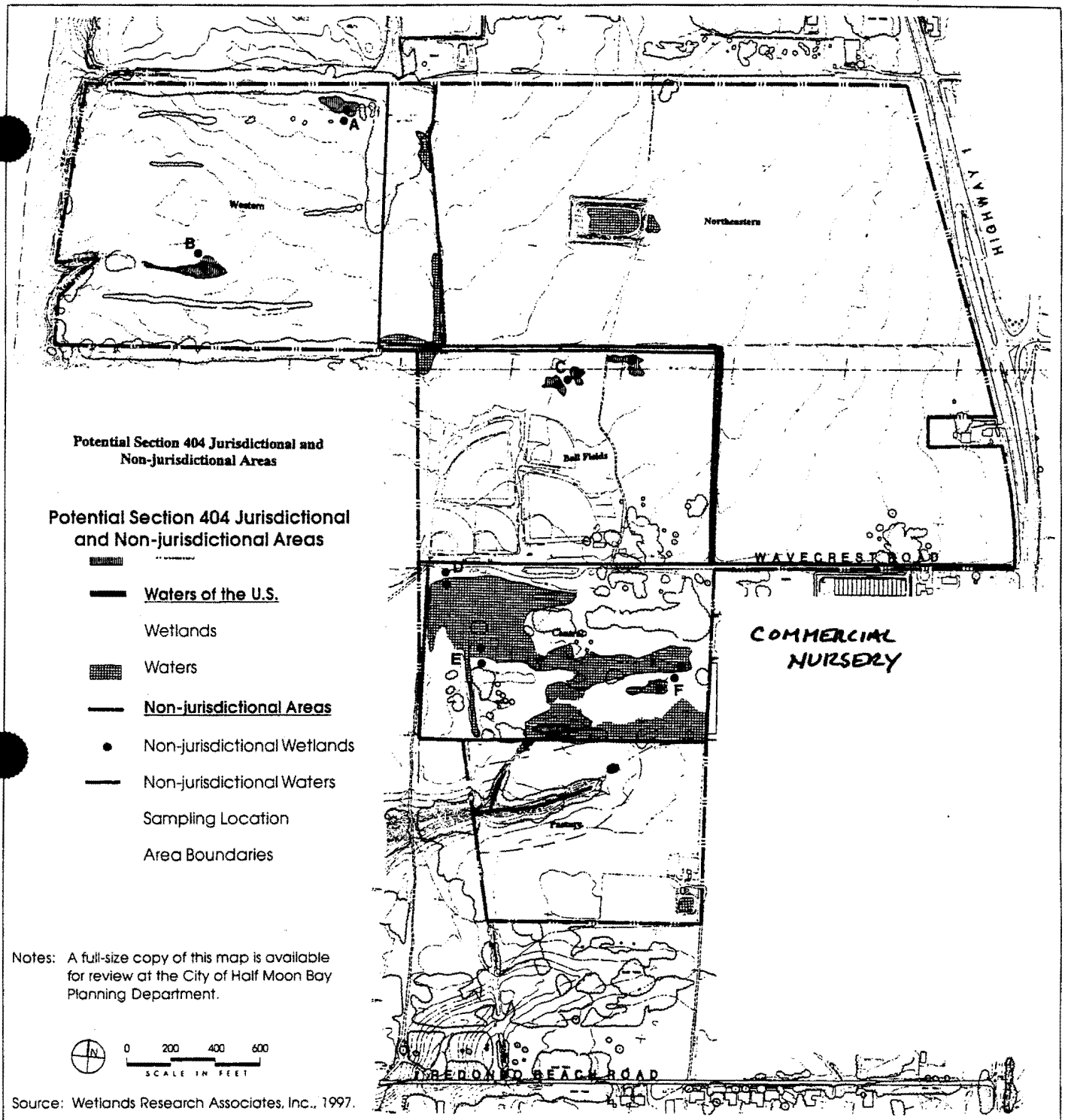
Publicly and Privately Maintained Parks and Open Space



WAVECREST VILLAGE DRAFT SPECIFIC PLAN EI

EXHIBIT NO. 4
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
GEOGRAPHIC AREAS

Project Site Area  
for Describing  
Biological Resources



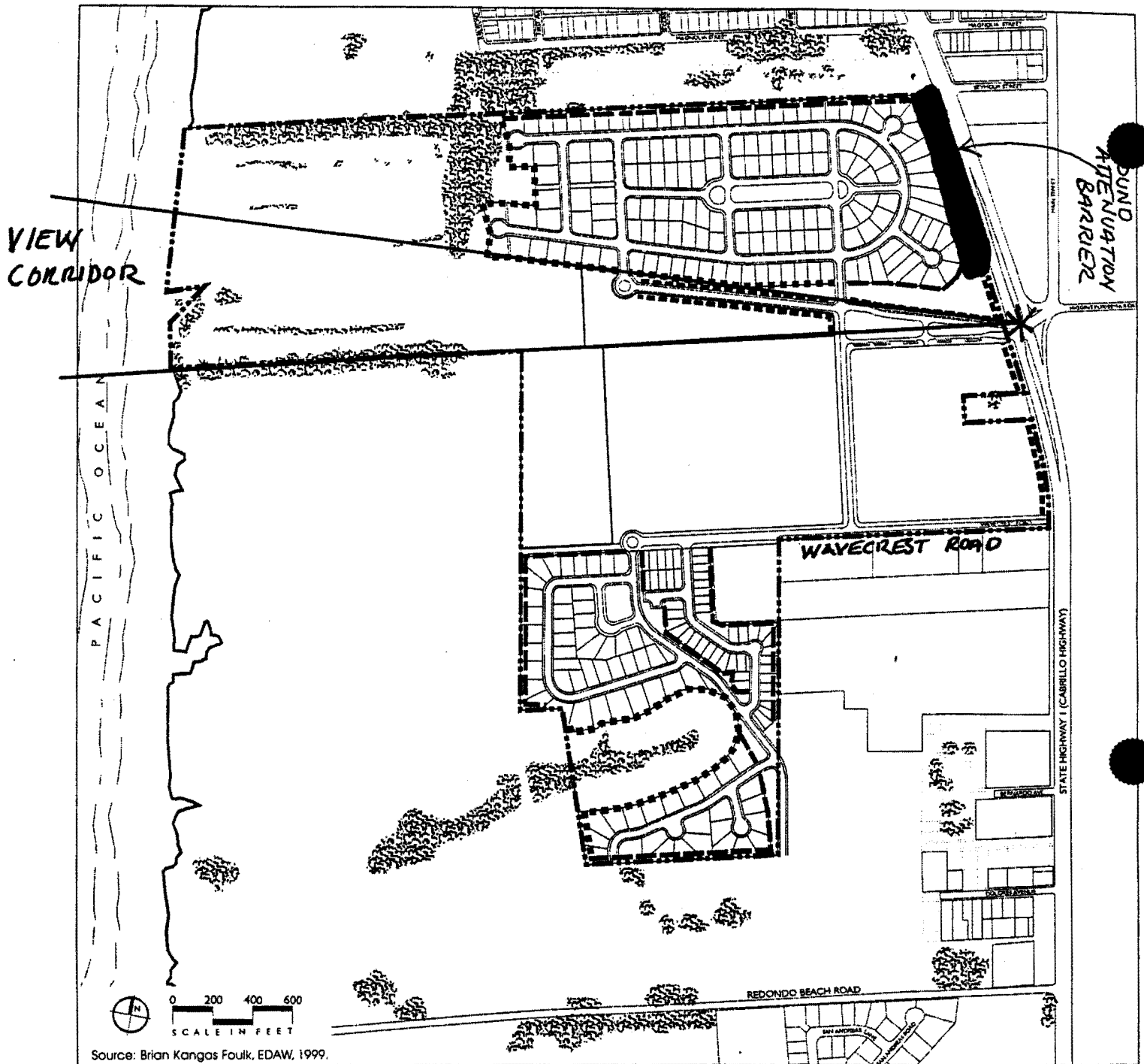
WAVECREST VILLAGE DRAFT SPECIFIC PLAN EIR

EXHIBIT NO. 5
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
WETLANDS

Wetlands and Other Waters  
Within the Plan Area

B R A D Y

L S A

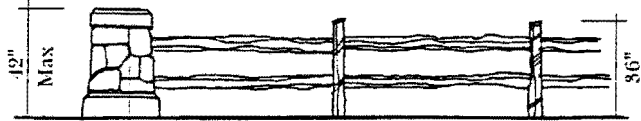


WAVECREST VILLAGE DRAFT SPECIFIC PLAN EIR

- |                       |                              |                          |
|-----------------------|------------------------------|--------------------------|
| Project Area Boundary | Split Two-Rail Fence         | Wood Good Neighbor Fence |
| Vegetation            | Wood Sound Attenuation Fence | Special Conditions Fence |

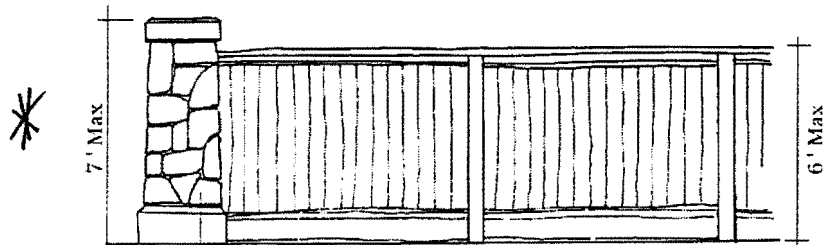
EXHIBIT NO. 6  
 APPLICATION NO.  
 WAVECREST VILLAGE  
 NO. A-1-HMB-99-051  
 VIEW CORRIDOR





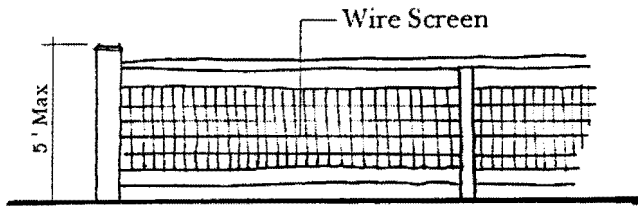
Stone Pilaster at Corners and 100' o/c

Type 1 Theme Fence

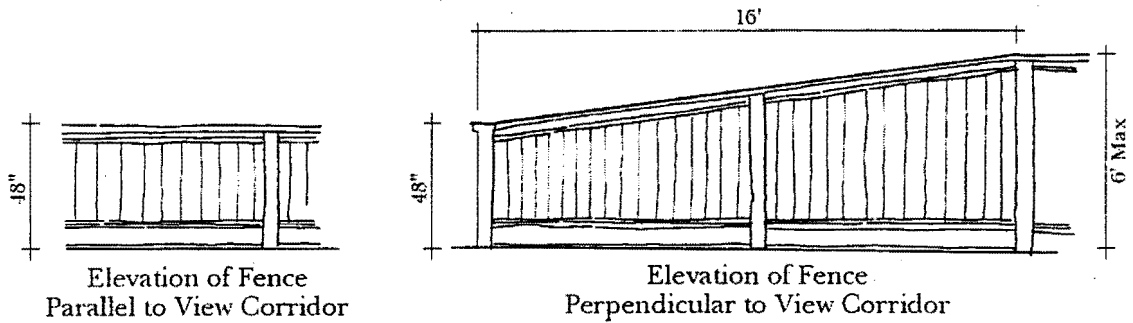


Stone Pilaster at Corners and 100' o/c or Nearest Property Line

Type 2 and 3 Fence



Type 4 Fence at Riparian Corridor



Elevation of Fence Parallel to View Corridor

Elevation of Fence Perpendicular to View Corridor

Type 4 Fence at View Corridor

Source: EDAW, 1999.

WAVECREST VILLAGE DRAFT SPECIFIC PLAN E1

<b>EXHIBIT NO. 7</b>
<b>APPLICATION NO.</b>
WAVECREST VILLAGE NO. A-1-HMB-99-051
NOISE BARRIER

B R A D Y

L S A

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE AND TDD (415) 904-5200  
 FAX (415) 904-5400



APPEAL FROM COASTAL PERMIT  
 DECISION OF LOCAL GOVERNMENT

CALIFORNIA  
 COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

**SECTION I. Appellant(s)**

Name, mailing address and telephone number of appellant(s):

SARA WAN		
22350 Carbon Mesa Road		
Malibu, CA 90265	(310 )	456-6605
Zip	Area Code	Phone No.

**SECTION II. Decision Being Appealed**

1. Name of local/port government: City of Half Moon Bay

2. Brief description of development being appealed: Wavecrest Village mixed-use project consisting of the development of 225-market rate and 46 affordable residential units on approximately 75.8 acres; mixed-use commercial uses on approx. 16.8 acres; additional community-serving public uses, including ball fields, community gardens, and open (continuation

3. Development's location (street address, assessor's parcel no., cross street, etc.): 207.5 acres west of Highway 1, bounded by Seymour St. right-of-way to the north, the Pacific Ocean to the west, and Marinero Avenue to the south.

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: X
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-1-HMB-99-051

DATE FILED: July 21, 1999

DISTRICT: NORTH COAST

H5: 4/88

2. Continuation of Description:  
 space and trails on approximately 105 acres; 9.89 acres of roadways and landscape buffers; and associated Middle School and Boys and Girls Club projects.

<b>EXHIBIT NO. 8</b>
<b>APPLICATION NO.</b>
WAVECREST VILLAGE NO. A-1-HMB-99-051
APPEAL #1

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: July 6, 1999

7. Local government's file number (if any): All cdps associated with or approved by Council Resolutions C-56-99 and C-57-99.

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
Wavecrest Village, L.L.C., Attn: Patrick Fitzgerald  
2202 Fairway Drive  
Half Moon Bay, CA 94019

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached Wavecrest Village "Section IV" pages.

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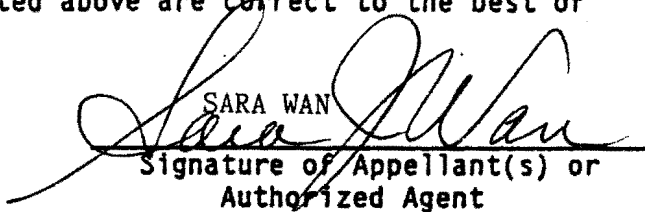
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Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

  
SARA WAN  
Signature of Appellant(s) or  
Authorized Agent

Date July 21, 1999

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

7/21/99 Appeal by Commissioners Wan and Dettloff of Coastal Permit Decision  
of City of Half Moon Bay Approving "Wavecrest Village" Project.

SECTION IV. Reasons Supporting This Appeal

Wetlands Resources

Policy 3-3 of the City of Half Moon Bay's LUP prohibits "any land use and/or development which would have significant adverse impacts on sensitive habitat areas." LUP Policy 3-1 ("Definition of Sensitive Habitats") includes wetlands as one of "such areas" that the LUP considers sensitive habitat.

The draft (January 1999) and final (June 1999) Environmental Impact Reports for the project include graphics showing several "potential" wetland areas. The largest of these areas is located in the project's "Central" area. According to the EIRs, a) this wetland area was created by nursery irrigation water from an adjacent parcel, b) the irrigation water no longer flows onto the site because of drainage alterations performed in October 1998, and c) "in the absence of nursery water, existing wetlands in the Central area will likely become drier and smaller." The final EIR depiction of site areas "potentially within LCP/LUP Wetlands definition" does not include the large Central area previously depicted in the draft EIR (Figure 41 in Draft EIR and reproduced in the Final EIR as Figure 41a) as "potential" wetlands. According to the City's findings of project approval (Council Resolution C-56-99), "The Specific Plan and conditions of approval adequately preserve and protect any LCP wetlands from diking, filling, dredging, or other prohibited activities," citing as evidence,

As to the irrigated central residential portion of potential wetlands, historical photographs, biological evidence, and other information strongly suggest that those areas are not wetlands as defined in the LCP and applicable Coastal Commission regulations and guidelines, and have reverted or will revert to uplands once the nursery irrigation waters are diverted or otherwise eliminated. In such event, those areas will either have drained hydric soils that are no longer capable of supporting hydrophytes or will lack a water table at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes."

There is nothing in the City's July 1999 findings or "evidence" that actually supports this conclusion by the City that Central area wetlands have reverted or will revert to uplands. As far as can be determined from the final (June 1999) EIR for the project, the last on-site wetlands examination occurred in December 1998, only two months after the central area drainage alterations occurred, without benefit of any coastal development permit(s). The final EIR (approved by Council Resolution C-55-99) presents no documentation of any

evidence from December 1998 that central area wetlands have reverted, or have even begun to revert, to uplands, and the final EIR remains inconclusive as to the extent of wetlands in the central area, stating:

With respect to areas of the site that meet the City's LCP/LUP definition of wetlands, the City will be required to make a legal finding prior to its approval of any grading permits or Final Maps for the project that an accurate site survey mapping areas that meet the City's LCP wetland definition as shown on WRA's (Wetlands Research Associates, Inc.) delineation has been prepared and that development in such areas, if any, shall not conflict with the City's LCP.

City approval conditions (Council Resolution C-57-99) require that:

With respect to the irrigated wetlands in the southern residential neighborhood as shown on WRA's delineation map (Figure 41a in the Final EIR), the applicant shall submit to the City further evidence reasonably satisfactory to the City that such irrigated wetlands do not constitute wetlands under the City's LCP.

Because no final determination of the Central area "potential" wetlands was made at the time of the City's approval of the project, consistency of the project with the sensitive habitat protection requirements of LUP Policy 3-3 has not been demonstrated, and an issue exists whether local approval protects all wetlands consistent with the LCP because an accurate extent of wetlands resources may not have been identified. Consequently, it has also not been demonstrated that LCP prohibitions of development within sensitive habitat areas and restrictions of development within required 100-foot wetland buffer areas have been adhered to in the potentially affected areas of the project (the southern residential neighborhoods and the Boys and Girls Club facility), as approved by Council Resolutions C-55-99, C-56-99, and C-57-99, and by Planning Commission Resolutions P-23-99, P-24-99, and P-27-99.

Furthermore, given the existence of the wetlands/sensitive habitat areas and the necessity for adequate buffers, the subdivision approved by the City (Resolution C-57-99) and the resulting lot configurations also raise issues of consistency with the above-referenced wetlands/sensitive habitats policies, as well as LUP Policy 9.3.2 (Specific Planned Development Policies) which states, in part, that "It is the intent of this designation to allow for flexibility and innovative design of residential development, to preserve important resource values of particular sites ...."

### Visual Resources

The City's approval of the project included the approval of an 11-foot high "noise attenuating barrier" along the rear property line of the first row of homes proposed along Highway 1 in the northern portion of the project (identified as the "Northern Residential Neighborhood in Planning Commission Resolution P-22-99). The sound barrier will be located approximately 115-140 feet from the west edge of Highway 1, and will be approximately 1,000 feet in length. The top 7 feet of the barrier is proposed to be a solid

wood fence, and the lower 4 feet will be a constructed earth berm. Plantings are proposed on the highway side of the fence to soften its appearance from the highway.

Although there are other fences along the Highway in Half Moon Bay, they are generally not as long or as high as the approved noise barrier. This appeal raises the question of consistency with two LUP policies, Policy 9-9, which provides, for planned development projects, that:

Use of flexible design concepts, including clustering of units, mixture of dwelling types, etc, shall be required to accomplish ... (a) protection of the scenic qualities of the site;

and Coastal Act Policy 30251 (incorporated into the LUP by Policy 1-1) which requires, in part, that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed ... to be visually compatible with the character of the surrounding areas.

The noise barrier is proposed to reduce highway noise impacts on the row of houses closest to the highway. However, there is no evidence that the City's approval of the project considered the use of alternative design concepts, such as clustering suggested by Policy 9-9, that might result in the siting of homes in such a way that their exposure to highway noise would be lessened, thus possibly eliminating the reason for the barrier, or at least possibly enabling the use of a smaller scale fence more in character with the site and its surroundings.

# CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

# RECEIVED

JUL 21 1999



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

CALIFORNIA  
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

### SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

SHIRLEY DETTLOFF, City Council Member, City of Huntington Beach		
2000 Main Street		
Huntington Beach, CA 92648	( 714 )	536-5553
Zip	Area Code	Phone No.

### SECTION II. Decision Being Appealed

1. Name of local/port government: City of Half Moon Bay

2. Brief description of development being appealed: Wavecrest Village mixed-use project consisting of the development of 225-market rate and 46 affordable residential units on approximately 75.8 acres; mixed-use commercial uses on approx. 16.8 acres; additional (see below continuation)

3. Development's location (street address, assessor's parcel no., cross street, etc.): 207.5 acres west of Highway 1, bounded by Seymour Street right-of-way to the north, the Pacific Ocean to the west, and Marinero Avenue to the south.

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: X

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

EXHIBIT NO. 9
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
APPEAL #2

### TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-HMB-99-051

DATE FILED: July 21, 1999

DISTRICT: NORTH COAST

H5: 4/88

2. Continuation of Description: community-serving public uses, including ball fields, community gardens, and open space and trails on approximately 105 acres; 9.89 acres of roadways and landscape buffers; and associated Middle School and Boys and Girls Club projects.



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission
- b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: July 6, 1999

7. Local government's file number (if any): All cdps associated with or approved by Council Resolutions C-56-99 and C-57-99.

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
Wavecrest Village, L.L.C., Attn: Patrick Fitzgerald  
2202 Fairway Drive  
Half Moon Bay, CA 94019

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached Wavecrest Village "Section IV" pages.

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Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

  
SHIRLEY DETTLOEFF  
Signature of Appellant(s) or  
Authorized Agent

Date July 21, 1999

NOTE: If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

  
Signature of Appellant(s)

Date \_\_\_\_\_

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

7/21/99 Appeal by Commissioners Wan and Dettloff of Coastal Permit Decision of City of Half Moon Bay Approving "Wavecrest Village" Project.

SECTION IV. Reasons Supporting This Appeal

Wetlands Resources

Policy 3-3 of the City of Half Moon Bay's LUP prohibits "any land use and/or development which would have significant adverse impacts on sensitive habitat areas." LUP Policy 3-1 ("Definition of Sensitive Habitats") includes wetlands as one of "such areas" that the LUP considers sensitive habitat.

The draft (January 1999) and final (June 1999) Environmental Impact Reports for the project include graphics showing several "potential" wetland areas. The largest of these areas is located in the project's "Central" area. According to the EIRs, a) this wetland area was created by nursery irrigation water from an adjacent parcel, b) the irrigation water no longer flows onto the site because of drainage alterations performed in October 1998, and c) "in the absence of nursery water, existing wetlands in the Central area will likely become drier and smaller." The final EIR depiction of site areas "potentially within LCP/LUP Wetlands definition" does not include the large Central area previously depicted in the draft EIR (Figure 41 in Draft EIR and reproduced in the Final EIR as Figure 41a) as "potential" wetlands. According to the City's findings of project approval (Council Resolution C-56-99), "The Specific Plan and conditions of approval adequately preserve and protect any LCP wetlands from diking, filling, dredging, or other prohibited activities," citing as evidence,

As to the irrigated central residential portion of potential wetlands, historical photographs, biological evidence, and other information strongly suggest that those areas are not wetlands as defined in the LCP and applicable Coastal Commission regulations and guidelines, and have reverted or will revert to uplands once the nursery irrigation waters are diverted or otherwise eliminated. In such event, those areas will either have drained hydric soils that are no longer capable of supporting hydrophytes or will lack a water table at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes."

There is nothing in the City's July 1999 findings or "evidence" that actually supports this conclusion by the City that Central area wetlands have reverted or will revert to uplands. As far as can be determined from the final (June 1999) EIR for the project, the last on-site wetlands examination occurred in December 1998, only two months after the central area drainage alterations occurred, without benefit of any coastal development permit(s). The final EIR (approved by Council Resolution C-55-99) presents no documentation of any

evidence from December 1998 that central area wetlands have reverted, or have even begun to revert, to uplands, and the final EIR remains inconclusive as to the extent of wetlands in the central area, stating:

With respect to areas of the site that meet the City's LCP/LUP definition of wetlands, the City will be required to make a legal finding prior to its approval of any grading permits or Final Maps for the project that an accurate site survey mapping areas that meet the City's LCP wetland definition as shown on WRA's (Wetlands Research Associates, Inc.) delineation has been prepared and that development in such areas, if any, shall not conflict with the City's LCP.

City approval conditions (Council Resolution C-57-99) require that:

With respect to the irrigated wetlands in the southern residential neighborhood as shown on WRA's delineation map (Figure 41a in the Final EIR), the applicant shall submit to the City further evidence reasonably satisfactory to the City that such irrigated wetlands do not constitute wetlands under the City's LCP.

Because no final determination of the Central area "potential" wetlands was made at the time of the City's approval of the project, consistency of the project with the sensitive habitat protection requirements of LUP Policy 3-3 has not been demonstrated, and an issue exists whether local approval protects all wetlands consistent with the LCP because an accurate extent of wetlands resources may not have been identified. Consequently, it has also not been demonstrated that LCP prohibitions of development within sensitive habitat areas and restrictions of development within required 100-foot wetland buffer areas have been adhered to in the potentially affected areas of the project (the southern residential neighborhoods and the Boys and Girls Club facility), as approved by Council Resolutions C-55-99, C-56-99, and C-57 99, and by Planning Commission Resolutions P-23-99, P-24-99, and P-27-99.

Furthermore, given the existence of the wetlands/sensitive habitat areas and the necessity for adequate buffers, the subdivision approved by the City (Resolution C-57-99) and the resulting lot configurations also raise issues of consistency with the above-referenced wetlands/sensitive habitats policies, as well as LUP Policy 9.3.2 (Specific Planned Development Policies) which states, in part, that "It is the intent of this designation to allow for flexibility and innovative design of residential development, to preserve important resource values of particular sites ...."

### Visual Resources

The City's approval of the project included the approval of an 11-foot high "noise attenuating barrier" along the rear property line of the first row of homes proposed along Highway 1 in the northern portion of the project (identified as the "Northern Residential Neighborhood in Planning Commission Resolution P-22-99). The sound barrier will be located approximately 115-140 feet from the west edge of Highway 1, and will be approximately 1,000 feet in length. The top 7 feet of the barrier is proposed to be a solid

wood fence, and the lower 4 feet will be a constructed earth berm. Plantings are proposed on the highway side of the fence to soften its appearance from the highway.

Although there are other fences along the Highway in Half Moon Bay, they are generally not as long or as high as the approved noise barrier. This appeal raises the question of consistency with two LUP policies, Policy 9-9, which provides, for planned development projects, that:

Use of flexible design concepts, including clustering of units, mixture of dwelling types, etc, shall be required to accomplish ... (a) protection of the scenic qualities of the site;

and Coastal Act Policy 30251 (incorporated into the LUP by Policy 1-1) which requires, in part, that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed ... to be visually compatible with the character of the surrounding areas.

The noise barrier is proposed to reduce highway noise impacts on the row of houses closest to the highway. However, there is no evidence that the City's approval of the project considered the use of alternative design concepts, such as clustering suggested by Policy 9-9, that might result in the siting of homes in such a way that their exposure to highway noise would be lessened, thus possibly eliminating the reason for the barrier, or at least possibly enabling the use of a smaller scale fence more in character with the site and its surroundings.

FROM : THE CALLAN FIRM, A.P.L.C.

PHONE NO. : 9497525700

Jul. 21 1999 03:58PM P1

JUL 15 '99 02:27PM CA COASTAL COMM  
STATE OF CALIFORNIA - TIME RESOURCES AGENCY

CALIF. A/S. GOVERNOR

**CALIFORNIA COASTAL COMMISSION**

48 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94102-2218  
VOICE AND TDD (415) 904-8200  
FAX (415) 904-8400



**APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT**

**RECEIVED**  
JUL 21 1998

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

**CALIFORNIA  
COASTAL COMMISSION**

**SECTION I. Appellant(s)**

Name, mailing address and telephone number of appellant(s):

The Callan Firm, APLC  
18300 Von Karman Ave., Suite 930  
Irvine, California 92612 (949) 752 - 5700  
Zip Area Code Phone No.

**SECTION II. Decision Being Appealed**

1. Name of local/port government: City of Half Moon Bay

2. Brief description of development being appealed: Wavecrest Village: 207.5 Acre site, consisting of residential commercial and mixed-use, and containing Boy's and Girls Club, a Middle School, a Public Sports Field, and a Coastal Bluff

3. Development's location (street address, assessor's parcel no., cross street, etc.): Near of Highway 1, south of downtown area

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: Vesting Tentative Map, Coastal Development Permit, Development Agreement
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

HS: 4/88

EXHIBIT NO. 10
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
APPEAL #3

JM : THE CALLAN FIRM, A.P.L.C. PHONE NO. : 9497525700  
JUL 15 '99 02:28PM CA COASTAL COMM

Jul. 21 1999 03:58PM P2

P.5/8

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator
- c.  Planning Commission
- b.  City Council/Board of Supervisors
- d.  Other \_\_\_\_\_

6. Date of local government's decision: July 7, 1999

7. Local government's file number (if any): Wavcrest Village Specific Plan CDP 10-96

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
Wavcrest Village, LLC  
2202 Fairway Drive  
Half Moon Bay, CA 94019 Attn: William E. Barrett

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) John T. Callan, Esq.  
The Callan Firm, A.P.L.C.  
18300 Von Karman Avenue, Suite 930, Irvine, CA 92612

(2) San Mateo Land Exchange  
Mike Callan, Sec./Treasurer  
1381 Carlisle Way, San Jose, CA 95118

(3) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(4) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

OM : THE CALLAN FIRM, A.P.L.C.

PHONE NO. : 9497525700

Jul. 21 1999 03:59PM P3

P. 6/6

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(1) Wavcrest Village development fails to provide adequate physical access to adjoining private property and/or shoreline

(2) Wavcrest Village Specific Plan frustrates future development of adjoining properties; ~~unnecessarily~~ North Wavcrest Planned Development Site is not being planned as a unit (Policy 9-8); Instead, Wavcrest Village is piecemeal development which does not provide for uniform and/or harmonious PUD of North Wavcrest Area.

(3) Development Agreement (component of Coastal Development Permit) improperly allocates substantially all "new project" Building Permits (Measure A Allocations) issued in Half Moon Bay to Wavcrest Village for 8 years or more, which is inconsistent with goals & policies of LCP.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

THE CALLAN FIRM, A Professional Law Corporation

*John C. Callan*  
Signature of Appellant(s) or Authorized Agent

Date July 21, 1999

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize The Callan Firm, A.P.L.C. to act as my/our representative and to bind me/us in all matters concerning this appeal.

Wayward Lot Investment Company

by: Kelly D. Hickman, President  
Signature of Appellant(s) San Mateo Land Exchange  
by Michael Callan  
Sec/Treasurer  
7/21/99

Date July 21, 1999



CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 804-5200  
FAX (415) 804-5400

RECEIVED  
JUL 21 1999



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT CALIFORNIA  
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Helen J Carey  
2 Isabella Ave.  
ARTHERTON, Ca 94027 (650) 325-4128  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Half Moon Bay

2. Brief description of development being appealed: Wavecrest Village Specific Plan  
City Council Resolution C-55-99 C-56-99 C-57-99  
PUD-01-96, Sub 01-96 CUP-11-96

3. Development's location (street address, assessor's parcel no., cross street, etc.): West of Highway one -  
Raymond ST North - Mariner to So - Pacific Ocean to West  
See Exhibit B.

4. Description of decision being appealed:
- a. Approval; no special conditions: \_\_\_\_\_
  - b. Approval with special conditions: X
  - c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:  
APPEAL NO: \_\_\_\_\_  
DATE FILED: \_\_\_\_\_

EXHIBIT NO. 11
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
APPEAL #4

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator
- c.  Planning Commission
- b.  City Council/Board of Supervisors
- d.  Other \_\_\_\_\_

6. Date of local government's decision: July 6, 1999

7. Local government's file number (if any): \_\_\_\_\_

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
Wavecrest Village LHS.  
2202 Fairway Drive  
Halfmoon Bay, CA 94019  
Attention - William E Barrett

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) many participants  
meetings of Planning Commission + City
- (2) Council were taped.
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary ~ description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See LETTER ATTACHED Exhibit A.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Helen J. Carey  
Signature of Appellant(s) or  
Authorized Agent

Date July 20, 1999

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

# Exhibit A.

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

### REASONS FOR APPEAL

I appeal the City of Half Moon Bay's approval of the Wavecrest Village Specific Plan (PUD-01-96; SUB-01-96; CDP-01-96; CDP-11-96) because these approvals are inconsistent and, in some cases, contrary to the certified local coastal plan, other general plan elements, the text of Measure A, and the inadequate availability of water and public services. As set forth in part below, these approvals are inconsistent with policies giving priority to development adjacent to existing developed areas, which, effectively, deny development to lots of record.

At the outset, I will attempt to list my objections by reference to the Coastal Act itself. I would appreciate it if I was given an opportunity to supplement the facts and rationale underlying this appeal, after discussion with the commission.

First, the plan itself seems to violate Section 2.2(e) of the Coastal Act goals and policies. (Chapter 1, page 2, para.2.2(e)). That is, the plan itself by its terms is a vested plan and cannot be overturned by any local referendum or initiative. As such, it obligates the City to perform regardless of the needs or desires of the electorate. In this regard, the plan itself is premised upon a 3% growth rate. As such, if the referendum in November mandates a 1% growth rate, the plan will require that all water, Measure A certificates (necessary for building), and development be given to the plan, rather than to in-fill lots.

In this regard, the plan itself seems to be directly violative of Section 9.2, Planning Issues, of the Coastal Act. (Chapter 9, page 126, para.9.2). There, the policies of the Coastal Act addressing development require that new development be located within, contiguous with, or in close proximity to, existing developed areas. The implementation of this plan will effectively deny any development of the in-fill lots. Instead, the City will have obligated itself to provide all available Measure A certificates to this plan rather than to established in-fill. Similarly, the same paragraph requires that the infrastructure (water, sewer, and roads) be designed to accommodate needs generated by the permitted development. In that regard, the plan has never paid for sewer (although there is an equalization fee). More importantly, the in-fill lots which will not be developed already have an existing infrastructure and, through the implementation of this plan, will not be developed for a significant period of time, if ever. This seems especially unjust since the City assessed in-fill lots that had water permits double benefit units because those lot owners could supposedly build sooner.

Again, the State-wide guidelines indicate that the basic purpose of Section 30250(a), of the Coastal Act, "...is to concentrate new development by promoting in-fill of existing urban centers...and providing for orderly, planned expansion of developed areas where needed and where expansion will be consistent with Coastal Act policies". According to Chapter 9 of the Act at page 128, in-fill development and orderly expansion within the City of Half Moon Bay clearly has priority over urban development in less urbanized areas. The approval of this plan, in my view, directly violates the policies and purposes of the Coastal Act and will negate any development of in-fill property.

Similarly, under the Coastal Plan, Category 1, In-Fill Properties (of which I am an owner), include all existing neighborhoods and substantially developed subdivisions. If this plan is implemented, Category 1 will not be developed. As I understand the Coastal Act (Chapter 9, page 130, para.1), such in-fill development is to be given priority.

By way of contrast, the Wavecrest Village Specific Plan is only a paper subdivision. Although it has less priority under the plan, it is being given vested rights to the detriment of existing neighborhoods. (Chapter 9, page 131, para.2).

I am also unsure as to how the Planning Commission or City Council (or for that matter if the Planning Commission or City Council) has made a finding that adequate services and resources (available water, sewer services, and streets) will be available to serve the proposed development upon its completion (Chapter 9, page 145, policy 9-4). In that regard, as mentioned above, if this plan is implemented, the sole result will be to deny the development of the in-fill lots which, under the Coastal Plan, have a higher priority for development. As stated in the Coastal Plan itself, most of the area does not have any water, sewer, or any paved streets (again, in contrast to existing in-fill properties). (Chapter 9, page 159, north project area). Accordingly, if my calculations are correct, the table of development (table 9.1 and table 9.3, Chapter 9, pp.184 and 189) would be vastly modified through the implementation of this plan.

In that regard, I had understood the local Coastal Plan to provide for projected development at the rates indicated in those tables. I had also understood that the local Coastal Plan would promote the development of in-fill. I had thought that the plan required the City to engage in those projects under its control and support those under the control of others which would accommodate the development of in-fill. (Chapter 10, page 196). However, the implementation of this plan, as I have repeatedly stated throughout this appeal, will deny the development of the in-fill lots which under the local Coastal Plan maintain a higher priority and which also have a developed infrastructure.

On another note, the plan itself seems to be violative of the law concerning the use of water permits/connections. The City of Half Moon Bay's original approval of the assessment district for the Crystal Springs Pipeline Phase I project was contingent on

the Coastside County Water District's provision of service to only those properties that conformed to the City of Half Moon Bay's Phase I Building Plan Map. Wavecrest Village was not on that map. In-fill lot owners such as myself have relied upon the local Coastal Plan, as well as the statements of the City, that property such as Wavecrest Village would not be developed until Phase II of the project was completed. In short, pursuant to the policies of the local Coastal Plan, water connections/permits were to be made available to in-fill lot owners such as myself for development. Properties such as Wavecrest Village were to await the ultimate completion of Phase II. The law and regulations have, at least to my understanding, never been changed. I do not understand why the available water connections through the Coastside Water District are being given to Wavecrest Village, which does not have sewers, roads, and, under the law, was not to obtain water until the ultimate build-out of the Phase II water project. It certainly seems to be in violation of the water supply policies of the City under the local Coastal Plan. (Chapter 10, page 206, para. 10.52 and table 10.3). Although I have asked the City and its attorneys for the last six months, I have never received a response setting forth the rule, regulation, or ordinance that allows the City and the water district to appropriate priority Phase I water to Wavecrest, which is in Phase II of the Crystal Springs pipeline project.

In short, the Wavecrest Village Specific Plan by its terms and through its implementation will violate the Coastal Act's recommended development of in-fill lots in existing urban centers. It will absolutely negate any specific development of those lots. In doing so, it will violate the pre-existing Phase I and Phase II water plans, it will provide development to areas which do not have established water, sewer, and infrastructure, and it will obligate the City (depending upon what occurs in future initiatives or elections) to provide services to Wavecrest regardless of the availability of such services (for example, water permits) or the electoral desires of the populace.

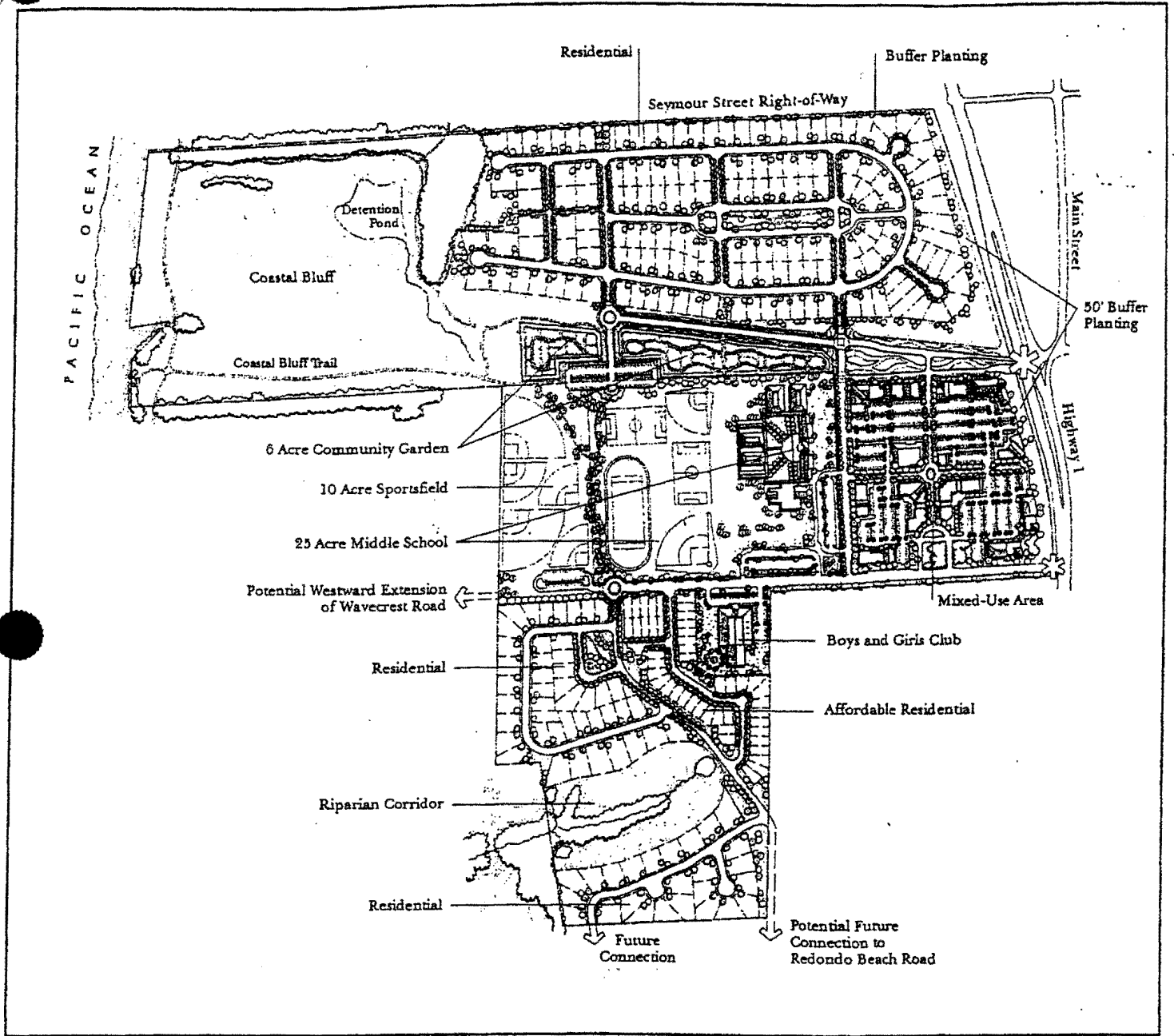
Thank you for your consideration of this appeal.

Very truly yours,



Helen J. Carey

# Exhibit B.



Source: Brian Kangas Fouk, EDAW



-  Primary Project Entry
-  Secondary Project Entry

Figure 5  
Illustrative Master Plan

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94106-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



**APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

**RECEIVED**

JUL 16 1999

CALIFORNIA  
COASTAL COMMISSION

**SECTION I. Appellant(s)**

Name, mailing address and telephone number of appellant(s):

Leonard Beuth, Et al See Exhibit C  
411 Vetter Lane  
Arroyo Grande, CA 93420 (805) 489-5492  
Zip Area Code Phone No.

**SECTION II. Decision Being Appealed**

1. Name of local/port government: City of Half Moon Bay

2. Brief description of development being appealed: Wavecrest Village Specific Plan  
City Council Resolution C-55-99, C-56-99,  
PUD-01-96, SUB-01-96; CDP-11-96

3. Development's location (street address, assessor's parcel no., cross street, etc.): West of Hwy. 1, bounded by Seymour St.  
Right-of-way to the north, Pacific Ocean to the west, Marinero Ave.  
to the south.

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: X \_\_\_\_\_
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-1-HMB-99-051

DATE FILED: 7/16/99

DISTRICT: North Coast

H5: 4/88

EXHIBIT NO. 12
APPLICATION NO.
WAVECREST VILLAGE
NO. A-1-HMB-99-051
APPEAL #5



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: 7-6-99

7. Local government's file number (if any): C-55-99, C-56-99, PUD-01-96, SUB-01-96, CDP-11-99

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
Wavecrest Village, LLC      Attn: William Barrett  
2202 Fairway Dr.      Fax # 650 726-5831  
Half Moon Bay, CA 94019

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Helen Carey  
2 Isabella  
Atherton, CA 94027
- (2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Exhibit A attached  
See Exhibit B enclosed, Letter from William Walter dated June 1, 1999.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

*James Beuth*  
Signature of Appellant(s) or Authorized Agent

Date 7/13/99

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date \_\_\_\_\_

## EXHIBIT A

Appealing the City of HMB's approval of Wavecrest Village Specific Plan PUD-01-96; SUB-01-96; and CDP-11-96 because these approvals are inconsistent with the Certified Local Coastal Plan, other General Plan elements, the text of Measure A, and inadequate availability of water and public services. These approvals are inconsistent with policies giving priority to development adjacent to existing developed areas, effectively denying development for lots of record.

EXHIBIT C

Appellants:

Leonard P. Beuth  
411 Vetter Lane  
Arroyo Grande, CA 93420

The Leonard P. Beuth Trust  
411 Vetter Lane  
Arroyo Grande, CA 93420

Valerie Beuth  
411 Vetter Lane  
Arroyo Grande, CA 93420

Randall Beuth  
1100 Monterey, #7  
Hermosa Beach, CA 90254

Jeffrey Beuth  
506 N. Croft Ave.  
W. Hollywood, CA 90048

Kenneth Aichner  
714 Long Rd., Penn Hills  
Pittsburgh, CA 15235

Carolyn Keller  
637 Toro St., Apt. 1  
San Luis Obispo, CA 93401

Mary Anne Surma  
5804 Glen Ora  
Bethel Park, PA 15102

EXHIBIT B

KENNETH C. BORNHOLDT  
WILLIAM S. WALTER\*

\* A PROFESSIONAL CORPORATION

LAW OFFICES  
WALTER & BORNHOLDT  
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION  
679 MONTEREY STREET  
SAN LUIS OBISPO, CALIFORNIA 93401  
TELEPHONE (805) 541-6601  
FACSIMILE (805) 541-6640

330 E. CANYON PERDIDO ST.  
SUITE F  
SANTA BARBARA, CA 93101

RECEIVED  
JUL 16 1999

June 1, 1999

VIA FACSIMILE AND U.S. MAIL

CALIFORNIA  
COASTAL COMMISSION

Planning Commission  
City of Half Moon  
Bay  
501 Main Street  
Half Moon Bay, CA  
94019

Mayor and City  
Council  
City of Half Moon  
Bay  
501 Main Street  
Half Moon Bay, CA  
94019

John Truxaw  
City Attorney  
City of Half Moon  
Bay  
501 Main Street  
Half Moon Bay, CA  
94019

Re: Appeal: Rejection of Ten Allocations for Grand View Terrace Lots; Award of 38 Allocations; Award of 38 Allocations for Vested Projects; Award of 38 Allocations for New Projects; Failure to Award Sufficient Allocations to Achieve 3% Growth Since 1993

Dear Planning Commissioners, Mayor, Council Members and City Attorney:

This office represents the appellants, Leonard P. Beuth, Leonard P. Beuth Trust, Mary Anne Surma, Carolyn Keller, Kenneth Aichner, Randall Beuth, Jeffrey Beuth, and Valerie Beuth. The appellants generally appeal the denial of their request for eight 1999 Measure allocations. These individuals are infill property owners in the Grandview Terrace Subdivision. For convenience, all of these appellants are referred to as "appellants."

By way of background, it is important to note that Leonard Beuth and other members of his family who are also appellants, have owned their undeveloped infill lots in the Grandview Terrace area since 1972, have paid sewer assessments on their property since 1976, have suffered through three moratoria, and have never been able to make any beneficial use of their property. Leonard Beuth's sister, Helen Aichner, was a co-owner of the property since 1972, and passed away in 1986, having not been able to make any beneficial use of her property. Mr. Beuth's mother, Marcella Beuth, also owned lots in the Grandview Terrace tract, and died in 1996, not having been able to make any beneficial use of her property.

P. 1 of 17

Mr. Bill Van Beccum  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

July 20, 1999

Re: Appeal of Wavecrest Village Specific Plan, City Council Resolution C-55-99,  
C-56-99, C-57, PUD-01-96, SUB-02-96, CDP-11-96

Dear Mr. Van Beccum:

Please add this enclosure to our appeal received by your office, July 16, 1999. Our intention is to offer a detailed explanation, at the Coastal Commission's appeal hearing, of the inconsistencies in the Local Coastal Plan policies and the Wavecrest Development approvals granted by the City of Half Moon Bay's City Council.

- A. Water and Sewer Permit Requirements
- B. Inadequate Public Services Available
- C. Priority Development Status for Infill vs New Development
- D. Wavecrest is Not a Recorded Subdivision

Infill properties are in the Phase I Water District and, as such, are eligible for Phase I Crystal Springs Project water connections. According to the specifics of the Phase I and Phase II maps, Wavecrest is in the Phase II Water District and therefore does not qualify for water connections from Phase I. There are no Phase I non-priority water connections available. We are currently contesting the granting of 79 Phase I non-priority water connections to Wavecrest through other litigation.

Wavecrest opted out of the sewer assessment while Phase I infill lot owners have been required to pay for the plant facilities and infrastructure for 4 years. Infill lot owners were not given the choice to opt out of the assessment. Wavecrest, therefore, has no legitimate claim to water or sewer connections.

The City's LCP clearly recognizes that "infill development and orderly expansion would clearly have priority over urban development in less urbanized areas". (*Id.*, p. 128)

The City's LCP establishes six priority groups for all potentially suitable new residential development in the City of Half Moon Bay, categorizing and classifying those properties "in accordance with their relationship to existing development, prior commitment to organization, and Coastal Act policies affecting the location, nature, and extent of new

development." These areas are shown on Table 9.1 and Figure 9.1 of the LCP. Therefore the LCP itself creates a priority system.

Property in Category 1 should therefore be preferred under this LCP policy, and should at all times have priority over any Phase II projects (e.g., Wavecrest).

For example, Grand View Terrace is in the highest development priority category, "Category 1: Existing Neighborhoods," and out of 13 Existing Neighborhoods, is rated No. 3 for overall Coastal Act policy consistency. Grand View Terrace is an existing subdivided area, and for that reason, has priority over Category 2: "Undeveloped 'Paper' Subdivisions," which includes the Wavecrest Project.

The priority for development on existing lots in the City's LCP is clearly expressed in the policy concerning "land division" (Id., 143):

"The presumption in the Coastal Act, as indicated in the Statewide Interpretive Guidelines, is that development of individual lots zoned for single-family residences and development of one residence on each parcel of whatever size, will normally be permitted unless total potential development would be inconsistent with Coastal Act policies. Thus, a primary function of the control of land divisions is also to control the total development potential in an area."

The priority for building permits being issued for existing subdivided lots is reflected in Policy 9-2, which provides:

"The City shall monitor annually the rate of build-out in categories designated for development. If the rate of build-out exceeds the rate on which the estimates of development potential for Phase I and Phase II in the Plan are based, further permits for development or land divisions shall not be issued outside existing subdivisions until a revised estimate of development potential has been made. At that time the City shall establish a maximum number of development permits to be granted each year in accordance with expected rates of build-out and service capacities. No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities, including such improvements as are provided with the development." (Id., p. 144)

There is no evidence that the City has complied with Policy 9-2. The City is expressly directed to monitor the rate of build-out and relationship to the six priority categories of development. There is no evidence of compliance with a determination that there is not a rate of build-out upon which the LCP is based which exceeds its estimates. Indeed, in attempting to legitimize the beauty point system, Section 17.06.020D (p. 18, Exhibit "H") states:

**"The City Council finds that even with the interim policy established hereunder for Infill and New Residential Projects that the 3% population growth policy under Measure A will have been met for the period of time from adoption of Measure A in May of 1991."**

**This finding requires that the City issue no further permits for development or any land divisions outside of existing subdivisions until a revised estimate of development potential has been made.**

**In conclusion, we the appellants, feel the City of Half Moon Bay has chosen to usurp, compromise, and in some instances, ignore the policies governing development expressly written in the LCP for the exclusive benefit of Wavecrest, at the expense of infill lot owners. If the Wavecrest project is allowed to proceed, it will require the unwilling and immediate surrender of all development opportunities by infill property owners. It will consume all water and sewer connections for which it has no claim and unfairly supersede all categorized priority infill development.**

**Respectfully Submitted,**

  
**Leonard Beuth, et al**

**LB:vb**

**cc: Blair King, City Manager, City of Half Moon Bay  
William Barrett, Permit Applicant, Wavecrest Village  
Patrick Fitzgerald, Project Manager, Wavecrest Village**



TABLE 9.1

## CATEGORIES OF UNDEVELOPED LANDS IN HALF MOON B

CATEGORY 1: Existing Neighborhoods

	Existing Units	Maximum Potential New Units Under Exist. Zoning	Maximum Potential New Units Under LUP
1. Miramar	117	75	75(5)
2. City of Naples	51	68	71(5)
3. Grandview Terrace	84	31	66
4. Newport Terrace	52	20	25
5. Casa del Mar	241	45	40
6. Ocean Shore Terrace	95	32	76
7. Pilarcitos Park	275	235	213
8. Community Core/Spanish- town (Arleta Park East)	318	300	272
9. Arleta Park(& Miramontes Terrace South of Kelly)	597	482	349-414
10. Ocean Colony	189	861	861
11. Canada Cove Mobile Home Park	288	69	71
12. Frenchman's Creek	177	5	5(5)
13. Sea Haven	166	0	0
Category 1 Subtotal:	2,650	2,223(1)	2,124-2,189

CATEGORY 2:

## Undeveloped "Paper" Subdivisions

1. Surf Beach	2	91	100(5)
2. Venice Beach	6	85	60
3. Miramontes Terrace (North of Kelly)	6	66	0-15
4. Highland Park	0	66	95
→ 5. Wavecrest	0	*(2)	*(2)
6. Redondo View	0	*(2)	*(2)
7. Redondo	0	*(2)	*(2)
8. Bernardo Station	19	121	70(2)
9. Ola Vista	1	*(2)	*(2)
10. Manhattan	1	*(2)	*(2)
11. Lipton-by-the-Sea	0	*(2)	*(2)

Category 2 Subtotal:	35	429	325-340
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TABLE 9.1

**CATEGORY 3: Unsubdivided Lands, Either Contiguous with Existing Development or Generally Surrounded by Development, Without Significant Resource Value**

	Existing Units	Maximum Potential New Units Under Exist.Zoning	Maximum Potential New Units Under LUP
1. Lands between Casa del Mar and Venice Beach	0	65	15
2. Lands between Grandview Terrace and Newport Terrace	0	175	150
3. Land zoned R-3 near High School	1	80	20
4. Guerrero Avenue site between Miramar and City of Naples (including lots on Alameda)	0	46	46(5)
5. Land east of Frenchman's Creek Subdivision	0	14	50(5)
6. Dykstra Ranch	0	227	228
7. Carter Hill	2	47	50
8. Land north of greenhouses with driving range Nurseryman's Exchange (lower Hester-Miguel)	0	100-300	80(5)
Category 3 Subtotal:	3	754-954	639

**CATEGORY 4: Unsubdivided Lands Not Contiguous With Existing Development and Having Agricultural, Coastal Recreation, or Habitat Value**

1. Unsubdivided other lands between Seymour and south City Limits	2	1,597-1,697	1,000
Category 4 Subtotal:	2	1,597-1,697	1,000

TABLE 9.1

CATEGORY 5:      Unsubdivided      Lands      Contiguous      With      Existing  
                          Development      and Having      Agricultural,      Coastal  
                          Recreation, or      Habitat Value

	Existing Units	Maximum Potential New Units Under Exist. Zoning	Maximum Potential New Units Under LUP
1. Land between Frenchman's Creek and Young Avenue	0	100-120	50(5)
2. Land between Frenchmans Creek and Venice Beach	5	40-50	60
3. Land between Casa del Mar and Pilarcitos Creek	5	310-390	0
4. Land between Kelly and Pilarcitos Creek	15	600-900	42
5. Andreotti Property on Main Street	1	225-270	130
6. Podesta property west of high school	0	360(3)	110
7. Strip along Main Street and Hwy 1 south of Colonel Way South Main Street/Cassinelli	0	200(3)	35
8. Lands surrounding Sea Haven	4	360(3)	650
Category 5 Subtotal:	30	2,195-2,650	1,077

TABLE 9.1

**CATEGORY 6: Unsubdivided Lands Not Contiguous With Existing Development and Having Agricultural, Coastal Recreation, Habitat, and Scenic Value**

	Existing Units	Maximum Potential New Units Under Exist. Zoning	Maximum Potential New Units Under LUP
1. Hester-Miguel lands	0	600-700	50(5)
2. Cabral Property	0	85	*(2)
3. Southeastern annexation across from Canada Cove	0	0	0
4. Land east of Arroyo Leon	6	100(3)	50
Category 6 Subtotal:	6	785-885	100
<b>TOTAL, ALL CATEGORIES:</b>	<b>2,726(4)</b>	<b>7,983-8,838</b>	<b>5,265-5,345</b>

TABLE 9.1  
FOOTNOTES

1. Count assumes that consolidations occur so as to maximize buildable sites. Actual total could be 200-400 units lower.
2. Collectively accumulated in Category 4.
3. Units permitted under former General Plan where existing zoning is agricultural.
4. 1980 Federal Census.
5. Denotes units in El Granada Sewer District. (Total 532 units.)

TABLE 9.2

COMPARISON OF DEVELOPMENT POTENTIAL UNDER EXISTING ZONING  
AND UNDER THE LAND USE PLAN BY LAND GROUPS

	Maximum Potential New Housing Units Under Exist.Zoning	Maximum Potential New Housing Units Under LUP
CATEGORY 1	2,223	2,124-2,189
→ CATEGORY 2	429	325-340
CATEGORY 3	754-954	639
CATEGORY 4	1,597-1,697	1,000
CATEGORY 5	2,195-2,650	1,077
CATEGORY 6	785-885	100
TOTAL	7,983-8,838	5,265-5,345

EXHIBIT NO. 14
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
TABLE 9.2

TABLE 9.3

Phasing Schedule to Year 2020 Based on Maximum of 3% Annual Population Growth

Year	Population	Dwellings
1990	8,886	3,405
1991	9,153	3,507
1992	9,427	3,612
1993	9,710	3,720
1994	10,001	3,832
1995	10,301	3,947
1996	10,610	4,065
1997	10,929	4,187
1998	11,257	4,313
1999	11,594	4,442
2000	11,942	4,575
2001	12,300	4,713
2002	12,669	4,854
2003	13,049	5,000
2004	13,441	5,150
2005	13,844	5,304
2006	14,259	5,463
2007	14,687	5,627
2008	15,128	5,796
2009	15,582	5,970
2010	16,049	6,149
2011	16,531	6,334
2012	17,026	6,524
2013	17,537	6,719
2014	18,063	6,921
2015	18,605	7,128
2016	19,163	7,342
2017	19,738	7,563
2018	20,331	7,789
2019	20,940	8,023
2020	21,065	8,071

Note:

Approximate buildout in the year 2020 is derived from projected dwellings in Categories 1-6 in Table 9.1 (2,726 existing in 1985 + 5,345 = 8,071). Population and dwelling unit projections are based upon a maximum rate of growth in each year. Dwelling unit and population growth may be lower in any given year, which would lead to lower growth in succeeding years.

EXHIBIT NO. 15
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
TABLE 9.3

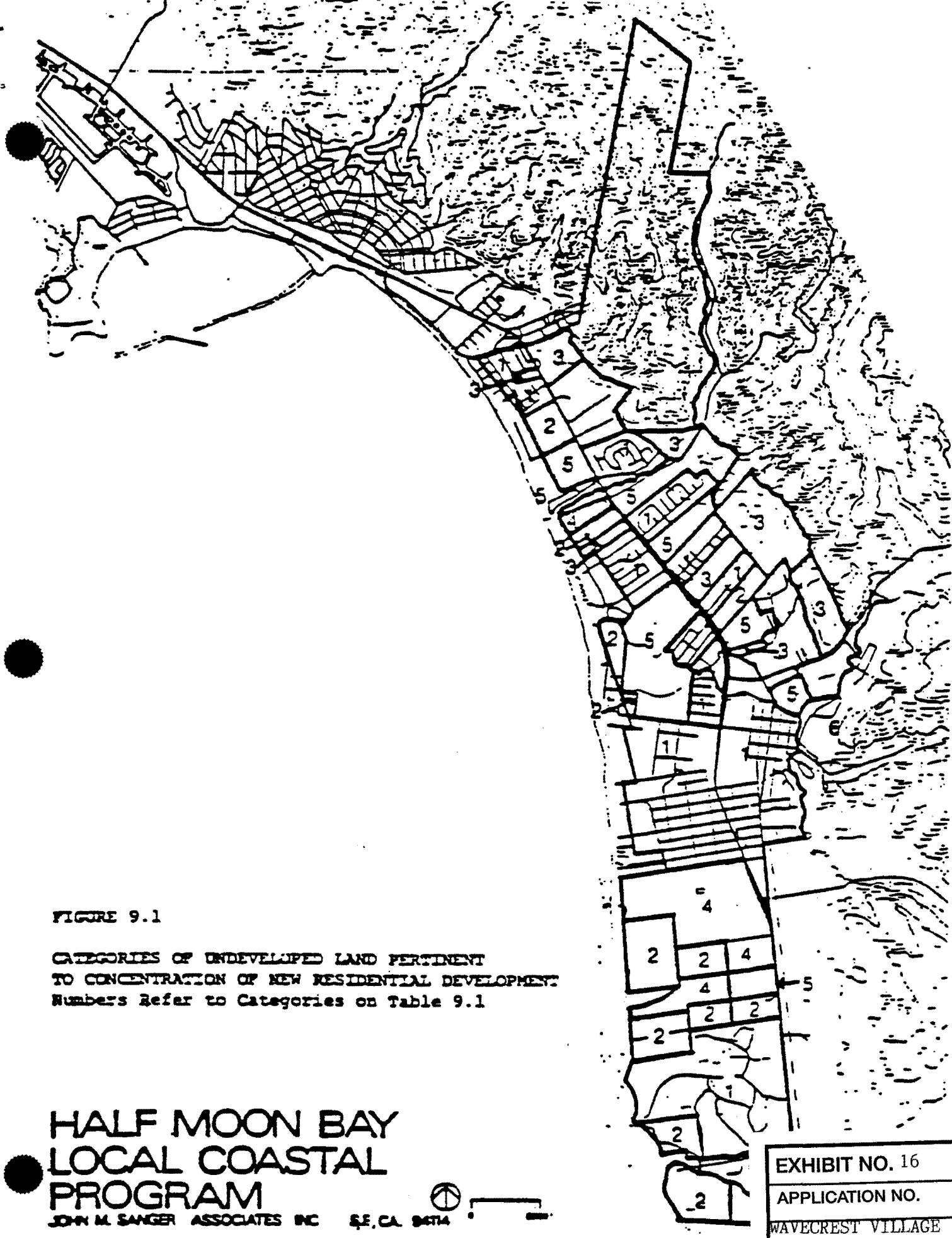


FIGURE 9.1

CATEGORIES OF UNDEVELOPED LAND PERTINENT  
 TO CONCENTRATION OF NEW RESIDENTIAL DEVELOPMENT  
 Numbers Refer to Categories on Table 9.1

# HALF MOON BAY LOCAL COASTAL PROGRAM

JOHN M. SANGER ASSOCIATES INC S.E. CA 94714

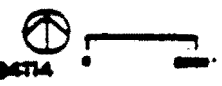


EXHIBIT NO. 16
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
TABLE 9.1

TABLE 10.3

NEW CCWD WATER CAPACITY TO BE RESERVED FOR PRIORITY  
LAND USES UNDER THE HALF MOON BAY LCP AT YEAR 2000

	<u>ANNUAL DEMAND (mgd)</u>
<u>Coastal Act Priorities</u>	
Marine-Related	
<u>Commercial-Recreational</u>	
Equestrian Facilities	.01
Hotel/Motel	.03
Restaurant	<u>---</u>
	.04
<u>Public Recreational</u>	
Local Recreation (local parks, playfields)	.02*
Campsites	.02
Beaches	<u>.02</u>
	.06
<hr/>	
Indoor Floriculture	.20
Field Flowers and Vegetables	<u>.04</u>
	.24
Total Water Capacity for Priority Land Uses	<u>.34</u>

\*Based on maximum use of reclaimed water.

EXHIBIT NO. 17
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
TABLE 10.3



## INFILL DEVELOPMENT

- Section 17.06.065 -- Priority Established for Residential In-fill Projects, states:

*Except otherwise provided for herein or as a result of City Council approval of a Development Phasing Plan and Agreement, Residential In-fill Projects as defined in Section 17.06.100 shall have a higher priority than New Residential Projects as defined in Section 17.06.200.*

- Section 17.06.100 – Residential In-fill Projects Defined, states:

*The procedures specified in this Section shall apply to any proposed residential development within any Zoning District on a legally subdivided lot or contiguous lot under one ownership with a recorded Final Map or other similar instrument as established in the Subdivision Map Act prior to May 21, 1991, and where all required infrastructure such as vehicular access, sewer, water, natural gas, electrical, and communication service is available to serve the subdivision.*

- Section 17.06.200 – New Residential Projects-Defined, states:

*The provisions of Sections 17.06.200 through 17.06.290 shall apply to any proposed new residential development for which a subdivision application for a Vesting Tentative Map had not been accepted as complete prior to May 21, 1991.*

- Section 17.06.105 – Annual Allocation For Residential In-fill Projects, states:

*Except as provided for herein or as otherwise may be adopted by the City Council as a part of adopting the Resolution establishing the annual allocation for the upcoming year, no more than 50% of the total annual allocation shall be awarded to development in this category.*

*The applicant must have water and sewer available to serve the site in order to receive a Residential Infill Allocation.*

*Allocation:*

*50% of total 1993 annual allocation of 106 units.*

*1993 Residential Infill Allocation:*

*53 Dwelling Units*

EXHIBIT NO. 18
APPLICATION NO.
WAVECREST VILLAGE NO. A-1-HMB-99-051
TITLE 17 SUBDIVISION CODE INFILL DEV (EXCERPTS)

*Section 17.06.110 – Application Form for Residential In-Fill Projects, states*

- A. *An application form for Residential In-Fill Projects as defined herein shall be developed and approved by the City Council which incorporates all components of this Ordinance applicable to this category of new residential projects.*
- B. *In the event it is necessary to assign points for a Residential Infill Project Allocation based upon the criteria specified herein, the application for a Residential Infill Allocation shall include a site plan indicating the location of any surrounding development, the location and detailed description of any infrastructure necessary to serve the site, and a description of the roadway providing access to the site.*
- C. *The City Council shall review the Allocation Application form in conjunction with its annual review of other aspects of the Allocation System.*

*Section 17.06.120 – Distribution of Residential Infill Project Allocations, states:*

- A. *During the initial period between January 1 and January 31 of each year, no more than one residential Infill Project Allocation may be awarded to any individual, corporation, or other entity unless the number of applications received for Residential Infill Allocations in this category by January 31 is less than the number of Allocations available.*
- B. *In the event there is more than one applicant seeking multiple Allocations during the initial period, the Planning Director shall distribute the available Allocation equitably to the applicants, except as otherwise may be provided herein.*
- C. *No more than five Allocations for Residential Infill Projects may be awarded to any individual, corporation or other entity in any one calendar year unless the number of Allocations in this category prior to September 1 is less than the number of Allocations available.*
- D. *If the maximum number of applications for Allocations in this category have not been received by September 1, any unused Allocations shall be transferred to either the Residential Projects In-Process or Approved Prior to May 21, 1991, or New Residential Project categories on an equal basis. Building Permits may be awarded to any applicant based upon the procedures established for those categories.*
- E. *If the Number of applications received between January 1 and January 31 for Allocations in this category is greater than the Allocations for this category, the Planning Director shall assign points to each application, assigning no more than the maximum number of points specified in each category to any one proposed project according to the following criteria:*

**Excerpts from Title 17 -- Subdivision Code City of Half Moon Bay**

**Page 3**

1. *For each contiguous side of a building site for which a existing development (including across any public or private right-of-way): 5 Points*
  2. *For each contiguous side of a building site for which a building permit has been allocated but development not completed under the provisions of this system (including across any public or private right-of-way): 5 Points*
  3. *Where all water and sewer lines and other public utilities have been installed to serve the site: 5 Points*
  4. *Where there is an existing all-weather road surface providing vehicular access to the site constructed to City standards or otherwise acceptable to the City Engineer: 5 Points*
  5. *Declaration provided by the applicant that the dwelling unit will be owner-occupied for a minimum of one year after completion: 5 Points*
  6. *For those applications for development on a site that meets all of the established development standards for the Zoning District and no Variance or other discretionary applications are required: 5 Points*
  7. *For those Applicants that have submitted complete Building Permit applications, and when required, have received Architectural Design Review Committee approval, and a Coastal Development Permit was either in process or subject to delays by the Coastal Commission, but Building Permits were not issued due to either the Sewer or Substandard Lot Moratorium: 15 Points*
  8. *Tie Breaking Procedure:*
    - a. *In the event of a tie between proposals based upon the criteria specified in Items E.1. through E.7. of this Section, the Architectural Review Committee shall review the proposed site development and architectural design of the applications receiving the same number of points. At a minimum, the Architectural Review Committee shall base their review and award points on the quality of the architecture, innovative site design techniques, and the diversity of design in relation to the Neighborhood.*
    - b. *the Applicant with the highest overall rating based upon both subjective and objective criteria shall receive the maximum number of points to break the tie. 2 points maximum*
- F. *Allocations for Building Permits shall be awarded to the Applicants receiving the highest number of points (maximum available 45 + 2) in descending order of the total points awarded until the total number of allocations for this category have been exhausted.*

*17.06.125 – Appeal of Distribution of Residential Infill Project Allocations, states:*

- A. Anyone aggrieved by the points awarded and/or Building Permits allocated to projects in this category may appeal the decision to the Planning Commission within ten days of the Planning Directors final determination.*
- B. The decision of the Planning Commission may be appealed to the City Council.*
- C. At the first regular City Council meeting after the action of the Planning Commission is taken, the City Council, by majority vote of Council Members in attendance, may request that the decision of the Planning Commission be reviewed by the City Council at a duly noticed public hearing.*
- D. All appeals of points awarded and Building Permits allocated under this category shall be heard as a duly noticed public hearing as expeditiously as possible given the legal notification requirements and Staff constraints.*