

CALIFORNIA COASTAL COMMISSION

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Filed: March 25, 1999
 Hearing Opened: April 16, 1999
 Staff: Bill Van Beckum
 Staff Report: July 1, 1999
 Hearing Date: July 15, 1999
 Commission Action:

STAFF REPORT: APPEAL**SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Half Moon Bay

LOCAL DECISION: Approved with conditions

APPEAL NUMBER: A-1-HMB-99-20

APPLICANT: COASTSIDE COUNTY WATER DISTRICT

PROJECT LOCATION: Along Highway One in the vicinity of Bev Cunha's Country Road (Sewer Plant Road) and Wave Avenue, Half Moon Bay, San Mateo County.

PROJECT DESCRIPTION: Replacement of 2,200 lineal feet of an existing 10-inch welded steel water transmission line with a 16-inch ductile iron water line (Casa del Mar Pipeline Replacement Project), to be constructed on the east side of the Frontage Road from the south side of Sewer Plant Road to approximately 200 feet north of Wave Avenue.

APPELLANT: Carol Cupp.

SUBSTANTIVE FILE DOCUMENTS: Half Moon Bay PDP-44-98; Half Moon Bay Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION.

1. SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE

Staff recommends that the Commission determine that a substantial issue exists with respect to grounds on which the appeal has been filed. If the Commission does determine at the July meeting that a substantial issue exists regarding project conformance with policies of the City of Half Moon Bay certified Local Coastal Program (LCP), staff recommends that the Commission hold a de novo hearing on the project at a subsequent meeting. Staff would prepare a separate staff report on the merits of the proposed project for the de novo hearing.

The Commission staff analysis indicates that the project, as approved by the City, raises a substantial issue with respect to appellant contentions regarding two of the above contentions, specifically, (a) water supply capacity and expansion of public works facilities, and (b) phasing of public works expansions.

Staff suggests that a de novo hearing for the project be scheduled to coincide with any de novo Commission hearing that may be conducted for a related Coastside County Water District (CCWD) pipeline repair project, north of the city limits, for another section of the same water transmission system. That project, briefly discussed in this staff report's **Section II.D.1.b, Phasing of Public Works Expansions**, recently was denied by the San Mateo County Planning Commission and subsequently appealed to the San Mateo Board of Supervisors, and is likely to be appealed to the Commission. In correspondence submitted on behalf of the CCWD (pages 3-4 of **Exhibit 15**, Hanson Bridgett June 23, 1999 letter), the applicant's legal representative, Ray McDevitt, supports consolidation of the Commission's review of these interrelated projects into one Commission meeting. Prior to any de novo consideration of either or both of these projects, staff will endeavor to meet with the CCWD engineer and environmental consultant as also suggested by Mr. McDevitt.

The **motion** to adopt the Staff Recommendation of Substantial Issue is found on **page 5**.

STAFF NOTES:

1. Postponement from June Agenda.

The hearing on the substantial issue question originally was scheduled for the Commission's June 7, 1999 meeting in Santa Barbara. When the applicant requested, by letter dated May 28, 1999 (see **Exhibit 14**), "that the matter be calendared for the next hearings scheduled to heard in the San Francisco Bay Area," the question of substantial issue was postponed and rescheduled to the Commission's July meeting in San Rafael. According to the applicant, the postponement request was made "In view of the (May 26 staff) report's length..., the extremely limited time within which the District would have to submit comments..., and the inconvenient venue...." Subsequently, on June 23, additional comments from the Coastside County Water District were received, attached as **Exhibit 15**. Staff's responses to these

comments, are incorporated into this staff report.

Since the May 26 staff report prepared for the June meeting, the Commission received four other letters not previously distributed to the Commission. These letters are attached as **Exhibit 16**. Two of the letters (Mauz and Kay, June 2) urge the Commission to find substantial issue as recommended by staff in the May report. Another (Coleman, May 27) urges the Commission to deny the project. The fourth letter (Stein, June 2) informs the Commission of the San Mateo County Planning Commission's May 26, 1999 denial of the CCWD's coastal development permit request for the similar pipeline repair, north of the city limits, that is discussed above. The Water District has appealed the Planning Commission's denial action to the County Board of Supervisors, which has not yet scheduled the appeal for hearing. Any final County action on the Water District's appeal to the Board will be appealable to the Coastal Commission.

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

Although only the most southerly 350 feet of the project is located between the sea and the first public road paralleling the sea, the portion of the project now before the Commission as well as the entire 2,220-foot-long project is appealable to the Commission as a major public works project because it is a public transmission facility for water with a cost greater than \$100,000. The portion of the water pipeline that is the subject of the appeal would cost more than \$300,000.

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.

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 continue with 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.

3. Filing of Appeal.

The appellant filed an appeal to the Commission in a timely manner on March 25, 1999, within ten working days of receipt by the Commission of a complete notice of final local action on March 15, 1999. On March 26 the Commission sent notice of the appeal to the Coastsides County Water District 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 March 26, 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 April 16, 1999 meeting the Commission opened and continued the hearing. Subsequently, all of the remaining file materials were transmitted to the Commission. As discussed above, the appeal was subsequently postponed from the June 1999 Commission meeting, at the applicant's request, to the July 1999 meeting.

4. Notification of Appeal.

The applicant maintains, in correspondence from the District's legal representative (Hanson Bridgett 4/20/99 and 6/23/99 letters, Exhibits 11 and 15), that the appeal should be dismissed "because the appellant has not complied with Commission regulations, specifically Title 14 Code of California Regulations Section 13111(c)," which require an appellant to notify the applicant and the local government of the filing of the appeal. Section 13111(c) states:

The appellant shall notify the applicant, any persons known to be interested in the application, and the local government of the filing of the appeal. Notification shall be by delivering a copy of the completed Notice of Appeal to the domicile(s), office(s), or mailing address(es) of said parties. In any event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the Commission.

The appellant has informed staff that she was not aware of these specific requirements and therefore did not provide notice in the manner proscribed by Section 13111(c). The appeal forms used by the appellant do not specify the need to notify others of the appeal. However, neither the applicant, the City, nor interested persons were left unaware of the appeal for more than a few days as Commission staff sent all of these parties at least one notice of the appeal within six days of receipt of the appeal. As noted above, the Commission staff sent a notice of the appeal to the applicant, the appellant and the City on March 26, 1999, the very next day after the appeal was filed. In addition, the Commission staff also, on March 31, sent notice of the appeal and notice that a public hearing would be held on the appeal at the Commission's April 16 meeting to the applicant, the City, and "persons known to be interested in the application" (including persons listed by the appellant in her March 25 appeal to the Commission). See Exhibit 10. On April 16, the Commission opened and continued the meeting. On May 26, the Commission sent notice to the same parties that a continued public hearing would be held at the June 7 hearing. That hearing was postponed at the request of the applicant. Finally, notice that a continued public hearing would be held during the July 15, 1999 Commission meeting was mailed by the Commission on or about June 30, 1999. Thus, known interested parties were provided initial or second notice of the appeal within six days of its March 25 filing date, and then provided additional notice on at least two other occasions. Although notice of the appeal and appeal hearing was provided by the Commission and not by the appellant, any insufficiencies in noticing by the appellant have long been remedied.

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-99-20 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 County 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:

A. APPELLANT'S CONTENTIONS.

The Commission received an appeal by Carol Cupp of the City of Half Moon Bay decision to approve the Coastside County Water District (CCWD) water transmission line project

with conditions. The project as approved consists of the replacement of 2,200 lineal feet of an existing 10-inch welded steel water line with a 16-inch ductile iron water line to be constructed on the east side of the Frontage Road from the south side of Sewer Plant Road to approximately 200 feet north of Wave Avenue.

The appellant's contentions are summarized below, and the full text of the contentions is also included as **Exhibit 10**. The appellant contends that the development as approved by the County is inconsistent with the certified LCP. The contentions involve inconsistencies with LUP Land Use, Development, and Public Works policies contained in LUP Chapters 1, 9, and 10, and inconsistencies with several Coastal Act policies cited in the City's LCP.

1. Asserted Inconsistencies with LUP Chapters 1 (Introduction), 9 (Development), and 10 (Public Works) Policies.

The appellants assert that the City's approval provided "no basis for LCP compliance because no information was presented by CCWD as to how the pipeline expansion (either separately or as part of the Phase 2 system expansion) meets the following LCP requirements:"

- The precedence that LCP policies take over other elements of the City's General Plan (Local LCP Policy 1-3);
(discussed in Section II.D.1.c. of this report)
- The meeting of all LCP policies is required for CDP approval (Local LCP Policies 1-4 and 9-3);
(discussed in Section II.D.1.d. of this report)
- Lack of adequate water, school, sewer and highway infrastructure to fully service a proposed project is grounds for CDP denial (Local LCP Policies 9-2, 9-4);
(discussed in Section II.D.1.f. of this report)
- The limiting of infrastructure capacity to the "probable capacity" of other infrastructure elements like highways, which are already gridlocked by users of the unexpanded pipeline (Local LCP Policy 10-3);
(discussed in Section II.D.1.b. of this report)
- Determination by the City (not CCWD) of the need and timing of additional infrastructure, the ability of infrastructure systems to expand, and the funding sources for such expansion (Local LCP Policy 10-7);
(discussed in Section II.D.1.e. of this report)
- The limiting of water supply increases to those which meet but not exceed the requirements of buildout (Local LCP Policy 10-9).
(discussed in Section II.D.1.a. of this report)

2. Inconsistencies with Coastal Act Policies.

The appellant also asserts that the City of Half Moon Bay approval did not provide any information that would demonstrate project consistency with several Coastal Act policies cited in the City's certified LUP. Specifically, the appellant alleges that the project approval does not demonstrate how the project meets LCP "requirements" regarding:

- permanent protection of natural and scenic resources; protection of the ecological balance of the Coastal Zone and prevention of its deterioration and destruction (Coastal Act Policy 30001);
- protection, maintenance and enhancement of Coastal Zone environmental quality; assurance of orderly and balanced use and conservation of Coastal Zone resources; assurance of priority for coastal-dependent and coastal-related development over other development (Coastal Act Policy 30001.5);
- ability to withstand a Coastal Commission review that focuses on LCP conformance, the avoidance of unnecessary long-term cost to the public, and the avoidance of the diminished quality of life resulting from the misuse of coastal resources (Coastal Act Policy 30004);
- the resolution of any conflicts encountered in implementing the LCP by applying the most protective policy (Coastal Act Policy 30007.5);
- the liberal construing of the Coastal Act (including its policies as adopted in the LCP) to accomplish its objectives (Coastal Act Policy 30009).

(discussed in Section II.D.2. of this report)

B. LOCAL GOVERNMENT ACTION

On January 28, 1999, the City of Half Moon Bay Planning Commission approved with conditions Coastal Development Permit PDP-44-98 for the replacement of 2,200 lineal feet of an existing 10-inch welded steel water line with a 16-inch ductile iron water line to be constructed on the east side of the Frontage Road from the south side of Sewer Plant Road to approximately 200 feet north of Wave Avenue. This first phase of the El Granada Pipeline Replacement Project is called the Casa del Mar Pipeline Replacement Project, named after the Casa del Mar subdivision adjacent to it.

The major conditions of approval imposed by the Planning Commission included:

Condition 2. This condition specifies that the permit authorizes only the replacement of a deteriorating pipeline, and requires that before conducting any development which would enlarge or expand the applicant's sources of water supply, or create new sources of water supply, the applicant must secure a coastal development permit for such development and "if requested to do so by the agency

issuing such Coastal Development Permit, shall prepare an Environmental Impact Report on such development;"

Condition 4. This condition requires that during construction the applicant must minimize the transport and discharge of stormwater from the project site by instituting construction site practices that include specified "best management practices;"

Condition 8. This condition requires, through specified procedures, the protection of archaeological resources;

Condition 10. This condition requires the preparation and implementation of a detailed dust control plan.

The City's approval was appealed to the Half Moon Bay City Council, on February 7, 1999, by the current appellant. On March 2, 1999, the City Council heard the appeal and voted on it, but failed, by a 2-2 vote, to come to a decision. The City's March 15, 1999 Notice of Final Action therefore transmitted the notice of the Planning Commission's January 28, 1999 conditional approval of the project as the City's final action notice. A March 9, 1999 determination by the City Attorney that the Planning Commission's action did in fact constitute the City's final action on the project accompanied the March 15 Notice of Final Action (**Exhibit 9**). The appellant then filed the appeal to the Commission in a timely manner, on March 25, 1999, within the ten-working day appeal period.

C. PROJECT SETTING AND DESCRIPTION.

1. Site Description.

The Coastside County Water District (CCWD) project site begins approximately 0.65 miles north of the Highway One and Highway 92 intersection near downtown Half Moon Bay, and continues north for 2,200 feet along the east side of the Frontage Road that parallels Highway One, on its west side. This 2,200-foot distance is situated between a south terminus near the south side of Sewer Plant Road and a north terminus approximately 200 feet north of Wave Avenue. See **Exhibits 1 and 2.**

The project, called the Casa del Mar Pipeline Replacement Project after the Casa del Mar subdivision adjacent to it, is the first phase of CCWD's planned El Granada Pipeline Replacement Project, a project that would eventually replace, in several phased sections, approximately 3½ miles of pipeline. See **Exhibit 3.** A future approximately 0.65-mile segment of the replacement piping would connect to the south end of the currently proposed Casa del Mar Replacement Project and run south to terminate approximately 900 feet northeast of the Highway One and Highway 92 intersection, near the north end of Main Street at Lewis Foster Drive. The other approximately 2½ miles of replacement piping would connect as part of a future project to the north end of the currently proposed Casa del Mar section and extend north to terminate at CCWD's existing El Granada Water Storage Tank No. 1 in unincorporated San Mateo County, approximately 1.3 miles north of the city limits.

2. Project Description.

According to the applicant, CCWD, the Casa del Mar segment is about 12% of the entire 18,6000-foot-long El Granada Pipeline which "will eventually be replaced along its full length." The Casa del Mar Replacement Project is proposed as the first phase because, according to the City's January 29, 1999 staff report, "it is the District's highest priority, because it is in the worst condition, with high maintenance due to leaks." The actual sequence or timetable of phasing for the other replacement sections is not known.

The old Casa del Mar pipeline runs along the west side of Frontage Road, beneath the sidewalk where subdivision sidewalks exist. The old pipeline would be abandoned (taken out of service, sealed and left in place), and the new "replacement" pipeline would be constructed in a 3- to 5-foot-deep trench on the east side of Frontage Road, between Frontage Road and Highway One.

The project also includes the transfer of existing distribution pipeline connections and individual connections to the new pipe along with installation of new fire hydrants, valves and other supporting facilities. At present, about six distribution pipelines, 3 fire hydrants and 15 - 20 individual service connections are tapped into the transmission pipeline in the Casa del Mar segment.

According to CCWD's project description:

The (Casa del Mar) project is an infrastructure improvement and maintenance project. It involves the replacement of a particularly leaky segment of the 48 year old El Granada Pipeline, which is nearing the end of its useful life. The replacement pipeline will be six inches larger in order to have adequate capacity to serve both existing and projected demands in the northern portion of the District, consistent with the adopted Half Moon Bay and San Mateo County General Plans and Local Coastal Programs.

The proposed Casa del Mar Pipeline Replacement Project is the first portion, 2,200 feet in length, of the 3.5-mile El Granada Pipeline Replacement Project. According to the Planning Commission staff report, the El Granada Project is "intended to provide increased flexibility in the transfer of water from the northern part of the system to the southern part, as well as increased ability to fight fires in a 'bad case scenario.'" According to the Planning Commission staff report, the CCWD is beginning the overall project with replacement of the Casa del Mar segment, the subject of the appeal, since it "is the District's highest priority because it is in the worst condition, with high maintenance due to leaks."

The CCWD's entire service area, shown in **Exhibit 4**, includes the City of Half Moon Bay and several unincorporated coastal communities in San Mateo County, including Miramar, Princeton by the Sea, and El Granada. The service area's boundaries extend approximately 9.5 miles north to south along the coast and 1.5 miles east to west. The service area boundaries for the less extensive service area of the El Granada Pipeline are shown in **Exhibit 5** (fig.1 from Initial Study).

Exhibit 4, besides showing the entire CCWD service area, also shows various components of the CCWD system, including the Crystal Springs Pipeline (CSP), the main transmission lines from Pilarcitos Lake, the District's two water treatment plants (in the south, the Nunes plant on Carter Hill, about 1.3 miles

northeast of the Highway 1 and Highway 92 intersection, and, in the north, the Denniston plant in El Granada), the main transmission lines west of the Nunes plant, storage tanks for treated water, pump stations, and wells.

The City staff report discussion on "growth inducing impacts" states the "purpose" of enlarging the El Granada Pipeline to a 16 inch diameter as follows:

The construction of this pipeline is for the purpose of creating additional flexibility in moving water from the northern part of the system to the southern part of the system and back. This provides increased ability to transfer water to the smaller tanks in the north from the Crystal Springs water at the Nunes plant. It also allows transfer of water south when the cheaper water in the surface system of the Denniston plant is able to supply water to the tanks in the southern part of the system. Its increased size also allows replenishment of the three relatively small tanks in the El Granada area. As discussed in the section on fire fighting, this feature will allow these tanks to be replenished faster in case of failure of the Denniston plant for more than 2 days. This will ensure continued service as well as a margin for safety for fire control during a possible extended Denniston plant failure.

The initial stage of the overall El Granada project, i.e., the appealed replacement of the Casa del Mar segment of the pipeline, by itself would not accomplish the described project "purpose" of "increased ability to transfer water" throughout the entire system. The enlarged Casa del Mar segment would, however, be the first step in producing a system with increased pipe capacity approximately 2.56 times that of the current capacity. The projected capacity after overall project completion would be 4.66 million gallons per day (mgd).

D. 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 appellant's contentions cited above that involve inconsistencies with adopted LUP policies contained in LUP Chapters 1 (Introduction), 9 (Development), and 10 (Public Works) all present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP.

1. Appellant's Contentions That are Related to LCP Policies (Valid Grounds for Appeal).

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. and b. 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 (**c.- f. below**) the development as approved by the City presents no substantial issue.

Allegations Raising Substantial Issue.

- a. **Water Supply Capacity and Expansion of Public Works Facilities (LUP Policy 10-9 and 10-3).**

The appellant contends that the City's approval included no evidence that the approval meets LUP Policy 10-3 and Policy 10-9 provisions relating to increases in water supply and public facilities capacity. The appellant states that the City's approval included no evidence that approval of the enlarged water supply pipeline meets LCP provisions that the City may support only water supply increases "which will provide for, but not exceed" the amount needed for buildout which, the appellant states, "the City has acted consistently during the last 18 months to reduce by at least 2,500 homes."

LUP Public Works Policy 10-9 states:

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 Public Works Policy 10-3 states in applicable part:

The City shall limit development or expansion of public works facilities to a capacity which does not exceed that needed to serve buildout of the Land Use Plan...

Also according to the appeal, some review criteria the Planning Commission applied in its evaluation of the project plans are no longer applicable, such as the City's buildout target:

For example, there is no recognition in the project plan that, since mid-1997, the City Council has been engaged in an LCP revision process, which has already established a clear direction to significantly reduce the buildout target by at least 2,500 houses; LCP policy 10-3 limits expansion of public works facilities to a capacity which does not exceed that needed to service buildout, and in this case, obsolete buildout numbers were used to size and justify the pipe expansion.

Background

Determining how large a diameter of pipeline should be installed to ensure that capacity does not exceed the amount needed to support buildout of the LUP is a complicated process involving the consideration of a number of different factors. This section describes the applicant's analysis of how large a pipeline should be installed for the proposed project. The City incorporated the conclusions of the applicant's analysis into its findings for approval of the project as conditioned.

Although the overall project would involve the installation of a pipeline with greater capacity than the existing pipeline, the Planning Commission report states that the pipeline "is not intended to create additional capacity." The apparent contradiction is explained in the Planning Commission's report as evidence for "Finding 1: The development, as modified by conditions, conforms to the Local Coastal Program":

It (Policy 10-9) says that 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. No increase in the ability to provide water is associated with this project. If permitted in the future, however, it has the potential to support an application for water service for about 50 percent of the current build-out, City and County. Because the General Plan is currently being updated, this percentage may be revised. It will not eliminate the appropriateness of this line for system flexibility and fire service, apart from its ability to support growth, should no future permit for increase in capacity be submitted.

Although the Planning Commission's "findings" and "evidence" do not themselves provide any quantitative information on current or projected transmission pipeline capacities, "Attachment 4" of the Planning Commission staff report contains such information. The staff report identifies "Attachment 4" as the "Casa del Mar Pipeline Replacement Project, Narrative in Support of a Coastal Development Application, CCWD July 24, 1998." According to the CCWD Narrative:

When completed, the 16-inch El Granada Transmission Pipeline replacement will have the ability to meet future average day requirements (2.03-2.58 mgd) at buildout of the City and County LCPs. It will supply 55% of the peak day demands (3.67-4.66 mgd) at buildout, well below the allowable LCP maximums.

In its "Narrative," CCWD provides background on its proposal to enlarge the El Granada Transmission Pipeline based on population growth assumptions contained in the City of Half Moon Bay and County of San Mateo LCPs:

The need for enlarging the El Granada Transmission pipeline from 10 inches to 16 inches has been determined from calculations of water demand that are based on the adopted Half Moon Bay and San Mateo County Local Coastal Programs and Land Use Plans. Each LCP contains requirements for two levels of population growth: the Phase I level and the Buildout level. Since the Phase I level will be reached in the relatively near future, and the new pipe will have a long useful life, the District's criteria for the proposed replacement pipeline is to limit its size so as to not exceed the projected LCP buildout population water usage level.

According to the "Narrative," CCWD calculated buildout water usage "average day requirements" and "peak day demands" as follows:

TABLE 1

ESTIMATED BUILDOUT WATER USAGE IN
 EL GRANADA PIPELINE SERVICE AREA

GEOGRAPHICAL AREA	AVERAGE DAILY USAGE	PEAK DAY USAGE ²
County of San Mateo	1.32 – 1.66 mgd ¹	2.36 – 2.99 mgd
City of Half Moon Bay:		
Current Usage	0.28 mgd ³	0.52 mgd
City of Half Moon Bay:		
Future Additional Demand	0.44 – 0.64 mgd ⁴	0.79 – 1.15 mgd
Total Demand at Buildout	2.03 – 2.58 mgd	3.67 – 4.66 mgd

¹ County of San Mateo, *Local Coastal Program Policies*, Table 2.10.

² Peak day usage assumed to be 180% of average daily usage.

³ Derived by District Engineer from CCWD meter records. *Engineering Master Plan, El Granada Transmission Pipeline Replacement Project*, June 30, 1997.

⁴ Developed from Half Moon Bay LCP/LUP Table 9.1 data for the El Granada Transmission Pipeline Service Area..

The City's LUP, certified in 1985, shows, at the time of the 1980 Federal Census, 2,726 residential units within the City. The LUP's Table 9-1 (referenced in the above table's fourth footnote and attached **Exhibit 7**) shows the "maximum potential new units under LUP" to be 5,265 – 5,345 units at buildout (the year 2020 according to the LUP), for a total buildout level of 7,991 – 8,071 units. CCWD's "Narrative" anticipates that 2,026 of Table 9-1's projected new 5,265 – 5,345 units are units within the geographic area served by the El Granada Transmission Pipeline, the area depicted in **Exhibit 5**. In determining the projected buildout water usage for those parts of the City within El Granada pipeline's City service area, CCWD estimated that, given that some of the 1985-projected 2,026 units have already been developed, the remaining potential City buildout in the service area would be 1,836 units. The City's "future additional demand" figures shown above in CCWD's Table 1 – Estimated Buildout Water Usage were developed using the 1,836 new units projection.

The City of Half Moon Bay "future additional demand" water usage figures above, in the second-to-last line of Table 1, were calculated by applying a "conversion factor" (2.61 persons per household) to these projected 1,836 new units and then applying per capita "average day (water) usage" figures to the projected future additional population. These calculations are further described in the project's June 1997 "Engineering Master Plan" as follows:

This estimated number of future residential units (1,836 units) may be converted into a number of persons by use of the factor of 2.61 persons per household contained in Table 1.1 of the City's LUP. Using this conversion factor, the maximum number of future residents is estimated at 4,782 persons. The City LUP contains no criteria for per capita water usage. For purposes of calculating water usage by future residents, this master plan report uses the same criteria as used by the County of San Mateo in calculating the estimated water usage for the County area of the proposed pipeline project: average day usage is estimated a 93 to 134 gallons per day per capita and peak day usage is estimated at 180% of average day usage. Using this criteria, average day water usage by the future City residents of the project area is calculated at 0.44 to 0.64 mgd (million gallons per day) and peak day usage at 0.79 to 1.15 mgd.

To ascertain "the optimal size and capacity for the El Granada Pipeline replacement," CCWD then applied the "water demand projections" above to the District Engineer's "four primary engineering criteria":

1. **Service Area and Service Capability.** The replacement pipeline, when complete, should have sufficient capacity to serve the entire northern service area under the "Denniston Project Not Operable" mode. The minimum requirement should be to meet average (not peak) day needs at a development level not greater than LCP buildout.

2. Operational Energy. It is acceptable to use the booster pump station to meet future estimated peak day demands. Pumping should not be required to meet average day demands, so as to reduce energy costs and have adequate gravity flows to maintain adequate service if the pump station is inoperable.
3. Transmission Pipeline Redundancy. Sound engineering practice favors the construction of parallel pipelines. The El Granada replacement pipeline should not be so large that a future parallel pipeline would increase capacity beyond what is allowed by the LCPs.
4. Construction Cost. Project costs can be substantially reduced if the pipeline is sized below peak day demands. If future demands occur which exceed the capacity of the replacement pipeline, they could be met with parallel pipelines in future developments or by increased booster pump capacity.

After listing these criteria, the CCWD "Narrative" states:

Using these criteria, the District Engineer has identified 16 inches as the optimal pipe size for the El Granada Transmission Pipeline. This, of course, includes the Casa del Mar segment which is the subject of this application.

Analysis

The assumptions and usage projections used to analyze the size of the pipeline needed are critical factors for determining whether the capacity of the proposed waterline would exceed that needed under buildout of the LUP. As discussed below, the Commission finds that questions concerning the appropriateness of the per capita water usage and the engineering criteria assumptions raise a substantial issue regarding the project's conformance with LUP Policy 10-3.

a. Usage Levels Assumptions:

The City's approval does not evaluate the accuracy of the water usage figures that the CCWD used in calculating its projections that resulted in the District Engineer's conclusion that "identified 16 inches as the optimal pipe size for the El Granada Transmission Pipeline." In materials submitted on behalf of the CCWD (pages 8 and 11 of **Exhibit 11**, Hanson Bridgett April 20, 1999 correspondence), the applicant's legal representative, Ray McDevitt, maintains that "The City found that the replacement pipeline did not exceed the capacity needed to serve buildout," quoting the Planning Commission's "Condition of Approval No. 2":

The Coastal Development Permit authorizes only the replacement of a portion of a water transmission pipeline as described herein. It does not authorize any development which would expand or enlarge the applicant's sources of water supply or create a new source of water supply. Before conducting any development which would enlarge or expand its sources of water supply or create any new sources of water supply, the applicant shall secure a Coastal Development Permit

for such development, and, if requested to do so by the agency issuing such Coastal Development Permit, shall prepare an Environmental Impact Report on such development.

As noted above, LUP Policy 10-9 restricts increases in water supply. Although it is true, as Mr. McDevitt points out, that the project does not propose an expansion or enlargement of water supply sources or the creation of a new water supply source, that fact does not necessarily mean that the City's Condition No. 2 would ensure project consistency with LUP Policy 10-3. The requirements and restrictions of Policy 10-3 apply to the expansion of public works "*facilities*," and are not limited to facilities that would increase water supply. Pump stations or the proposed pipeline are also public works facilities that must be limited to a capacity which does not exceed that needed to serve buildout and the Land Use Plan pursuant to LUP Policy 10-3. Therefore, it is essential to examine the evidence the City relied upon to make its determination that the project is consistent with Policy 10-3 and will not result in an expansion of pipeline capacity that will exceed that need to service buildout under the certified LUP.

One of the key assumptions made in the applicant's analysis of the size of the pipeline to install is per capita daily water usage. As described above, the project's engineering master plan report assumed an average day water usage of from 93 to 134 gallons per day per capita, "the same criteria used by the County of San Mateo in calculating the estimated water usage for the County area of the proposed pipeline." The City's approval of the project did not contain any findings that address whether or not this usage assumption is a correct assumption or how relying on an incorrect assumption could result in a project inconsistent with the LCP. For example, if average day water usage figures for the City of Half Moon Bay are less than the San Mateo County figures, it might be demonstrated that a 16"-inch diameter pipeline would provide excess capacity, i.e., more than that needed to support buildout levels projected in the City's certified LCP, since more people could be served by a pipeline of that size.

Since the engineering master plan report does not indicate the date that San Mateo County derived the "93 to 134 gallons per day per capita" water usage figure, it is possible that the figure could be out-of-date and not representative of current usage patterns. Water usage levels in a community may change over time, as evidenced by the situation in another California coastal community, the City of Santa Barbara. As shown in **Exhibit 12** (City of Santa Barbara "Water Facts"), Santa Barbara's "pre-drought" (before 1990) "residential per capita consumption (gal/day)" was at a level of 120 gallons per day. From 1990 through 1998, per capita water usage in the City dropped to levels from approximately one-half to two-thirds of the "pre-drought" level, with per capita consumption levels ranging from 59- and 56-gal/day in 1990 and 1991 to 86- and 77-gal/day in 1997 and 1998. (The average for the years 1990 through 1998 for Santa Barbara is 71.3 gal/day.) Another summary of "Water Usage Facts," from a 1991 publication on water usage in the U.S., shows 90 gallons of water as the "average home use per person per day" (**Exhibit 13**). This figure and all of the post-1990 water usage figures for the City of Santa Barbara are lower than the low end of the range (93 to 134 gal/day) used by the CCWD to project "buildout" water demand for its service area. These lower per capita usage figures suggest the proposed 16" pipeline could serve many more people and households than projected by the applicant.

In the June 23, 1999 materials submitted on behalf of the CCWD, Mr. McDevitt maintains (pages 1-2 of **Exhibit 15**), that it is inappropriate in its analysis of substantial issue for the Commission to use Santa

Barbara per capita water usage figures to draw inferences about Half Moon Bay per capita water usage figures. The discussion in the findings above of this decade's actual water usage declines in Santa Barbara, however, is not meant to provide any sort of evidence that inappropriate water usage figures were used by the CCWD to calculate pipe diameter requirements; rather the discussion is provided to illustrate the simple and commonly known fact that water usage figures are quite variable and need to be carefully evaluated.

b. Engineering Criteria Assumptions:

As described above, the CCWD applied "four primary engineering criteria" to its water demand projections in identifying a 16-inch diameter pipeline as the pipe size needed for the project. The use of two of these criteria, relating to contingency planning and pumping assumptions, is based on assumptions that bear on the question of whether or not, as the appellant contends, the project is designed for capacity greater than that allowed by LUP Policies 10-3 and 10-9.

The CCWD's first engineering criteria is that the replacement pipeline, when complete, should have sufficient capacity to serve the entire northern service area under the "Denniston Project Not Operable" mode. The Denniston Project refers to water supplies provided by CCWD facilities in the northern part of its service area (wells, treatment facility, storage tank depicted in **Exhibit 4**), in El Granada. The El Granada Pipeline, which is the sole transmission pipeline between Half Moon Bay and El Granada, is operated bi-directionally depending on the source of supply, i.e., Denniston source water is transmitted southward, and water from San Francisco Water Department sources is transmitted northward. During the majority of the year, the water supply available from the Denniston Project is sufficient to meet the requirements of the northern portion of the CCWD service area. As described in the engineering master plan:

Under this ("normal operation") condition, the flow in the northern portion of the El Granada Transmission Pipeline is from north to south (conveying Denniston water to the southern El Granada area) and the flow in the southern portion of the pipeline is from south to north (conveying water from the Carter Hill storage tanks in Half Moon Bay to the northern Half Moon Bay area and Miramar). Sometimes operation of the Frenchmans Creek Booster Pump Station is required to convey water from the Carter Hill storage tanks to the Miramar storage tank which provides service to the Miramar area.

In planning the replacement pipeline to have sufficient capacity, by using a 16-inch diameter pipeline, to serve the entire northern service area under the "Denniston Project Not Operable" mode, the CCWD has planned a system with enough capacity for San Francisco Water Department source water, delivered from the south end of the system, to provide water service to the entire northern service area. When the Denniston Project is operable, as is the normal situation, the volume of water that could be transmitted northbound through the proposed 16-inch line would be much greater than that needed to serve the area. According to the CCWD:

There are a number of reasons that the Denniston Project could be inoperable including a water

quality problem, treatment plant equipment malfunction, loss of electrical power, broken transmission pipeline, and damage following an earthquake. Clearly the proposed pipeline must have sufficient capacity to provide water service to meet this operating scenario. However, this operating mode is expected to occur infrequently, and therefore the service to be provided could be classified as emergency rather than normal.

Although there is merit to such emergency contingency planning, the resultant capacity may exceed the capacity limits required by LUP Policies 10-3 and 10-9, which provide only for expanded and increased water supply and public works facilities capacity only to the amount needed to support build-out of the LUP.

In the CCWD's June 23, 1999 correspondence (**Exhibit 15**, page 3), Mr. McDevitt points out that such contingency planning is essential and that it would not be plausible to interpret the LUP as not providing for such contingencies. The Commission finds that in a de novo review of the project the Commission would need to carefully consider the need to accommodate for contingencies. Nevertheless, a substantial issue is raised because the City's approval of the project did not include any discussion or findings to support how the assumptions made about the amount of additional capacity needed for contingency purposes results in a design capacity for the pipeline that is consistent with the capacity limits prescribed by LUP Policies 10-3 and 10-9.

Similarly, the CCWD's second engineering criteria raises concerns that the 16-inch-diameter pipeline would provide capacity beyond that allowed by the LUP. This criteria is that pumping should not be required to meet average day demands, so as to reduce energy costs and have adequate gravity flows to maintain adequate service if the pump station is inoperable. The choice to design a system where pumping would not be required to meet average daily needs represents the second of two alternatives described by CCWD:

The replacement pipeline can be sized sufficiently that no pumping is required (to meet the maximum estimated peak day demands for the Buildout LCP growth projections) or it can be sized somewhat smaller which may require pumping to meet future peak day demands.

Although the 16-inch-diameter pipeline is designed to only require pumping to meet future peak day demands, it follows that if the system's pumps were for some reason utilized on an "average day," more water could be delivered through the pipeline on that average day than is required for LUP buildout. In other words, the pipeline as designed may have the capacity, when pumps are utilized, to deliver more water on an "average day" than is needed for buildout. As a result, a substantial issue is raised as to whether the proposed public works facility will be limited to a capacity that does not exceed that needed to serve buildout of the Land Use Plan as required by LUP Policy 10-3.

In the CCWD's June 23, 1999 correspondence (**Exhibit 15**, page 3), Mr. McDevitt suggests that there is no reason the District would ever turn on a pump on an average day because "if it did, the water would spill out of any uncovered storage tank or would cause the pipeline to rupture." Mr. McDevitt does not explain, however, how it would ever then be possible to use pumps on peak days, as proposed, and not

experience the same problems. The fact remains, that utilizing pumps can increase the volume of water that can pass through a pipeline and thereby increase the capacity of a pipeline to deliver more water than it otherwise could. Therefore, the Commission finds that the appeal raises substantial issues regarding the assumptions used to analyze the sizing of the waterline and its consistency with LCP Policies regarding usage levels assumptions.

c. Alternative Buildout Scenarios:

The appellant also raises a question as to the use of the certified LUP's build-out figures to justify the project's capacity since, as the appellant points out, the City is currently engaged in an LUP revision process that includes considerations to reduce the LUP's stated buildout projections. As the appellant notes, "LCP policy 10-3 limits expansion of public works facilities to a capacity which does not exceed that need to service buildout, and in this case, obsolete buildout number were used to size and justify the pipe expansion." The appellant states that the City Council's LCP revision process "has already established a clear direction to significantly reduce the buildout target by at least 2,500 houses." However, because the standard of review for Commission consideration of appeals of local coastal permit approvals is consistency with the certified LCP, any reduced buildout projections being evaluated by the City at this time are not relevant to the current appeal, since no such projections are yet part of the certified LCP.

Conclusion

Although the reduced buildout projections being evaluated by the City are not relevant to the current appeal, questions about the appropriateness of the assumptions used to analyze the sizing of the waterline raise a substantial issue with regard to conformance of the project as approved with LCP Public Works Policy 10-3 and 10-9 provisions concerning required correlation between increases in water and public works facilities capacities and LUP buildout projections. These assumptions include the CCWD's water usage figures that the CCWD used in calculating its "water demand projections" for buildout, and the engineering criteria used in the system's design that provide for additional contingency capacity and the possibility of additional delivery capabilities using pumping

b. Phasing of Public Works Expansions (LUP Policy 10-3).

The appellant contends that the City's approval included no evidence that the approval meets LUP Policy 10-3 provisions that require phased expansion in accord with the "probable capacity" of other public works facilities and services. The appellant states that the City's approval included no evidence that approval of the enlarged water supply pipeline meets LCP provisions that the City must limit infrastructure capacity to the "probable capacity" of other infrastructure elements like highways, which, according to the appellant, "are already gridlocked by users of the unexpanded pipeline.

LUP Public Works Policy 10-3 states in its entirety:

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 the phased development of public works facilities in accordance with phased development policies in Section 9 and the probable capacity of other public works and services. (emphasis added)

According to the appellant, the proposed 16"-diameter pipeline cannot be permitted under LUP Policy 10-3 requirements because, as part of CCWD's planned eventual replacement of the entire 3.5 mile El Granada 10" pipeline, the project's increased pipe capacity (approximately 2.6 times the volume of the existing pipe) would have the capability of serving development at a level that cannot be provided at current highway capacity and "probable capacity" limitations. The appellant states (Exhibit 10) that:

As shown by the attached computer modeling results from the 6/97 CCAG-sponsored (\$2M), Countywide Transportation Plan Alternative Report, SRs 1 and 92 have operated at Caltrans Level of Service F since 1990, and are both predicted to be worse than F in 2010 under the current buildout scenario, even assuming optimistic highway investment levels. Therefore, in violation of LCP Local Policy 10-3, the proposed pipeline is not being phased in accord with the "probable capacity" of other public works components; namely, highways. In short, a 16-inch diameter pipeline cannot be permitted because it cannot service a demand that is beyond the "probable capacity" of SRs 1 and 92. Since the best available studies show the area to already be at the worst possible level of service (given the demand imposed by users of the 10 inch pipeline), a 16 inch pipeline is demonstrably too big to satisfy Local LCP Policy 10-3.

LUP Policy 10-3 specifically requires "the phased development of public works facilities in accordance with ... the probable capacity of other public works and services." The only information in the City's project files on project phasing is that which is included in the March 1998 "Initial Study" prepared for the El Granada Transmission Pipeline Replacement Project:

The El Granada Pipeline Replacement Project will be completed in phases over the next 3 to 5 years. The first phase, which is in the District's Capital Improvement Plan for 1998, is the Casa del Mar Pipeline project, which extends from near Kehoe Avenue to north of Wave Avenue, in Half Moon Bay. This is Section 2 (of seven listed geographical sections) of the El Granada Transmission Pipeline Project. It has first priority because this segment of the pipeline is particularly leaky and has recently had very high maintenance costs. The draft year 2000 budget allocates \$1,000,000 for this project. The District has not determined which section or sections will be constructed at that time.

No other information on project phasing was included in the City's January 1999 approval of the Casa del Mar project. The City's approval considered only the Casa del Mar segment, which is the only part of the eventual project that is currently proposed to the City. (CCWD's coastal development permit application to construct another of the overall project's seven geographic sections, not contiguous to the Casa del Mar section and outside the City's jurisdiction, is currently under review by the County of San Mateo. Any County action on that section of the project will be appealable to the Commission.)

The City's approval did not, as the appellant contends, include any discussion of whether the project meets LUP Policy 10-3 requirements that expansion of the pipeline be phased in accordance with highway capacity considerations. In materials submitted on behalf of the CCWD (**Exhibit 11**, Hanson Bridgett correspondence), Ray McDevitt states that the appellant's interpretation of Policy 10-3 is incorrect because "it is not consistent with the text of the LCP accompanying and elucidating the policies." The text referenced by Mr. McDevitt, Attachment Four of **Exhibit 11**, is the section entitled "Phasing Capacity Increases" from LUP Chapter 10 ("Public Works"). Except for highlighting the section's first paragraph, Mr. McDevitt did not provide any indication as to how the appellant's interpretation of Policy 10-3 might be inconsistent with the text. In any event, the LUP's "Phasing Capacity Increases" discussion does provide guidance with respect to LUP concerns relating to public works capacity, particularly in the discussion's third paragraph:

... Of even greater importance is coordinated phasing of public works capacity increases so that expansion of one service does not result in growth which cannot be accommodated by another.

Thus, the LUP text does indicate that public works projects involving an increase of capacity should be coordinated with the phasing of other services such as highways.

The CCWD representative also indicates that the coordination of highway phasing with public works projects that increase capacity is not consistent with previous decisions by the City and the Commission, specifically the approval of a major expansion of the regional sewage treatment plant. The representative does not mention, however, that at the time of approval of the Sewer Authority Mid-Coastside treatment plant project, the Half Moon Bay LCP had not been certified. LUP Policy 10-3 was not relevant to the Commission's review of that project as the standard of review for that project was the Coastal Act.

Clearly the LUP provides for the phasing of water supply and delivery projects "*in accordance with ... the probable capacity of other public works and services.*" Whether or not the appellant's contention that "a 16-inch diameter pipeline cannot be permitted because it cannot service a demand that is beyond the 'probable capacity' of SRs 1 and 92" is accurate cannot be determined from the City's approval findings since the findings did not discuss the issue. Nonetheless, a substantial issue is raised because there is no indication that the City reviewed the project against Policy 10-3's requirements that phased public works expansions must in fact be in accord with the "probable capacity" of other public works facilities and services, such as highways.

Allegations not Raising Substantial Issue:

The Commission finds that the appellant's contentions discussed below do not raise a substantial issue of conformance to the LCP.

c. Precedence of LUP Policies (LUP Policy 1-3).

The appellant contends that the City's approval included no evidence that the approval meets LCP requirements regarding "The precedence that LCP policies take over other elements of the City's General

Plan (Local LCP Policy 1-3).” LUP Land Use Policy 1-3 states:

Where there are conflicts between the policies set forth in the Coastal Land Use Element and other elements of the City’s General Plan or existing ordinances, on balance, the policies of this Coastal Land Use Element shall take precedence.

This contention does not describe how the City Planning Commission, in the decision-making process, may have faced and discussed issues that required evaluating the project against conflicting Land Use Element and General Plan policies and/or ordinance provisions. The appellant does not cite any specific instance(s) where the Planning Commission may not have given LUP-required precedence to Coastal Land Use Element policies over other City policies or ordinance provisions. Therefore, the contention does not raise a substantial issue of conformance of the City’s approval of the project to the requirements of LUP Policy 1-3.

d. LUP Policy Standards and Compliance (LUP Policies 1-4 and 9-3).

The appellant contends that the City’s approval included no evidence that the approval meets LCP requirements that “The meeting of all LCP policies is required for CDP approval (Local LCP Policies 1-4 and 9-3).” LUP Land Use Policy 1-4 states:

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 Development Policy 9-3 requires that:

All new development permitted shall comply with all other policies of the Plan. (New development means any project for which a Coastal Permit is required under Section 30106, 30250, 30252, 30600, and 30608 of the Coastal Act which has not received such permit as of the date of certification of this Plan.)

Although LUP Policy 9-3 does require that development comply with “all” other policies of the LUP, Policy 1-4 is more specific as to what is actually required for the issuance of a coastal development permit, namely “findings” that the standards of all “applicable” LUP policies are met. Concerning Policy 9-3, it would not be possible in practical terms for the City to make separate findings that a proposed development is consistent with each and every LUP policy, not only because of the large number of LUP policies, but also because the applicability of each of the LUP’s policies is in some cases limited, either to certain types of projects or to projects at only certain specific locations. Those policies that are applicable to a project, however, must be addressed pursuant to LUP Policy 1-4.

The City’s January 28, 1999 resolution approving the permit for the CCWD project states (Finding No. 1) that the Planning Commission “has found and determined” that “The development, as modified by

conditions, conforms to the Local Coastal Program.” The appellant’s contention does not identify any specific “applicable” policy the Planning Commission failed to address. Although the Planning Commission’s resolution (**Exhibit 9**) does not identify by policy number any specific LUP policy or policies with which project conformance has been found, the “evidence” for the finding is contained in the Planning Commission staff report, prepared for the January 28 meeting at which the City’s resolution was passed. For example, the City staff report’s evidence for Finding No. 1 includes a discussion of project consistency with LUP Archaeological Policy 6-4, and consistency with three Public Works policies (Policies 1-3, 10-7, and 10-9) that are the subject of three of the appellant’s contentions as discussed below. Therefore, the contention does not raise a substantial issue of conformance of the City’s approval of the project and the requirements of LUP Policies 1-4 and 9-3.

e. Planning and Financing Expansions of Public Works (LUP Public Works Policy 10-7).

The appellant contends that the City’s approval of the project is inconsistent with requirements of LUP Policy 10-7 requirements regarding determinations of the need and timing for additional services because “there is no record of the City having had any role in CCWD’s current expansion plan.” LUP Policy 10-7 states:

The City shall request all agencies providing major (water, sewer, roads) utilities to monitor their services. Based upon actual use (reported annually to the City) of services, the City shall determine the need and timing for additional services. The City will coordinate all involved agencies to establish the ability of individual service system capacities to expand further and identify prospective funding sources for such expansion.

According to the appellant:

In terms of LCP Local Policy 10-7, CCWD may claim to have had periodic discussions with City Council or staff, but those discussions had more to do with lottery procedures for newly discovered water connections or CCWD’s promotion of the current CDP application. This is shown by the fact that there is no record of the City having had any role in CCWD’s current expansion plan, let alone a coordinating role, nor did the City have anything to do with identifying appropriate sources of funding. It is up the applicant, not the City, to show how a proposed project complies with LCP policies. In fact, neither CCWD’s application, nor the Planning Commission staff report makes any mention of this policy, so it is therefore not met. This is the case regardless of what the Council may have said or did relative to CCWD’s last pipeline expansion (Crystal Springs project in 1989), which was a different CDP. If the Crystal Springs CDP applied to the current project, it is near certain that CCWD would not be applying for a separate CDP now.

Discussion

According to project history information in the Planning Commission's January 28, 1999 staff report for the project, the Half Moon Bay City Council in fact has had a role, beginning at least in 1987, in the CCWD's "current expansion plan" and its funding. In May 1987, the City Council adopted Resolution No. 39-87, which approved the formation of an assessment district to assist in financing the Crystal Springs Water Supply Project. See **Exhibit 8**. The Crystal Springs Project, approved by the County of San Mateo in July 1985 (CDP 84-68), consists of three primary elements: (1) a pump station at Crystal Springs Reservoir; (2) a pipeline to the Nunes Water Treatment Plant, including uphill and downhill pipeline segments of 18 inches and 14 inches respectively, and a storage tank on Cahill Ridge; and (3) expansion of the Nunes Water Treatment Plant from 2.5 million gallons per day (mgd) to 4.5 mgd. Only the downhill pipeline and the Nunes Plant are within the coastal zone (San Mateo County coastal jurisdiction). Most of these project elements, now completed, appear on **Exhibit 4**. The Planning Commission's 1999 staff report includes the 1987 Resolution as an attachment. The 1987 Resolution grants consent to the CCWD:

to form the... assessment district, to consummate the public improvement project work as above described (Exhibit "A"), to assume jurisdiction thereover for the purposes aforesaid, to make such changes and modifications in said work or acquisitions, in said assessments, or in the boundaries of said assessment district prior to or in the course of said proceedings and to conduct such supplemental assessment or reassessment proceedings as may be necessary to complete the construction and financing of said acquisitions and improvements as may be proper or advisable in the manner provided by law, to acquire and construct said public improvements and to levy said assessments upon the property benefited thereby, a portion of said property being within the incorporated territory of this City.

The 1987 Resolution's referenced Exhibit "A" references three maps showing the Crystal Springs Project's "public improvements," including associated transmission pipelines within the "incorporated territory" of the City. One of these maps, showing "Infrastructure Pipelines: Water Distribution System Southern Area," depicts pipelines proposed to be replaced, including the El Granada Pipeline Replacement Project, shown with a replacement diameter of 16 inches. See the last page of **Exhibit 8**. The 1987 Resolution regarding the Crystal Springs project did not in any way represent a commitment of the City to approve a coastal development permit for any of the replacement pipelines shown in the Resolution's Attachment "A" maps. The Resolution does demonstrate, however, that, contrary to the appellant's contentions, the record shows that the City in fact has had a "role" in CCWD's "current expansion plan," and its financing, at least back to 1987.

The appellant states that whatever the Council may have said or done previously concerning the Crystal Springs Project would have no bearing on the coastal development permit application for the current project because the Crystal Springs project "was a different CDP." This is correct, but not relevant, as the Planning Commission's approval of the current project was based on a set of findings and evidence specifically developed and adopted for the current project. The Planning Commission's review of the current project was in fact the review of an entirely different project than the Crystal Springs Project, albeit a project related to the earlier San Mateo County coastal jurisdiction project.

Although the appellant asserts that City discussions with the CCWD had “more to do with lottery procedures for newly discovered water connections” (procedures initiated in late 1998 for allocating limited connections) “or (with) CCWD’s promotion of the current CDP application,” the record shows that City communications with the CCWD have raised substantive concerns about the project. For example, in an August 6, 1998 letter the City Planning Director wrote the applicant requesting additional substantive information needed before the City could even accept the application as “deemed complete.” Questions to the applicant in the City’s August 6 letter included concerns ranging from potential growth inducing impacts to fire fighting reserve capacity (see **Exhibit 6**).

The appellant also contends that because the Planning Commission staff report makes no mention of LUP Policy 10-7, the policy “is therefore not met.” As discussed above, however, the City’s review of the project did demonstrate the City’s coordinating role in establishing the CCWD “expansion plan” and in the plan’s financing, consistent with Policy 10-7, regardless of the City staff report’s silence on the policy. Therefore, the appellant’s contentions regarding LUP Policy 10-7 do not raise a substantial issue of conformance to the LCP.

f. Services and Infrastructure for Development (LUP Policies 9-2, 9-4).

The appellant contends that the City’s approval included no evidence that the approval meets LCP provisions that:

- Lack of adequate water, school, sewer and highway infrastructure to fully service a proposed project is grounds for CDP denial (Local LCP Policies 9-2, 9-4).

LUP Development Policy 9-2 states:

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. (See Table 9.3).

LUP Development Policy 9-4 requires that:

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 will be 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 costs 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 the density otherwise indicated in the Land Use Plan. (See Table 10.3.)

The appeal's "Enclosure 6" provides the appellant's interpretation of the "substance" of each of these policies, as follows:

Policy 9-2: "No CDP issued without adequate water, sewer, schools and roads."

Policy 9-4: "Lack of available services shall be grounds for CDP denial."

All of the above-identified policies speak in terms of not approving a proposed development unless there will be adequate services to serve the development. The proposed development in this case is a water pipeline that needs no services of its own. For example, there is no need to provide sewer service to a water pipeline. The appellant has not explained how these policies are relevant to the proposed new development. Therefore the contention does not raise a substantial issue of conformance to the LCP.

2. Appellant's Contentions That Do Not Raise Valid Grounds for Appeal.

The following contentions raised by the appellant are not valid grounds for appeal because they are not supported by an allegation that the development is not consistent with the City's certified LCP or with the public access policies of the Coastal Act.

Appellant's Contentions.

The appellant asserts that the City of Half Moon Bay approval did not provide any information that would demonstrate project consistency with several Coastal Act policies cited in the City's certified LUP. Specifically, the appellant alleges that the project approval does not demonstrate how the project meets LCP "requirements" regarding:

- *permanent protection of natural and scenic resources; protection of the ecological balance of the Coastal Zone and prevention of its deterioration and destruction (Coastal Act Policy 300010);*
- *protection, maintenance and enhancement of Coastal Zone environmental quality; assurance of orderly and balanced use and conservation of Coastal Zone resources; assurance of priority for coastal-dependent and coastal-related development over other development (Coastal Act Policy 30001.5);*
- *ability to withstand a Coastal Commission review that focuses on LCP conformance, the avoidance of*

unnecessary long-term cost to the public, and the avoidance of the diminished quality of life resulting from the misuse of coastal resources (Coastal Act Policy 30004);

- *the resolution of any conflicts encountered in implementing the LCP by applying the most protective policy (Coastal Act Policy 30007.5);*
- the liberal construing of the Coastal Act (including its policies as adopted in the LCP) to accomplish its objectives (Coastal Act Policy 30009).

Discussion.

These contentions are not valid grounds for appeal because the Coastal Act policies cited in the contentions (Coastal Act Sections 30001, 30001.5, 30004, 30007.5, 30009) are not part of the certified LCP. Although three of these Coastal Act sections (30001, 30001.5, and 30007.5) are discussed in the LCP Land Use Plan as background, neither they nor Sections 30004 and 30009 are adopted policies of the LCP. The only Coastal Act policies that the certified LUP specifically incorporates, by LUP Policy 1-1, into the LUP are certain Coastal Act chapter 3 policies, specifically Sections 30210 - 30264.

Policy 1-1 states:

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

Because the appellant fails to raise issue with any Coastal Act policy that is also a policy of the certified LCP, the Commission finds that the appellant's above referenced contentions regarding inconsistencies with Coastal Act policies do not constitute a valid basis for appeal of the project.

3. Conclusion.

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 10-3 and 10-9 concerning required correlation between a public works facility's capacity and projected buildout, and LUP Policy 10-3 requirements that phased public works expansions must be in accord with the "probable capacity" of other public works facilities and services

EXHIBITS

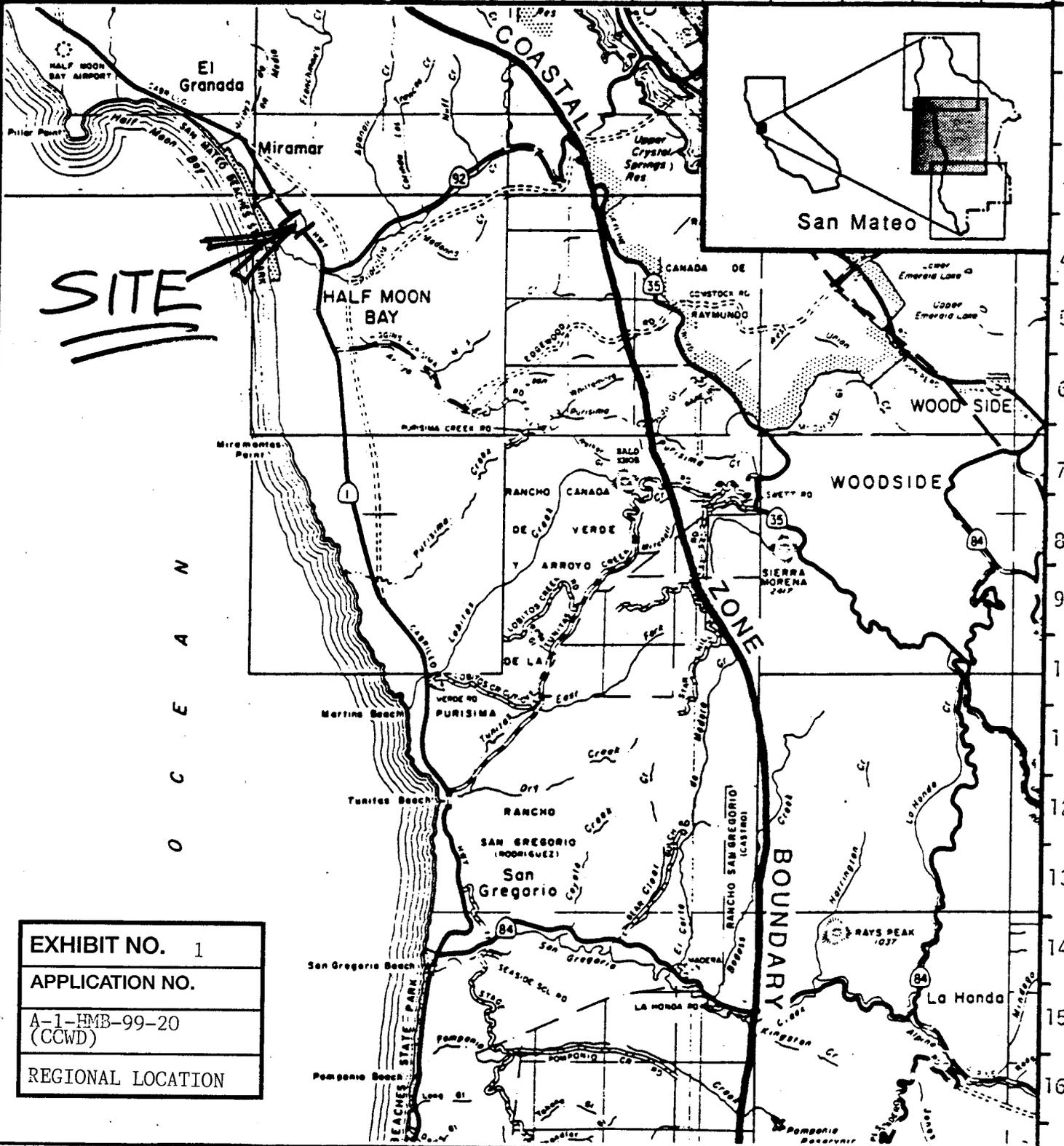
Maps

1. Regional Location
2. Project Site (Casa del Mar Pipeline)
3. El Granada Pipeline Replacement Project
4. CCWD Service Area
5. El Granada Pipeline Service Area

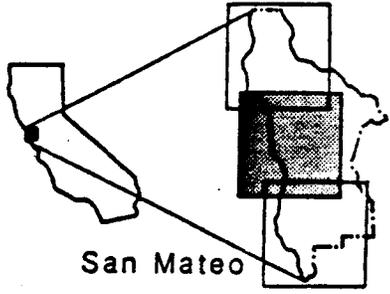
Other

6. City's 8/6/98 Additional Information Request
7. LUP Table 9-1
8. City Resolution No. 39-87
9. City Final Action Notice
10. Appeal by Carol Cupp
11. Correspondence
David Iverson (Half Moon Bay Neighbors' Alliance)
Barbara K. Mauz
Larry M. Kay
Ray McDevitt (Hanson Bridgett)
12. City of Santa Barbara "Water Facts"
13. "Water Usage Facts"
14. Applicant's 5/28/99 Postponement Request
15. Applicant's 6/23/99 Comments
16. Correspondence since 5/26/99 (initial) Staff Report
Barbara K. Mauz
Larry M. Kay
Eva R. Coleman
Laura Stein

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



SITE



San Mateo

EXHIBIT NO. 1
APPLICATION NO.
A-1-HMB-99-20 (CCWD)
REGIONAL LOCATION



TOPOGRAPHIC MAP

FIGURE 2

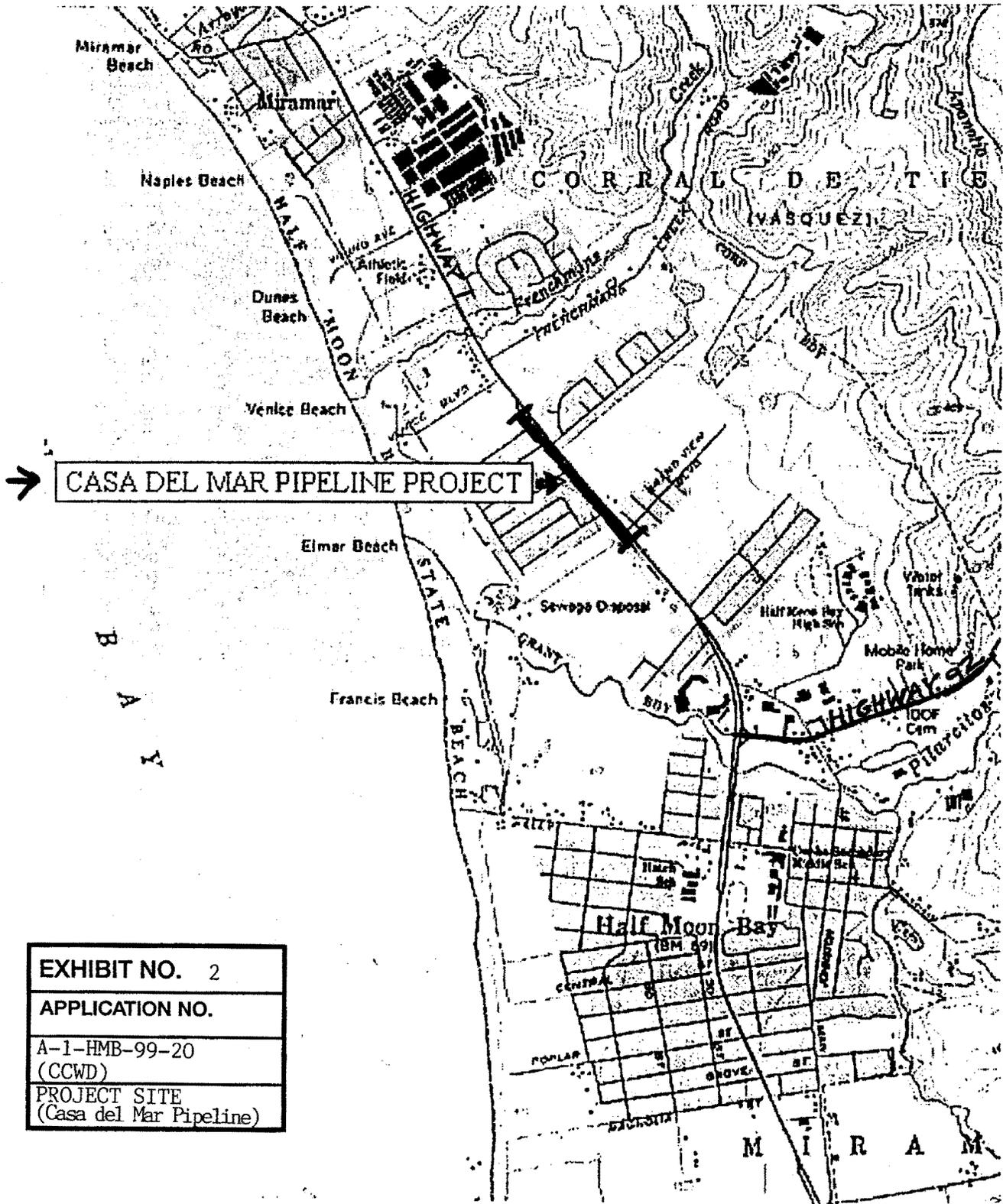
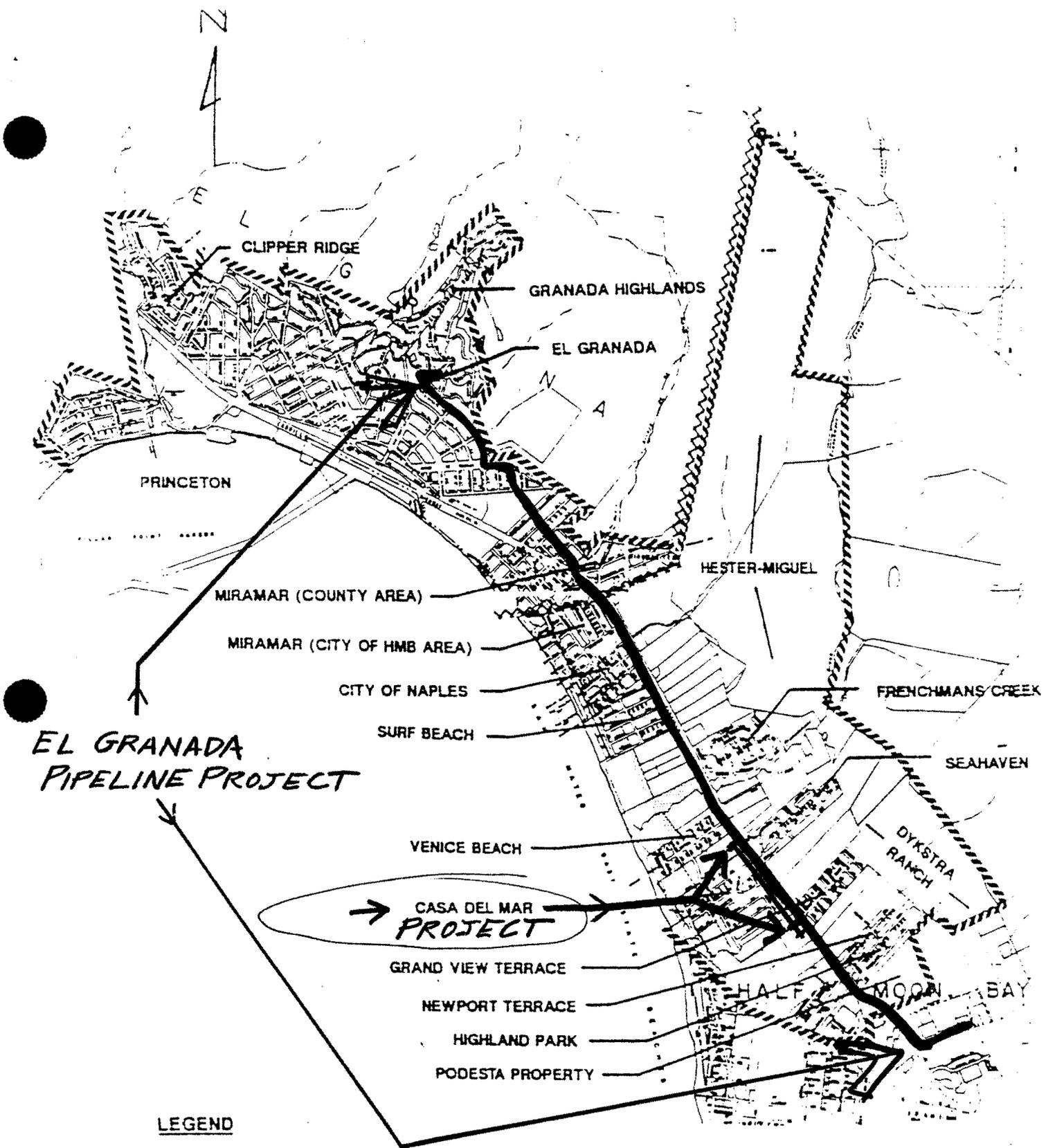


EXHIBIT NO. 2
APPLICATION NO.
A-1-HMB-99-20 (CCWD)
PROJECT SITE (Casa del Mar Pipeline)



**EL GRANADA
PIPELINE PROJECT**

**CASA DEL MAR
PROJECT**

LEGEND

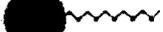
-  BOUNDARY OF WATER SERVICE AREA OF PROPOSED PROJECT PIPELINE
-  BOUNDARY BETWEEN CITY OF HALF MOON BAY AND COUNTY OF SAN MATEO

EXHIBIT NO. 3
APPLICATION NO.
A-1-HMB-99-20 (CCWD)
EL GRANADA PIPELINE REPLACEMENT PROJECT

PROJECT AREA MAP

SCALE: 1" = APPROX. 1400 FT.

Coastside County Water District

Water Supply and Transmission System

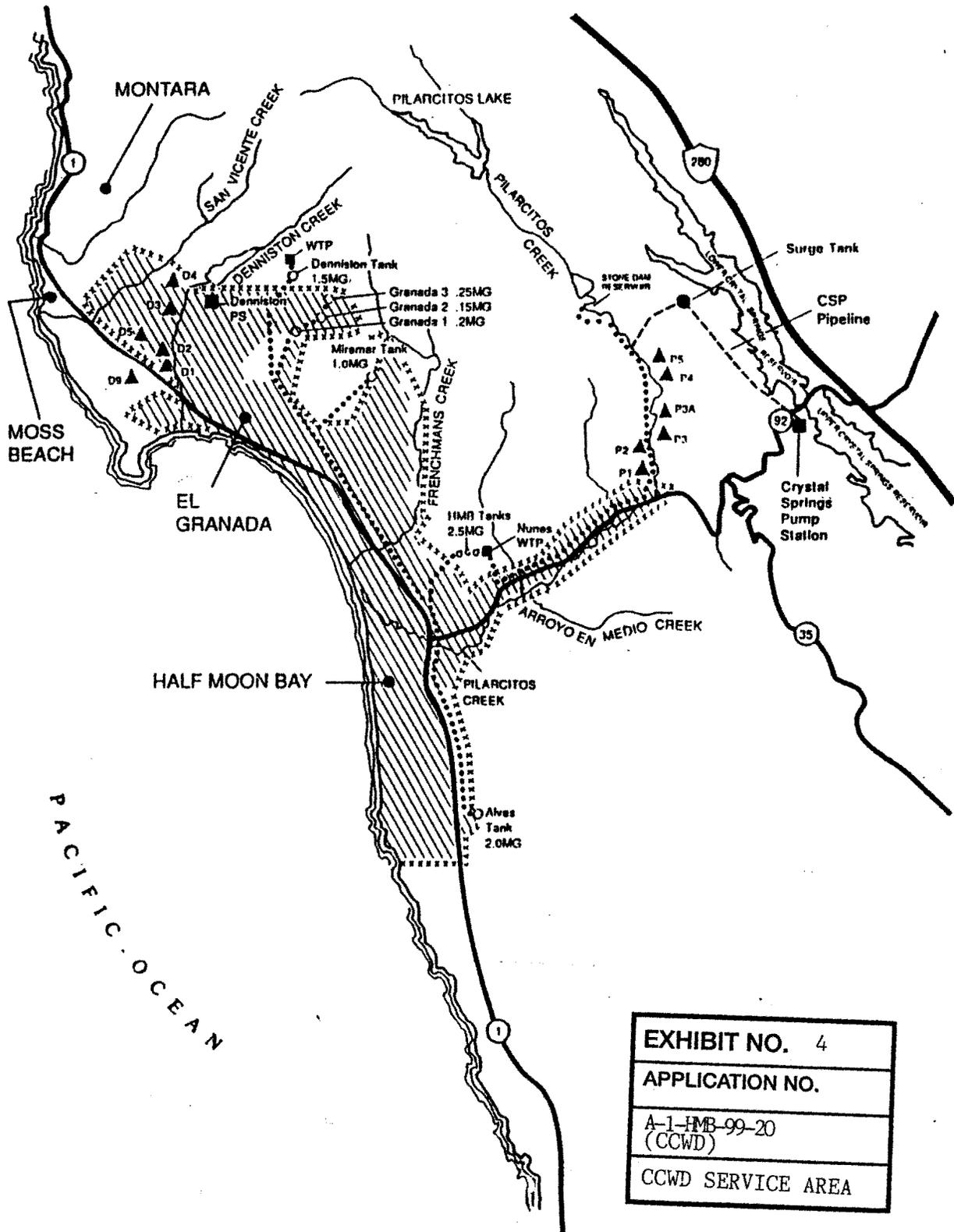


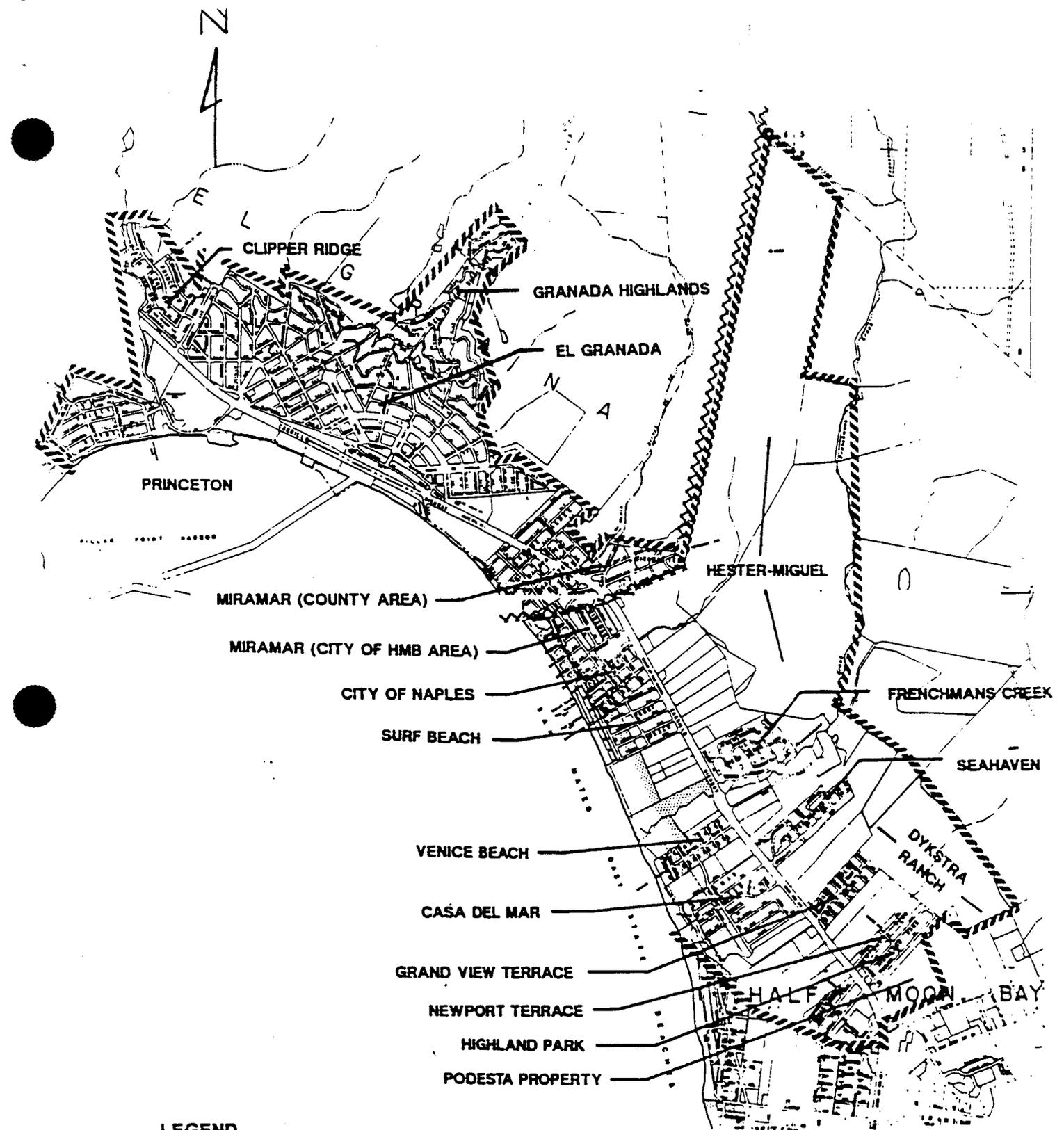
EXHIBIT NO.	4
APPLICATION NO.	
	A-1-HMB-99-20 (CCWD)
	CCWD SERVICE AREA



DISTRICT INFORMATION	
Treated Water Storage	7.60 MG
Water Treatment Plants	
Nunes	4.5 mgd
Denniston	1.0 mgd
Transmission Pipeline	17 miles
Distribution Pipeline	83 miles



LEGEND	
--- (dotted line)	District Boundary
--- (dashed line)	Existing Transmission Lines
--- (long dashed line)	CSP Transmission Pipeline
▲ (triangle)	Wells



LEGEND

----- BOUNDARY OF WATER SERVICE AREA OF PROPOSED PROJECT PIPELINE ←

~~~~~ BOUNDARY BETWEEN CITY OF HALF MOON BAY AND COUNTY OF SAN MATEO

**PROJECT AREA MAP**

SCALE: 1" = APPROX. 1400 FT.

|                                  |                         |
|----------------------------------|-------------------------|
| EXHIBIT NO.                      | 5                       |
| APPLICATION NO.                  | A-1-HMB-99-20<br>(CCWD) |
| EL GRANADA PIPELINE SERVICE AREA |                         |



## CITY OF HALF MOON BAY

City Hall, 501 Main Street  
Half Moon Bay, CA 94019

August 6, 1998

Coastside County Water District  
766 Main Street  
Half Moon Bay, CA 94019

Subject: ~~PDP-44-98~~ Status of the Application for Replacement of  
Approximately 2,200 Lineal Feet of 10-inch Diameter Welded Steel  
Pipeline with 16-inch Diameter Ductile Iron Pipe

Dear Mr. Rathborne:

The Half Moon Bay Planning Department received the application referenced above on July 28, 1998. The purpose of this letter is to inform you of the additional submittals that are needed before the application can be deemed complete.

### Additional Submittals

Please augment the submitted materials with answers to the following questions.

- The peak day usage of the service area for the whole pipeline is 1,140 gpm, and the average day usage is 760 gpm. Do these calculations include the amount of reserve capacity that is needed for fire flow in hydrants that are directly connected to the transmission pipe within the Casa del Mar project? Or is all fire fighting reserve capacity handled in the reservoirs? If possible, please submit a breakdown of the usage in gpm for fire flow, existing services, and future services with current rights to connect. If applicable, also identify future services that may be facilitated by this pipeline extension. Please base the calculation on the required fire flow for the Fire District in gallons per minute.
- Please also provide additional discussion regarding the need for additional gpm capacity to provide adequate transfer capability to the northern storage tanks to maintain adequate fire fighting reserves.

|                                          |   |
|------------------------------------------|---|
| EXHIBIT NO.                              | 6 |
| APPLICATION NO.                          |   |
| A-1-HMB-99-20<br>(CCWD) (Page 1 of 3)    |   |
| CITY'S ADDITIONAL<br>INFORMATION REQUEST |   |

Mr. Bob Rathborne  
PDP-44-98  
August 6, 1998  
Page 2

- Is it conceivable that an increase in the pumping capacity of the Frenchmans Creek pump station would be needed in the future?
- Can it be unequivocally said that this project is not growth inducing? The following statements from various documents suggest that the question is somewhat complex. The "Casa del Mar Replacement Project, Narrative in Support of a Coastal Development Application" document submitted with the CDP application states that the transmission line is sized for the "entire northern service area" under the "Denniston Project not Operable" mode (p. 16). In the "Revised Initial Study" the response to comments regarding growth that could be supported by the pipeline states that it is sized to handle up to 55% of the buildout envisioned by the County LCP and Half Moon Bay LUP (RC-23). You also state that this pipeline is necessary to provide adequate service to existing customers as well as an unknown number of customers with a current right to connect (RC-13). You assert that this pipeline will not facilitate growth because the Crystal Springs project CDP limits the number of possible connections. From these statements, it appears that the line is being sized larger than would be needed to handle existing demand, additional permits that could be issued under the CDP and fire flows. Is the relationship between buildout and the number of potential customers with current right to connect really unknown? Please explain how to reconcile the statement in the Initial Study that this project will not add to population growth with the engineer's assumption that the pipe should be sized to accommodate 55% of the potential growth envisioned in the County LCP and the City LUP.

#### **Additional Processing Fee Deposit**

Thank you for your cover letter to the application stating your knowledge that an additional deposit to be applied toward the application fee is required. The following breakdown is an estimate of the hours and the additional deposit (at \$54/hour plus administration) that is required, consistent with the Half Moon Bay fee ordinance.

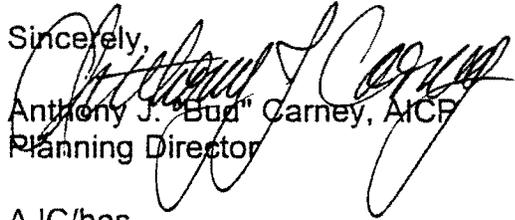
| <b>Task</b>                              | <b>Hours</b> | <b>Cost</b>    |
|------------------------------------------|--------------|----------------|
| Documentation/field work/consultation    |              |                |
| Public contact                           | 25           | \$1,350        |
| Staff Report Preparation/Public Hearings | 10           | 540            |
| 20% Administrative Cost                  |              | <u>378</u>     |
| Total Deposit Required                   |              | 3,618          |
| <u>Less Deposit submitted</u>            |              | <u>(205)</u>   |
| Total Deposit Due                        |              | <u>\$3,413</u> |

Mr. Bob Rathborne  
PDP-44-98  
August 6, 1998  
Page 3

Upon satisfactory submittal of the requested additional information and the additional application fee deposit, your application will be deemed complete.

If you have any questions, please feel free to call at 726-8250.

Sincerely,

  
Anthony J. "Bud" Carney, AICP  
Planning Director

AJC/bas

Cc: Finance Department  
Bill Ambrosi Smith, Planning

TABLE 9.1

CATEGORIES OF UNDEVELOPED LANDS IN HALF MOON BAY

CATEGORY 1: Existing Neighborhoods

|                                                        | Existing<br>Units | Maximum<br>Potential<br>New<br>Units Under<br>Exist.Zoning | Maximum<br>Potential<br>New<br>Units Under<br>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-<br>town (Arleta Park East)  | 318               | 300                                                        | 272                                               |
| 9. Arleta Park(& Miramontes<br>Terrace South of Kelly) | 597               | 482                                                        | 349-414                                           |
| 10. Ocean Colony                                       | 189               | 861                                                        | 861                                               |
| 11. Canada Cove<br>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<br>(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 |

|                                |
|--------------------------------|
| EXHIBIT NO. 7                  |
| APPLICATION NO.                |
| A-1-HMB-99-20<br>(CCWD)        |
| LUP TABLE 9-1<br>(Page 1 of 4) |

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

| <u>CATEGORY 5:</u>                                                                           | Unsubdivided<br>Development<br>Recreation, or | Lands<br>and Having<br>Habitat Value | Contiguous<br>With<br>Agricultural,                        | Existing<br>Coastal                               |
|----------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------|------------------------------------------------------------|---------------------------------------------------|
|                                                                                              |                                               |                                      | Maximum<br>Potential<br>New<br>Units Under<br>Exist.Zoning | Maximum<br>Potential<br>New<br>Units Under<br>LUP |
| 1. Land between Frenchman's<br>Creek and Young Avenue                                        | 0                                             | 100-120                              | 50(5)                                                      |                                                   |
| 2. Land between Frenchmans<br>Creek and Venice Beach                                         | 5                                             | 40-50                                | 60                                                         |                                                   |
| 3. Land between Casa del Mar<br>and Pilarcitos Creek                                         | 5                                             | 310-390                              | 0                                                          |                                                   |
| 4. Land between Kelly and<br>Pilarcitos Creek                                                | 15                                            | 600-900                              | 42                                                         |                                                   |
| 5. Andreotti Property on<br>Main Street                                                      | 1                                             | 225-270                              | 130                                                        |                                                   |
| 6. Podesta property<br>west of high school                                                   | 0                                             | 360(3)                               | 110                                                        |                                                   |
| 7. Strip along Main Street and<br>Hwy 1 south of Colonel Way<br>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                                   |
| TOTAL, ALL CATEGORIES:                             | 2,726(4)       | 7,983-8,838                                     | 5,265-5,345                           |

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.)

RAY MCDEVITT  
ATTORNEY AT LAW  
DIRECT DIAL 415 995 5010



HANSON  
BRIDGETT  
MARCUS  
VLAHOS  
RUDY-LLP

December 29, 1998

Anthony J. "Bud" Carney, Planning Director  
City of Half Moon Bay  
501 Main Street  
Half Moon Bay, CA 94019

VIA FEDERAL EXPRESS

Re: Coastside County Water District; Casa Del Mar Pipeline Replacement  
Project (PDP 44-98)

Dear Mr. Carney:

I am writing to bring to your attention a City Council resolution which I believe is very pertinent to the Planning Commission's consideration of the Water District's pending application for a coastal development permit.

You will find enclosed a copy of City Council Resolution No 39-87 adopted unanimously in May 1987. The resolution approves the formation of an assessment district to assist in financing the Crystal Springs Project. Moreover, it also grants the City's consent for the District to "acquire and construct" the "public improvements described in Exhibit A." Exhibit A, in turn, identifies very specifically the infrastructure pipelines in the District's distribution system which are to be replaced. As you can see, the diameter of the El Granada Pipeline Replacement Project (of which Casa del Mar is a segment) is shown as 16 inches. (The third generation photocopy enclosed may be hard to read, but I'm sure the maps attached to the original resolution in the City Clerk's office will be very clear). As you know, the District's application is for a pipeline exactly 16 inches in diameter.

The City's prior, unequivocal approval of the Casa del Mar pipeline replacement exactly as applied for should substantially narrow and simplify the issue for the Planning Commission. I would appreciate your bringing it to the attention of the Commissioners in your staff report.

OFFICES

SAN FRANCISCO

333 MARKET STREET · 23RD FLOOR  
SAN FRANCISCO · CA 94105-2173  
TELEPHONE 415-777-3200  
FACSIMILE 415-541-9366  
email: sf@hansonbridgett.com

MARIN

80 E. SIR FRANCIS DRAKE BLVD · SUITE 3E  
LARKSPUR · CA 94939  
TELEPHONE 415-925-8400  
FACSIMILE 415-925-8409  
marin@hansonbridgett.com

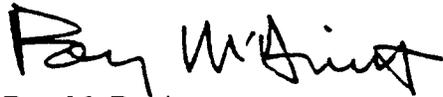
|                                            |
|--------------------------------------------|
| EXHIBIT NO. 8                              |
| APPLICATION NO.                            |
| A-1-HMB-99-20<br>(CCWD)                    |
| CITY RESOLUTION<br>NO. 39-87 (Page 1 of 9) |

667859.1

Anthony J. 'Bud' Carney, Planning  
Director  
December 29, 1998  
Page 2

I am sending a copy of this resolution and letter to the City Manager and the City Attorney so that they will be aware that the City Council has already granted its approval for the pipeline replacement.

Very truly yours,



Ray McDevitt

REM:eb  
Enclosure

cc: Robert Rathborne, General Manager  
Blair King, City Manager  
John Truxaw, City Attorney

A RESOLUTION APPROVING FORM OF RESOLUTION OF INTENTION  
AND BOUNDARY MAP AND GRANTING CONSENT OF THE CITY COUNCIL  
OF THE CITY OF HALF MOON BAY TO THE COASTSIDE COUNTY  
WATER DISTRICT TO UNDERTAKE PROCEEDINGS TO ACQUIRE  
AND CONSTRUCT PUBLIC IMPROVEMENTS AND TO PROVIDE  
THAT THE COST SHALL BE ASSESSED ON THE DISTRICT  
BENEFITED UNDER APPROPRIATE SPECIAL ASSESSMENT  
AND ASSESSMENT BOND PROCEEDINGS

CRYSTAL SPRINGS WATER SUPPLY PROJECT

RESOLVED, by the City Council of the City of Half Moon Bay,  
California, that

WHEREAS, it is the intention of the Board of Directors of the  
Coastside County Water District, San Mateo County, California, to  
undertake appropriate special assessment and assessment bond procee-  
dings for the acquisition and construction of the public improvements  
more particularly described in Exhibit "A" hereto attached and by  
reference incorporated herein;

WHEREAS, the Coastside County Water District, pursuant to  
Section 10104 of the Streets and Highways Code, has submitted to this  
Council for approval a proposed Resolution of Intention to form an  
assessment district, together with a plat indicating by a boundary  
line the extent of territory included in the proposed district, in  
view of the fact that a portion of the land to be assessed and a  
portion of the work and improvements are within the incorporated  
territory of the City of Half Moon Bay; and

WHEREAS, the public interest and general welfare will be served  
by the undertaking and completing of the public improvements project;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED, as  
follows:

1. That the form of Resolution of Intention to form an  
assessment district, and the plat indicating by a boundary line the  
extent of the territory included in the proposed assessment district,  
submitted by the Board of Directors of said Coastside County Water  
District and this day presented to this Council, be, and they are  
hereby, approved.
2. That upon approval of the legislative bodies of any public  
entities with jurisdiction, said Resolution of Intention may be  
adopted, and said Board of Directors may thereafter take each and every

step required for or suitable for the consummation of the public improvement project and the levying, collection and enforcement of the assessments to cover the expenses thereof and the issuance and enforcement of bonds to represent unpaid assessments.

3. That consent be, and the same is hereby, granted to said District to form the assessment district, to consummate the public improvement project work as above described, to assume jurisdiction thereover for the purposes aforesaid, to make such changes and modifications in said work or acquisitions, in said assessments, or in the boundaries of said assessment district prior to or in the course of said proceedings and to conduct such supplemental assessment or reassessment proceedings as may be necessary to complete the construction and financing of said acquisitions and improvements as may be proper or advisable in the manner provided by law, to acquire and construct said public improvements and to levy said assessments upon the property benefited thereby, a portion of said property being within the incorporated territory of this City.

4. That upon approval of an encroachment permit from the City Engineer of said City, District may open all such City rights of way as are required for the installation of said improvements. All work pertaining to said project shall be done under the direction of the District Engineer and in conformity with good engineering practice. All work affecting City rights of way shall be done to the satisfaction of the City Engineer of this City. Said District Engineer shall require of the contractor that all of the provisions of the specifications are complied with by the contractor, to the end that no greater amount of ditches are open at any time than is necessary, that they shall be adequately lighted and barricaded, and that they shall be promptly backfilled, and that the pavement shall be restored with materials of like quality and character as those existing therein at the time of such work and to its former condition and state of usefulness as nearly as may be.

5. That the City Clerk of said City be, and she is hereby directed to file with the Secretary of said District a certified copy of this resolution.

\* \* \* \* \*

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Half Moon Bay, San Mateo County, California, at a meeting thereof held on the 19th day of May, 1987, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:

Bedesem, Beer, Eriksen, Mello, Patridge

NOES, Councilmembers:

None

ABSENT, Councilmembers:

None

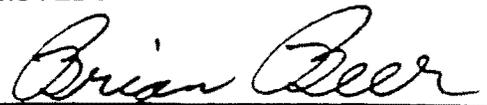
ABSTAIN, Councilmembers:

None

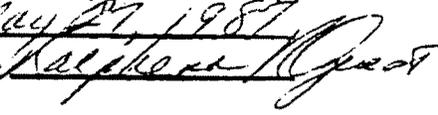
  
Ralphena R. Guest, City Clerk

APPROVED:

(SEAL)

  
Brian Beer, Mayor

I hereby certify that the foregoing is a true and correct copy of the original document on file in the office of the City Clerk of the City of Half Moon Bay.

Date: May 27, 1987  
City Clerk: 

Coastside County Water District

FACILITIES PLAN

CRYSTAL SPRINGS WATER SUPPLY PROJECT  
&  
INFRASTRUCTURE PIPELINES

March 1987

List of Maps

Facilities Plan: Crystal Springs Water  
Supply Project

Infrastructure Pipelines: Water Distri-  
bution System, Southern Area

Infrastructure Pipelines: Water Distri-  
bution System Northern Area

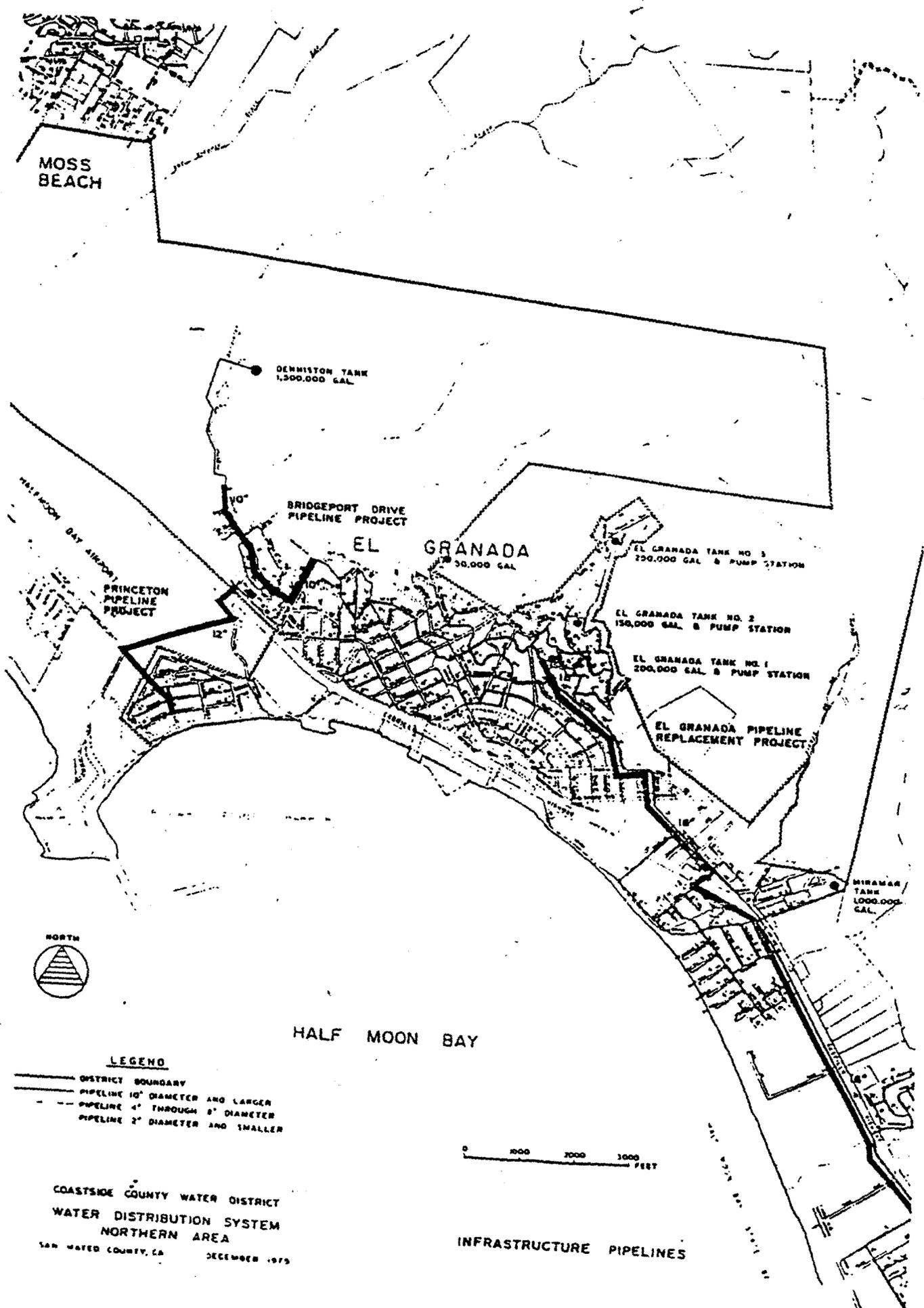
EXHIBIT A

Coastside County Water District

CRYSTAL SPRINGS WATER SUPPLY PROJECT

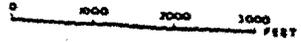
PROJECT DESCRIPTION FOR ASSESSMENT PROCEEDINGS

- a) The acquisition of lands and easements necessary for the construction and installation of water collection, pumping, transmission, treatment, and distribution facilities, more particularly described as follows:
- 1) Crystal Springs Pump Station consisting of intake screens, coffer dam, tunnel, caisson, pipelines, pumps, valves, electrical switchgear, instrumentation, surge tank, building, meters, sewage holding tank, fencing, landscaping, access roadway, structural and piping excavation and backfill, and
  - 2) Crystal Springs Pipeline and Surge Tank consisting of pipeline, valves, fire hydrants, blowoffs, steel tank, landscaping, creek crossings, retaining walls, fencing, telemetry cable and conduit, electrical cable and conduit, access road, tank and piping excavation and backfill, and
  - 3) Nunes Water Treatment Plant Expansion consisting of concrete tanks for sedimentation and filtration, sludge drying bed, standby power buildings, mechanical water treatment equipment, standby power facilities, electrical switchgear, pumps, piping, valves, access roadways, storm drains, structural and piping excavation and backfill, and
  - 4) Infrastructure Pipelines consisting of water pipelines, valves, fire hydrants, service connections, creek crossings, booster pump station, structural and piping excavation and backfill, and repaving,
- together with appurtenances to any of the above all as generally located and shown on those certain maps entitled "Facilities Plan, Crystal Springs Water Supply Project and Infrastructure Pipelines" on file in the office of the Secretary of the Coastside County Water District and which are open to public inspection.
- b) The acquisition of all lands and easements and the performing of all work auxiliary to any of the above and necessary or convenient to complete the same.



**LEGEND**

- DISTRICT BOUNDARY
- PIPELINE 10" DIAMETER AND LARGER
- - - PIPELINE 4" THROUGH 9" DIAMETER
- PIPELINE 2" DIAMETER AND SMALLER



COASTSIDE COUNTY WATER DISTRICT  
 WATER DISTRIBUTION SYSTEM  
 NORTHERN AREA  
 SAN MATEO COUNTY, CA      DECEMBER 1975

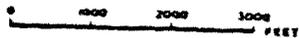
INFRASTRUCTURE PIPELINES

REVIEW OF ORIGINAL  
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 PIPELINE REPLACEMENT  
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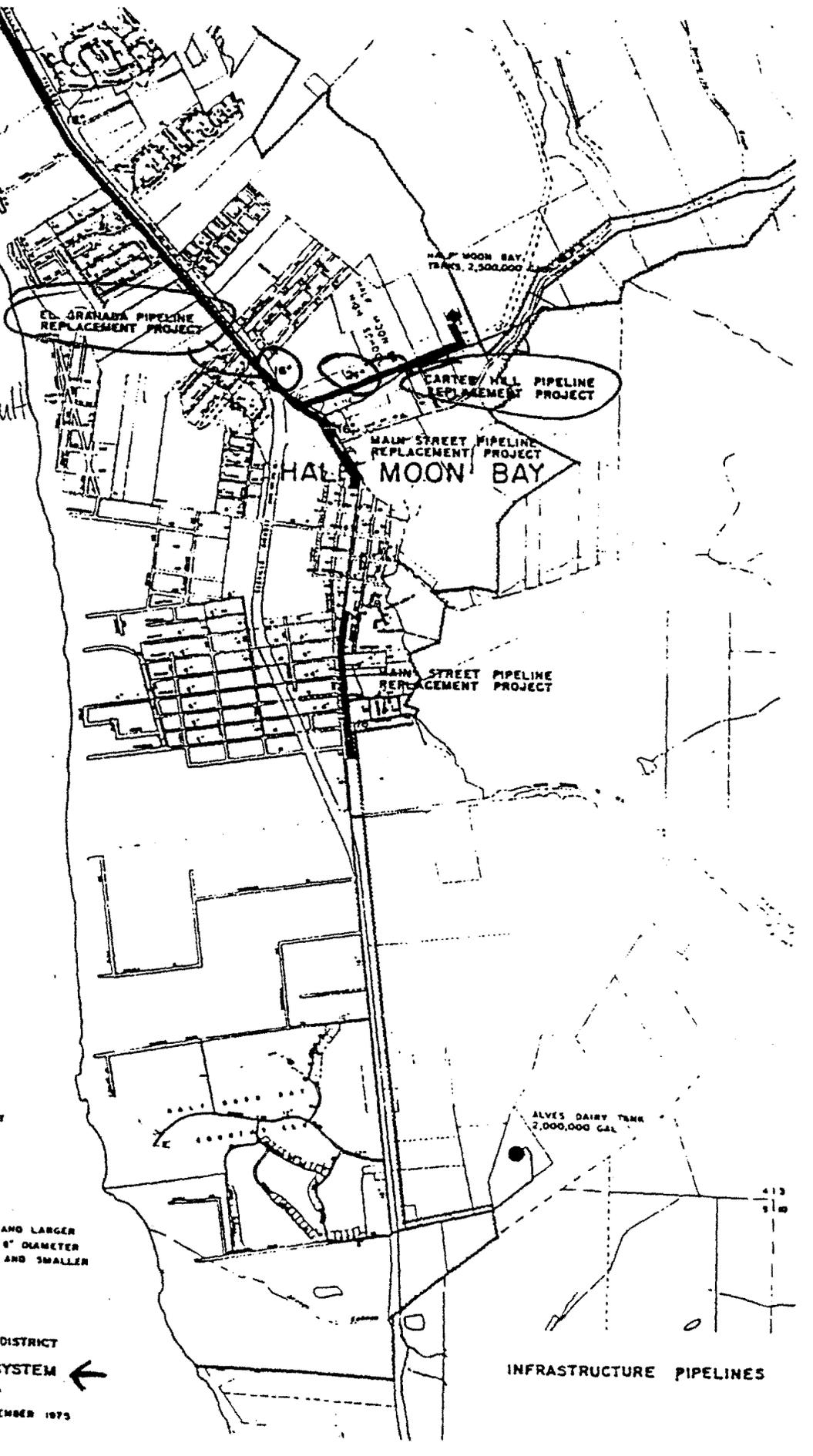
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**LEGEND**

- DISTRICT BOUNDARY
- PIPELINE 10" DIAMETER AND LARGER
- PIPELINE 4" THROUGH 9" DIAMETER
- PIPELINE 2" DIAMETER AND SMALLER

COASTSIDE COUNTY WATER DISTRICT  
 WATER DISTRIBUTION SYSTEM  
 SOUTHERN AREA ←  
 SAN MATEO COUNTY, CA.      DECEMBER 1973



INFRASTRUCTURE PIPELINES



CITY OF HALF MOON BAY

City Hall, 501 Main Street  
Half Moon Bay, CA 94019

RECEIVED  
MAR 15 1999  
CALIFORNIA  
COASTAL COMMISSION

FACSIMILE COVER SHEET

DATE: 3/15/99

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: \_\_\_\_\_

COMPANY NAME: CALIFORNIA COASTAL COMMISSION

ATTENTION: BILL VAN BECKUM

FAX NUMBER: 415 904 5400

FROM: Bill Ambrosia Smith

DEPARTMENT: PLANNING

MESSAGE: CCWD CASA DEL MAR WATER  
LINE PLAN.

|                                            |
|--------------------------------------------|
| EXHIBIT NO. 9                              |
| APPLICATION NO.                            |
| A-1-HMB-99-20<br>(CCWD)                    |
| CITY FINAL ACTION NOTICE<br>(Page 1 of 15) |

ORIGINAL WILL \_\_\_\_\_ WILL NOT  FOLLOW IN U.S. MAIL.

IF YOU DID NOT RECEIVE THIS FAX CORRECTLY, PLEASE CALL AND WE WILL RETRANSMIT. THANK YOU.

## NOTICE OF FINAL ACTION

### Coastal Permit

City of Half Moon Bay Planning Department

501 Main Street, Half Moon Bay CA 94019

(650) 726-8250 Fax (650) 726-9389

Date: March 15, 1999 File: PDP-44-98

Applicant: Bob Rathborne,  
General Manager  
Coastside County Water District  
766 Main Street  
Half Moon Bay, CA 94019

Planner: Bill Ambrosi Smith

This notice is being distributed to the Coastal Commission and those who requested notice. The following project is located within the appealable area of the Coastal Zone. The public hearing on the Coastal Development permit and was conducted by the Planning Commission at its regularly scheduled meeting of January 28, 1999, at which the application was conditionally approved. On February 7, 1999 the decision was appealed to the City Council. On March 2, 1999 the City Council acted with finality by failing to decide. The Attached opinion from the City Attorney concludes that the decision of the Planning Commission was not overturned.

Project Description: Replacement of 2,200 lineal feet of an existing 10-inch welded steel water line with a 16-inch ductile iron water line to be constructed on the east side of the Frontage Road from the south side of Bev Cunha's Country Road to approximately 200 feet north of Wave Avenue. This first phase of the El Granada Pipeline Replacement Project is named the Casa Del Mar Pipeline Replacement Project.

Project Location: In the Highway One Median, approximately 200 feet south of Bev Cunha's Country Road and 200 feet North of Wave Avenue

APN: N/A

COASTAL PERMIT APPROVED, BASED UPON Findings for Approval contained in the attached Resolution P-03-99 and Conditions of Approval contained in Exhibit A, as modified by the Planning Commission during the meeting.

**Planning Commission Resolution P- 03 -99  
PDP-44-98 Coastal Development Permit**

**WHEREAS**, an application was submitted requesting approval of a Coastal Development Permit; and

**WHEREAS**, the project is described as replacement of 2,200 lineal feet of an existing 10 inch welded steel water line with a 16 inch ductile iron water line, to be constructed on the east side of the Frontage Road from the south side of Sewer Plant Road to approximately 200 feet north of Wave Avenue. This first phase of the El Granada Pipeline Replacement Project has been named the Casa del Mar Pipeline Replacement Project, (See "Casa del Mar Pipeline Replacement Project, Narrative in Support of a Coastal Development Application," CCWD July 24, 1998); and

**WHEREAS**, an Initial Study and proposed Mitigated Negative Declaration for this project was submitted to the California State Clearinghouse On March 8, 1998, and the Coastside County Water District prepared a revised Initial Study in response to the comments received during the review period; and

**WHEREAS**, the project that is described herein is a 2,200 lineal foot portion of the approximately 3.5 mile Casa del Mar pipeline replacement project that was studied in the Revised Initial Study and Mitigated Negative Declaration referenced herein; and

**WHEREAS**, at its June 9, 1998 meeting the CCWD Board heard public testimony and certified the mitigated negative declaration as complete, correct and adequate and prepared in accordance with the California Environmental Quality act and applicable State and County Guidelines and represents the independent judgement of the Coastside County Water District, and

**WHEREAS**, The City of Half Moon Bay, as responsible agency, has used the environmental analysis of the Coastside County Water District, the lead agency, as required by CEQA Guidelines Section 15367; and

**WHEREAS**, On the basis of the Initial Study, comments thereto, and testimony presented and considered at the public hearing, that there is no substantial evidence that the project with the incorporated mitigation measures thereto contained within the Mitigated Negative Declaration, will have a significant effect on the environment; and

**WHEREAS**, the procedures for processing the application have been followed as required by law; and

**WHEREAS**, the Planning Commission conducted a duly noticed hearing on the matter on January 28, 1999, at which meeting all those in attendance were given an opportunity to be heard on the matter; and

**WHEREAS**, the Planning Commission considered all written and oral testimony presented for their consideration; and

**WHEREAS**, the Planning Commission has found and determined that:

1. The development, as modified by conditions, conforms to the Local Coastal Program.
2. The development is consistent with (not subject to) the annual population limitation system established in the Land Use Plan and the Zoning Ordinance.
3. The development is infrastructure, consistent with the use limitations and property development standards of the applicable Zoning Districts as well as the other requirements of the Zoning Ordinance.
4. Evidence has been submitted that the proposed development will be provided with adequate services and infrastructure in a manner that is consistent with the Local Coastal Program.
5. This project is located between the sea and the first public road; it conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**NOW, THEREFORE, BE IT RESOLVED** that, based upon the above Findings and the Conditions of Approval of Exhibit A, the Planning Commission approves the amendment to prior approvals.

**PASSED AND ADOPTED** by the Half Moon Bay Planning Commission at a meeting held on January 28, 1999 by the following vote:

**AYES**, Commissioners King, Ferreira, Taylor, Sullivan and  
Chairman Hansen

**NOES**, Commissioners Benjamin and Heinz

**ABSENT** \_\_\_\_\_

**ABSTAIN**, \_\_\_\_\_

**APPROVED:**

s/Robert Hansen  
Robert Hansen, Planning Commission Chairman

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
**PDP-44-98**  
**January 28, 1999**

1. Development shall be in substantial conformance with the approved site plan except for any changes that may be required by these conditions of approval. Any changes to the approved plan shall be submitted to the Planning Director for review and approval. In the event that the Planning Director determines that any of these proposed changes warrant further Planning Commission review and approval, the applicant shall submit the revised plans for consideration at a public hearing before the Planning Commission.
2. This Coastal Development Permit authorizes only the replacement of a portion of a water transmission pipeline as described herein. It does not authorize any development which would expand or enlarge the applicant's sources of water supply or create a new source of water supply. Before conducting any development which would enlarge or expand its sources of water supply or create any new sources of water supply, the applicant shall secure a Coastal Development Permit for such development, and , if requested to do so by the agency issuing such Coastal Development Permit, shall prepare an Environmental Impact Report on such development.
3. This Coastal Development Permit PDP-44-98 shall expire one year from the day that the City Council appeal period ends, unless construction of the project has commenced.
4. During construction, the applicant shall minimize the transport and discharge of stormwater from the project site by instituting construction site practices that include but are not limited to the following best management practices:
  - Use silt fence barrier, straw bale barrier, sand bags, brush or rock filter, filter fabric stormwater inlet filtration devices, or other appropriate measures as necessary to minimize the quantity of sediment laden runoff from the site and into the storm drain system.
  - Stabilize any areas that have been stripped of vegetation and maintain erosion control measures between October 15 and April 15.
  - Ensure that erosion control by revegetation is performed just prior to the rainy season unless on-site irrigation is provided. Select seed to minimize fertilizer and water use. Limit watering to the amount and frequency which can be absorbed on site.

- Avoid stockpiling of soils or materials when rain is forecast. Cover with a waterproof tarp during periods of rainy weather to control runoff.
  - Avoid cleaning, fueling, or maintaining vehicles on site, except in an area designated to contain and treat runoff.
5. Pursuant to Chapter 14.40 of the Half Moon Bay Municipal Code, the hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 10:00 a.m. to 6:00 p.m. Sundays and Holidays.
  6. Any public utilities requiring relocation as a result of the construction performed under this permit shall be relocated at the applicant or owner's expense.
  7. The applicant shall demonstrate the issuance of a Caltrans Encroachment permit prior to the commencement of the project.
  8. If historic or archaeological resources are uncovered during grading activities, all work shall stop and the applicant shall retain a qualified archaeologist. At the applicant's expense, the qualified archaeologist will perform an archaeological reconnaissance and develop mitigation measures to protect archaeological resources.
  9. The applicant shall monitor surface conditions above the abandoned 10-inch pipeline on the west side of the frontage road. Should slumping or surface deformations form, the CCWD is responsible for repair of the areas involved.
  10. The applicant shall prepare and implement a detailed dust control plan during all phases of construction. At a minimum, the dust control plan shall require the following measures of all contractors:
    - Water or cover stockpiles of soil, sand or other materials that can be blown by the wind.
    - Minimize drop heights when loading vehicles with excavated materials.
    - Sweep adjacent streets of all mud and debris from the project area, since this material can be pulverized and later re-suspended by vehicle traffic.
    - Limit the speed of all construction vehicles on unpaved surfaces to 5 miles per hour while on site.
    - Cover or wet all materials transported on or from the site that have exposed soil surfaces with an appropriate dust suppressant or cover them or re-seed them as quickly as practicable.

- Suspend earthmoving or other dust-producing activities during periods of high winds whenever dust control measures are unable to prevent visible dust plumes.
11. Prior to excavation, the applicant shall perform lead testing per Caltrans standards and shall take all appropriate steps to minimize all of the associated health and safety hazards.

**MEMORANDUM****City of Half Moon Bay**

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March 12, 1999

TO: Honorable Mayor and Council

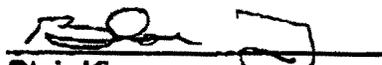
FROM: Blair King  
City ManagerSUBJECT: City Attorney Decision on Effect of Tie Council Vote on Coastal  
Development Permit Appeal

---

This is to transmit the decision of the City Attorney with regard to the twice tied vote of the Council when deciding the appeal of the Coastal Development permit granted by the City of Half Moon Bay Planning Commission to the County Coastside Water District.

Pursuant to the Attorney's decision, the Council has acted with finality, the Planning Commission's decision was not overturned, and the decision is subject to appeal of the Coastal Commission.

In consultation with the City Attorney and the Planning Director, the ten working day appeal period to the Coastal Commission commences the first working day after the date of this memorandum. This date was selected in response to the ambiguity surrounding the definition of what was the City Council's action.

  
Blair Kingcc: Planning Department  
Applicant  
Appellant

File:cmemos/tiecouncilvote

**CITY OF HALF MOON BAY  
INTER-OFFICE MEMORANDUM**

**TO:** Mayor and Councilmembers  
**FROM:** John Truxaw, City Attorney  
**RE:** Effect of Tie Council Vote on Coastal Development Permit Appeal  
**DATE:** March 9, 1999

**Question Presented**

What is the effect of a two-two tie vote of the Half Moon Bay City Council when deciding an appeal from a coastal development permit granted by the City of Half Moon Bay Planning Commission (the Commission)?

**Brief Answer**

Under the common law, the effect of the Council's tie vote is that no action was taken. Under the applicable provisions of the Half Moon Bay Municipal Code and relevant case law, the result is that the Commission's permit approval is affirmed.

**Discussion**

**a. Common Law Rule**

The general rule is that tie votes among members of an administrative agency result in no action (*Clark v. Hermosa Beach* (1996) 48 Cal App. 4th 1152, 1176). As a result, the Council's tie vote on appeal from the Commission's permit approval resulted in no Council action on the matter.

**b. Statutory Construction**

Court's rely upon applicable statutes or ordinances to determine the effect of the appellate body's failure to act on a challenged action. The applicable code provision in Hermosa Beach provided that on appeals from planning commission decisions the city council "shall order that the conditional use permit be granted, denied, or modified." Following a tie vote, the *Hermosa Beach* court held that the challenged conditional use permit approval was not affirmed, i.e. the permit was denied. (*Id.* at 1175-76). The court reasoned that since the appeal proceedings were

TO: Mayor and Council  
FROM: John Truxaw, City Attorney  
RE: Effect of Tie Council Vote on Coastal Development Permit Appeal  
DATE: March 9, 1999  
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*de novo*, the appellate body's failure to act did not affirm the challenged approval, but rather constituted a denial of a permit. The applicable ordinance supported the court's holding, since it required that on appeal the council either grant, deny, or modify the conditional use permit itself rather than uphold or overturn the planning commission decision to grant the permit.

Similarly, the court in *Anderson v. Pittenger*, cited in *Hermosa Beach*, concluded that where an ordinance directs that the city council act on zoning variance appeals by granting, denying, or modifying the variance in *de novo* proceedings, a tie vote results in no action. (*Anderson v. Pittenger* (1961) Cal. App. 2d 188, 195). As in *Hermosa Beach*, the result was denial of the challenged variance. (*Id.*) The court in *REA Enterprises v. California Coastal Commission*, also cited in *Hermosa Beach*, held that where the State Coastal Commission's vote on appeal is limited to the affirmative question of whether the permit should be granted, a tie vote results in permit denial. (*REA Enterprises v. California Coastal Commission* (1975) 52 Cal. App. 3d 596, 606-610).

Section 18.20.075(E)(3)(e) of the Half Moon Bay Municipal Code provides that on appeals from coastal development permits, "[a]fter the hearing, the appellate body shall affirm, modify or reverse *the original decision*. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal." (italics added). Unlike the statutes considered in *Hermosa Beach*, *Anderson* and *REA Enterprises*, the Half Moon Bay ordinance relates the Council's appellate power to the challenged decision, not to the permit sought. Furthermore, where the original decision is modified or reversed, the City Council must state the specific reasons for doing so. In this instance, the City Council has been unable to do the things it is empowered and required to do to overturn the appealed from decision. The Council has not affirmed, modified or reversed the original decision, and most importantly it has not stated any reasons for any modification or reversal. Therefore, the decision of the Commission, unaffected by Council action and unaffected by reasons stated for its modification or reversal, stands.

TO: Mayor and Council  
FROM: John Truxaw, City Attorney  
RE: Effect of Tie Council Vote on Coastal Development Permit Appeal  
DATE: March 9, 1999  
PAGE: 3

**c. Findings**

The above result is strongly supported by other provisions of the Municipal Code, and other court decisions. Section 18.20.070 of the Half Moon Bay Municipal Code provides that coastal development permits may only be approved or conditionally approved after the approving agency has made the necessary findings regarding the local coastal program, growth management system, zoning provisions, adequate services and the California Coastal Act. Section 18.20.075 F. further provides that "[a] decision by the city on an application for development shall not be deemed complete until: 1. The local decision on the application has been made and all required findings have been adopted... 2. All local rights of appeal have been exhausted..." Section 18.20.075 I. provides that "[a]n appellant shall be deemed to have exhausted local appeals and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the local appellate body or bodies as required by the city's appeal procedures."

California Code of Civil Procedure Section 1094.5 establishes the standard of review for final administrative decisions resulting from hearings required by law. (Cal. Code of Civ. Proc. § 1094.5(a)). Under Section 1094.5(b), the reviewing court must determine whether the respondent had jurisdiction to conduct the proceedings, whether they were fair, and whether they were tainted by prejudicial abuse of discretion. Prejudicial abuse of discretion exists if the proceedings were not as required by law, if the decision is not supported by the findings, or if the findings are not supported by the evidence. In *Topanga Association for a Scenic Community v. County of Los Angeles*, the California Supreme Court held that review of administrative adjudication under Section 1094.5 requires determining whether substantial evidence supports the administrative agency's findings, and whether the findings support the agency's decision. (*Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 514). Accordingly, the court in *Topanga* concluded that findings are necessary to satisfy Section 1094.5. (*Id.* at 515).

Because tie votes result in no agency action, they also result in no making of findings. Thus, in the case of a tie Council vote on a coastal development permit appeal, the findings required under Half Moon Bay Code Section 18.20.070 and

**TO:** Mayor and Council  
**FROM:** John Truxaw, City Attorney  
**RE:** Effect of Tie Council Vote on Coastal Development Permit Appeal  
**DATE:** March 9, 1999  
**PAGE:** 4

Section 30604 of the California Coastal Act have not been made by the City Council. Under *Topanga*, a lack of findings in an adjudicatory proceedings fails to satisfy the Section 1094.5 standard of review. Therefore, a tie Council vote on a coastal development permit appeal results not only in no agency action, but also no agency action that would withstand judicial review.

However, the findings required by Half Moon Bay Code Section 18.20.070, Section 30604 of the Coastal Act and CCP Section 1094.5 were made by the Commission rather than the Council. Consequently, the effect of Half Moon Bay Code Section 18.20.075(E)(3)(e) to treat a tie vote on appeal as affirmance of the Commission's original decision accords with the requirements of Half Moon Bay Code Section 18.20.070, Section 30604 of the Coastal Act and CCP Section 1094.5 as interpreted by the Supreme Court in *Topanga*.

#### Conclusion

Because a tie vote of an administrative body such as the Council results in no action, and Section 18.20.075(E)(3)(e) of the Half Moon Bay Municipal Code limits the Council's appellate authority over coastal development permits to a consideration of the Commission's original decision, and since to overturn the lower decision the appellate body must state reasons for so doing, a tie vote results in not overturning the lower decision. This result is in accord with the findings requirements of Half Moon Bay Code Section 18.20.070, Section 30604 of the Coastal Act and Code of Civil Procedure Section 1094.5 under *Topanga*. Since the Code further states that the City has acted with finality on a permit when findings have been made and local appeals exhausted, the City has acted with finality on this matter and it is subject to appeal to the Coastal Commission.

#### Note

#### Different Result at Coastal Commission and BCDC

As the above discussion infers, government agencies are empowered to establish by statute the result of various vote outcomes. In discussions with Coastal

**TO: Mayor and Council**  
**FROM: John Truxaw, City Attorney**  
**RE: Effect of Tie Council Vote on Coastal Development Permit Appeal**  
**DATE: March 9, 1999**  
**PAGE: 5**

**Commission staff attorney Ann Cheddar, she informed me that votes taken by the Coastal Commission are regulated by procedures found in Title 14 of the California Code of Regulations. These regulations only apply to the Coastal Commission:**

**§13092. Effect of Vote Under Various Conditions.**

- (a) Votes by a commission shall only be on the affirmative question of whether the permit should be granted; i.e., a "yes" vote shall be to grant a permit (with or without conditions) and a "no" vote to deny.
- (b) Any condition to a permit proposed by a commissioner shall be voted upon only by affirmative vote.
- (c) A majority of members present is sufficient to carry a motion to require or delete proposed terms, conditions or findings.
- (d) Unless otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendation. In other words, if consistent with the staff recommendation and not otherwise modified, the vote of the commission shall be deemed to adopt the findings and conclusions recommended by the staff.

**§13094. Voting Procedure.**

- (a) Voting upon permit applications shall be by roll call, with the chairperson being polled last.
- (b) Members may vote "yes" or "no" or may abstain from voting, but an abstention shall not be deemed a "yes" vote.
- (c) Any member may change his or her vote prior to the tally having been announced by the chairperson, but not thereafter.

**§13095. Voting by Members Absent from Hearing.**

A member, or his or her alternate, may vote on any application, provided he or she has familiarized himself or herself with the presentation at the hearing where the application was considered, and with pertinent materials relating to the application submitted to the commission and has so declared prior to the vote. In the absence of a challenge raised by an interested party, inadvertent failure to make such a declaration prior to the vote shall not invalidate the vote of a member, or his or her alternate.

**§13096. Commission Findings.**

All decisions of the commission relating to permit applications shall be accompanied by written conclusions about the consistency of the application with Public Resources

**TO:** Mayor and Council  
**FROM:** John Truxaw, City Attorney  
**RE:** Effect of Tie Council Vote on Coastal Development Permit Appeal  
**DATE:** March 9, 1999  
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Code, Section 30604, and Public Resources Code Section 21000 and following, and findings of fact and reasoning supporting the decision.

**§13022. Voting- Number Required to Authorize Action.**

Except as otherwise required by the California Coastal Act of 1976 or in these regulations, actions of the commission shall be by vote of a majority of commissioners physically present within the meeting room at the time of the vote.

Ms. Cheddar further informed me that the Commission always votes by motions in the affirmative, and the failure of a motion in the affirmative to receive sufficient "aye" votes is a vote against the motion. That is, if the motion is to approve CDP xyz, and that motion is defeated by seven "aye" votes and nine "no" votes, by the above regulations that vote is regarded as a vote in opposition to the permit, and it is denied. She stated that a tie vote results in a denial for the same reason: it failed to obtain sufficient votes to pass and therefore is denied.

BCDC has an even clearer provision for tie votes (Ms. Cheddar informs me that the Coastal Commission follows the following procedure as well, but I have been unable to find a provision similar to the following in the regulations of the Coastal Commission):

(e) When the Commission has voted on a permit application in a manner that is not consistent with the Executive Director's recommendation, the Executive Director shall prepare draft findings based on the statements made by those Commission members who voted consistent with the outcome of the vote and on such other materials as the Executive Director believes is necessary to support the Commission's decision legally or is otherwise appropriate. The Executive Director shall present proposed findings to the Commission at the meeting following the vote on the application, at which time the Commission shall vote on the proposed findings. *Only those Commission members who voted consistent with the prevailing decision may vote on whether or not to adopt the proposed findings.* The vote shall be by a majority of those present and voting. If those present and voting do not adopt the proposed findings that the Executive Director has submitted, they can either make such changes as they determine are appropriate and adopt the findings at that meeting or direct the Executive Director to prepare further proposed findings and submit them to the Commission at the

FROM MEYERS, NAVE, RIBACK, SILVER SON

(TUE) 3. 9'99 11:03/... 00/NO. 4860102433 P 8

**TO:** Mayor and Council  
**FROM:** John Truxaw, City Attorney  
**RE:** Effect of Tie Council Vote on Coastal Development Permit Appeal  
**DATE:** March 9, 1999  
**PAGE:** 7

next meeting, in which case those who voted consistent with the prevailing decision may again vote on whether to adopt the further proposed findings. This cycle shall continue until the Commission has adopted findings to support its decision.

In the above excerpt, you will note that manner in which BCDC gets around the problem of adopting findings of denial when the denial results from a tie vote. Only those who have voted consistent with the prevailing decision may vote on findings. Recall that at BCDC and the CCC, a tie vote is a vote in opposition to the recommended motion. Those who vote to deny the proposed motion are considered prevailing in this instance since by opposing the motion which results in a tie, they have caused its denial. Only those who vote against the staff recommendation will then vote on the findings that return to the Board.

Half Moon Bay has not adopted regulations similar to those above quoted, and instead, the result of a tie vote in Half Moon Bay requires an interpretation based on common law, and the various pertinent provisions of the Municipal Code.

JWT:kag  
J:\WPDMNRSW\465\01\MEMO\1999\MARCH\TIE.W61

CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

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

Carol Cupp  
323 Poplar St  
Half Moon Bay CA 94019 (650) 726 9270  
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: Water Transmission Pipeline Expansion for Coastside County Water District

3. Development's location (street address, assessor's parcel no., cross street, etc.): Highway 1 at the east side of the frontage road, south of Sewer Plant Road to 300 ft north of Wave Avenue in the City of Half Moon Bay

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: CDP PDP-44-98 for Water pipeline expansion 1/28/99 -
- 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-99-020

DATE FILED: 3/25/99

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

H5: 4/88

|                                    |
|------------------------------------|
| EXHIBIT NO. 10                     |
| APPLICATION NO.                    |
| A-1-HMB-99-20 (CCWD)               |
| APPEAL FROM C. CUPP (Page 1 of 66) |

RECEIVED  
MAR 25 1999  
CALIFORNIA COASTAL COMMISSION

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  
*approved CDP*
- b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_  
*(note: heard appeal - no decision was made)*

6. Date of local government's decision: \_\_\_\_\_

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:

Coastside County Water District  
766 Main Street  
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) Councilmember Dennis Coleman  
231 Spruce  
Half Moon Bay CA 94019

(2) Deborah Ruddock  
971 Railroad  
Half Moon Bay CA 94019

(3) Laura Stein  
\_\_\_\_\_  
\_\_\_\_\_

(4) Shirley Brey  
96 Ventura  
Half Moon Bay CA 94019

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.)

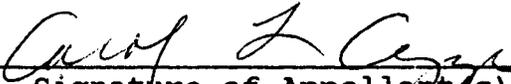
(See attached documents)

Basically no basis for LCP compliance because no information was presented on many LCP policies (see enc 6 see page 3). The local coastal plan specifically states that protection and maintenance of the overall quality of the Coastal Zone and assurance of orderly, balanced land use and conservation of Coastal Zone resources. No relevant information has been provided by applicant to this end.

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.

  
Signature of Appellant(s) or  
Authorized Agent

Date 3/22/99

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 \_\_\_\_\_

Caror Cupp  
323 Poplar Street  
Half Moon Bay, CA 94019

Phone: (650) 726-9270  
Fax: (650) 726-3639  
Email: cupp@hax.com

March 24, 1999

RECEIVED  
MAR 25 1999

CALIFORNIA  
COASTAL COMMISSION

Appeals Coordinator  
California Coastal Commission  
North Coast Area Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Subject: Appeal of Coastal Development Permit PDP-44-98 for CCWD Water Transmission Pipeline Expansion.

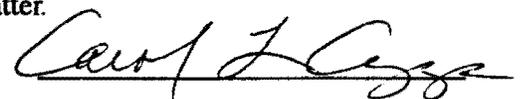
The subject CDP was approved by the Half Moon Bay Planning Commission on 1/28/99 and appealed de novo on 3/2/99 to the Half Moon Bay City Council. The Council failed to adopt a CDP after members presented evidence that at least some of the applicable LCP policies had not been addressed by CCWD. The City Attorney later decided that the original Planning Commission CDP was still in effect, even though no affirmative Council action had taken place to grant one, based on the policy arguments considered by the Council.

Regardless of the legal status of the Planning Commission's CDP, this project does not comply with the City's LCP or the letter and intent of the Coastal Act, many of whose policies are adopted in Half Moon Bay's LCP. Thus, the project does not qualify for a CDP. This argument is summarized in the attached two pages and supported with various enclosures as follows:

- (1) Letter from City to CCWD asking for an EIR (Result: CCWD adopted Mitigated Negative Declaration, which only considered environmental impacts on the narrow area to be disturbed by pipeline ditch digging);
- (2) Letter signed by a group of CCWD service area residents, pointing out how little information has been reported by CCWD on what the pipeline expansion could do to Coastal Zone resources (Result: This and more public and government input were found by CCWD to be unsubstantial evidence of environmental concern);
- (3) Appeal to City Council of Planning Commission's CDP approval (Result: City Council decided to hear appeal de novo, heard specific reasons to not approve CDP, and acted on those reasons by failing to approve CDP);
- (4) Video tape record of the 40 minute Council discussion of LCP policies and whether compliance with such policies is a prerequisite for granting a CDP;
- (5) City Attorney decision reinstating Planning Commission CDP, naming Coastal Commission as appeal venue, and resetting the appeal time clock; (Result: A CDP appears to be going forward, which demonstrably fails to meet the LCP requirements and exhibits totally inconsistent results of Planning Commission and City Council consideration);
- (6) Listing of general, development, and infrastructure-relevant Half Moon Bay LCP policies, grouped according to Coastal Act and Local policies (Result: CDP requires that all policies be addressed and met by CCWD, and they are clearly not; some policies are not even considered by CCWD);
- (7) Planning Commission information based on which a CDP was granted (Result: the above stated LCP requirements are not addressed, therefore a CDP should not be granted).

We depend on the Coastal Commission to enforce the LCP, especially when local decision makers are so torn by special interests, they fail to do so. Otherwise LCP compliance will become accidental and not purposeful.

Please advise if there are questions. Thank you for reconsidering this matter.



APPEAL OF COASTAL DEVELOPMENT PERMIT (PDP-44-98) GRANTED BY HALF MOON BAY PLANNING COMMISSION FOR PHASE 1 OF EL GRANADA TRANSMISSION PIPELINE EXPANSION, (FOLLOWING NO ACTION BY THE HALF MOON BAY CITY COUNCIL ON A DE NOVO APPEAL)

**PROJECT BACKGROUND**

This project is part of a series of incremental expansions of CCWD's water supply and capacity for treatment, storage, and transmission (together known as "Phase 2"). The project seeks to expand the northerly portion of CCWD's main transmission pipeline (a 3.5 mile segment running from near the intersection of SR 1 and 92 north into El Granada) from 10 to 16 inch diameter. This is to be followed by expansion of the southerly portion (running 3 miles south through Half Moon Bay) from 12 to 24 inch diameter.

**PROCEDURAL HISTORY**

The project has a Mitigated Negative Declaration but no EIR, despite significant public and agency input to the effect that an EIR is needed. (See *Enclosure 1 and 2 samples.*) When the Half Moon Bay Planning Commission granted a CDP on 1/28/99 by a 5/2 vote, that decision was appealed to the City Council (See *Enclosure 3*) and heard on 3/2/99. The appeal was heard de novo, which normally makes the prior CDP inoperative. One Council member recused herself from voting, because of current involvement selling land with production well potential to CCWD. Specific CDP requirements, which had not been met or addressed by the applicant, were quoted from the LCP. The Council deadlocked 2/2 on motions to approve and deny the CDP.

The enclosed video tape (*Enclosure 4*) has been set up to view the 40 minute Council discussion which preceded these votes. There is a clear attempt by 2 Council members to explain and implement the various local and Coastal Act policies adopted by the City's LCP. Two other Council members indicate that their discretion includes the option of not implementing LCP policies or making CDP decisions based on other criteria, such as whether water rates would go up as a result of the expansion (ans. of course not), or whether another review opportunity will precede the expanded pipe being filled with water in the future (ans. of course so).

By creatively interpreting the language of Half Moon Bay's Municipal Code relating to appeal of Planning Commission decisions, the City Attorney decided 10 days later that Common Law (which would ordinarily hold that there was no CDP) did not apply. Instead, the Planning Commission CDP approval was deemed to still be effective, the Coastal Commission was deemed to be the appropriate appeal avenue, and a ten day appeal clock was deemed to start on 3/15/99. (See *Enclosure 5.*) Given the strained legal logic behind the position that a CDP exists, what is being appealed is debatable, but the basis remains compliance with the LCP in any event.

**BASIS OF CURRENT APPEAL**

In allowing automatic appeal of infrastructure-related CDPs to the Commission, the Coastal Act recognizes the unique and magnified cumulative impacts that incremental expansion of this type can have. The applicant has so far avoided preparation of an EIR, and now seeks a CDP without demonstrating full compliance with the LCP policies. Half Moon Bay's LCP specifically adopts many Coastal Act policies, as well as local policies, and makes strict compliance with all applicable LCP policies the main requirement for CDP approval.

In short, the appellant simply asks the Commission to enforce the letter and intent of the LCP. Based on lack of information from the applicant by which to understand either how the project effects the Coastal Zone or whether the project meets the other LCP requirements, the current CDP should be denied and CCWD should be encouraged to reapply with a total description and environmental analysis of its "Phase 2" expansion, including other pipelines, new local sources and water supply contracts, new storage dams and pumping facilities, and expanded treatment capacity.

**Complete Set of LCP Criteria Not Considered by Planning Commission**

The project was not evaluated relative to all of the governing LCP criteria for infrastructure projects. These criteria have been listed with specific reference to page numbers of a legally adopted LCP. (See *Enclosure 6*) The Planning Commission was simply not told that these criteria apply. As shown in the Planning Commission report for the CDP decision of 1/28/99 (See *Enclosure 7*), the stated reason to grant a CDP was CCWD's desire to fix leaks, increase pressure, and provide operational flexibility. None of these items correspond to LCP review criteria. Therefore, the CDP had no basis then and still lacks one now, despite CCWD's new effort to link pipeline expansion with a duty to mitigate the effects of newly discovered MTBE in two production wells of an adjoining water district.

## No Information Submitted by Applicant on How LCP Criteria Are Met by Proposed Project

There is no basis for LCP compliance because no information was presented by CCWD as to how the pipeline expansion (either separately or as part of the Phase 2 system expansion) meets the following LCP requirements:

- permanent protection of natural and scenic resources; protection of the ecological balance of the Coastal Zone and prevention of its deterioration and destruction (Coastal Act Policy 30001);
- protection, maintenance and enhancement of Coastal Zone environmental quality; assurance of orderly and balanced use and conservation of Coastal Zone resources; assurance of priority for coastal-dependent and coastal-related development over other development (Coastal Act Policy 30001.5);
- ability to withstand a Coastal Commission review that focuses on LCP conformance, the avoidance of unnecessary long term cost to the public, and the avoidance of the diminished quality of life resulting from the misuse of coastal resources (Coastal Act Policy 30004);
- the resolution of any conflicts encountered in implementing the LCP by applying the most protective policy (Coastal Act Policy 30007.5);
- the liberal construing of the Coastal Act (including its policies as adopted in the LCP) to accomplish its objectives (Coastal Act Policy 30009);
- The precedence that LCP policies take over all other policies (Local LCP Policy 1-3);
- The meeting of all LCP policies is required for CDP approval (Local LCP Policies 1-4 and 9-3);
- Lack of adequate water, school, sewer and highway infrastructure to fully service a proposed project, is grounds for CDP denial (Local LCP Policies 9-2, 9-4);
- The limiting of infrastructure capacity to the "probable capacity" of other infrastructure elements like highways, which are already gridlocked by users of the unexpanded pipeline (Local LCP Policy 10-3);
- Determination by the City (not CCWD) of the need and timing of additional infrastructure, the ability of infrastructure systems to expand, and the funding sources for such expansion (Local Policy 10-7);
- City support only for those water supply increases which meet but not exceed the requirements of buildout, which the City has acted consistently during the last 18 months to reduce by at least 2500 homes (Local LCP Policy 10-9).

## Effect of CDP Denial

Only good will come from the Commission's denial of CCWD's El Granada Transmission Pipeline CDP. The LCP will be enforced, public confidence in coastal protection will be restored, and CCWD will stop taking EIRs and LCPs so lightly. CCWD will in fact be incented to do some good things; namely,

- prepare a comprehensive submittal for the entire Phase 2 expansion program, including new pipelines, new supplies (wells, diversions, water contracts), new storage dams, and new treatment capacity;
- use more up to date buildout projections for both the City and unincorporated areas;
- conduct a full EIR with cumulative impact analysis and consideration of the social and economic effects of what is in effect, a plan to double the water supply and distribution system of a naturally arid, coastal region;
- promote public visibility of the currently little known process by which water system expansions are planned, analyzed, justified and funded.

Such an outcome would be a lot closer to the letter and intent of the Coastal Act than where we are now. We depend on the Commission to enforce it. Besieged by builders seeking billions of dollars in residential development, local officials don't seem willing or able to.

*enough*

3/29/99

To: Bill Van Beckum, Coastal Commission Staff (415-904-5400)  
From: Carol Cupp, Half Moon Bay, Appellant to CDP (PDP-44-98)  
Subject: Transmittal of Missing Information (page 1 of 10)

Thanks for letting me know that some information referred to in my appeal letter of 3/24 was missing from the package.

Please add the 9 pages which follow to the back of the first 2 page attachment to my 3/24 letter. That attachment is entitled,

APPEAL OF COASTAL DEVELOPMENT PERMIT (PDP-44-98) GRANTED BY HALF MOON BAY PLANNING COMMISSION FOR PHASE 1 OF EL GRANADA TRANSMISSION PIPELINE EXPANSION, (FOLLOWING NO ACTION BY THE HALF MOON BAY CITY COUNCIL ON A DE NOVO APPEAL)

My appeal package went on to include 7 enclosures including a video tape, all of which I believe are unaffected by missing pages.

RECEIVED  
MAR 29 1999  
CALIFORNIA  
COASTAL COMMISSION

**IN ADDITION TO "LOCAL" POLICIES, "COASTAL ACT" POLICIES ARE SPECIFICALLY ADOPTED IN HALF MOON BAY'S COASTAL COMMISSION CERTIFIED LCP**

HMB has an LCP (for a city, it is known as the General Plan), which has been certified by the Coastal Commission. This makes HMB responsible to implement the letter and intent of the Coastal Act within the City.

By specifically adopting both Coastal Act Policies and Local Policies, HMB's LCP obligates the City to implement both Coastal Act and Local Policies. That obligation includes expressed and implied duties.

In terms of expressly taking responsibility for implementing Coastal Act policies, page 20 of the City's LCP (first sentence of Section 1.4 - General Policies) shows a key instance of specific policy adoption. It states, "The City shall adopt those policies of the Coastal Act (Coastal Act Sections 30210 through 30264) cited herein, as the guiding policies of the Land Use Plan."

In another example of the LCP expressly adopting Coastal Act policies, page 3 of the City's LCP (first sentence) states, "Consistent with the basic goals set forth in [Coastal Act] Section 30001.5 and, in the case of Half Moon Bay, its obligations and responsibilities as a general law city ..., the policies of [Coastal Act] Sections 30200 through 30264 constitute the standards by which the adequacy of local coastal programs is determined."

(Note: The above-referenced duty to maintain an adequate LCP necessarily extends to its implementation. LCPs would otherwise have no real purpose. This means that the CDP basis must be adequate, or else no CDP is granted.)

In another example of the LCP expressly taking responsibility for implementing Coastal Act policies, page 18 (first sentence of Section 1.2 - Issues of Primary Significance) states, "The most significant planning issues involve ... actions the City can and should take to encourage the achievement of Coastal Act goals including the preservation of prime agricultural, open space and recreational lands ... by concentrating development within the boundaries of the City in accordance with Section 30250, 30007.5, 30241, and 30242 of the [Coastal] Act ...".

Page 18 (last 2 paragraphs) makes either an express or implied reference to the City being responsible to implement all policies of the Coastal Act. It states that, "The issues discussed [in the LCP] pinpoint necessary policies and action, especially in bringing the City and other governmental policies, practices and regulations into conformance with the Coastal Act. At the end of each [LCP] topical section, the City has adopted policies which bring its General Plan into conformance with the Coastal Act, After certification [of the City's LCP], all new development in the City will have to meet the standards set forth in these policies."

RECEIVED  
APR 21 1999

CALIFORNIA  
COASTAL COMMISSION

SINCE MID-1997, HALF MOON BAY HAS UNDERTAKEN DEFINITE, VISIBLE, AND CONSISTENT ACTION AND EXPENSE TO RECONSIDER ITS LCP IN LIGHT OF NEW INFORMATION ON THE COASTSIDE CARRYING CAPACITY (Policy 10-9 related)

- 8/97 CONCUR hired for ~\$60K to conduct "community visioning", pursuant to City Council embarking on LCP revision; 25 member Public Advisory Committee formed; several public hearings held; result was PAC Report, which recommends less residential development, more commercial development, and more emphasis on preservation of agricultural, natural, and scenic resources.
- 9/97 City distributes RFP for General Plan Revision Services and evaluates bidders, including the holding of a public hearing to evaluate the finalists in 12/97.
- 1/98 City Council awards contract to revise LCP to EMC Planning Associates, at an estimated cost of ~\$250K, to be incrementally funded by subsequent Council actions. (1/20/98: Council meets with CCWD Board, discusses need for LCP change, and provides CCWD with extra PAC Report copies.)
- 1998 Using the PAC Report as a vision guideline, EMC prepares land use database, collects and analyzes infrastructure, environmental, and economic data, conducts several workshops and public hearings at both Planning Commission and Council meetings, and in 10/98, presents an Alternatives Report describing 3 possible scenarios.
- City continues to incrementally fund project throughout the year and starts distributing quarterly newsletter entitled "General Plan Update" to the entire City.
- 7/98 City had also funded a collateral project (~\$10K) to study the viability of housing markets with less commuter, school, and environmental impact (eg. empty nester and retiree markets)
- 10/98 After another joint HMB/CCWD meeting, CCWD manager recommends imposing conditions (eg. Council questions to be submitted to CCWD 2 weeks in advance) if further meetings with HMB City Council are to be held.
- 12/1/98 City Council funds \$54K of extra LCP work that had been necessary during the year, considers the 3 alternatives in light of public comment, supports an emphasis on visitor serving and quality job-generating development, and considers better alternatives to represent the public's interest in further residential downsizing.
- EMC presented information to the effect that the developable lots with some kind of preexisting entitlement (500 vested, 700 infill, 300 desirable in view of needed amenities provided to the City) numbered about 1500. The large difference between 1500 and the current LCP's buildout number of ~4000 was graphically presented by EMC and discussed by the Council. Also discussed was the fact that reducing the allowable growth rate from 3% to 1% would get us to 1500 in 20 years and that even 1500 houses would have unacceptable traffic impact if they were mainly commuters, as now happens due to a lack of local quality jobs. Planning staff were directed to bring the item back with recommended action.
- 2/2/99 Council approves \$25K incremental funding and direction to Planning Commission to work directly with EMC and prepare a Preferred Land Use Alternative by 4/30/99. Direction included taking into account the Council's feedback from 12/1/98, including a reduction in the buildout target from ~4000 to 1500 homes.
- 3/99 Planning Commission forms working committee of 3 members to provide recommendations on Preferred Land Use Alternative.

## MISCELLANEOUS BACKGROUND INFORMATION

- With respect to the LCP policies referred to in this appeal, only policy and page number references have been provided, as opposed to copies of a voluminous LCP. It is therefore assumed that the Coastal Commission has their own file copy of Half Moon Bay's LCP, having certified the currently in force "Local Coastal Program - Land Use Plan" document in 1993.
- With respect to Local Policies 10-3 and 10-7, there is relevant additional information to submit.
  - As shown by the attached computer modeling results from the 6/97 CCAG-sponsored (\$2M), Countywide Transportation Plan Alternatives Report, SRs 1 and 92 have operated at Caltrans Level of Service F since 1990, and are both predicted to be worse than F in 2010 under the current buildout scenario, even assuming optimistic highway investment levels. Therefore, in violation of LCP Local Policy 10-3, the proposed pipeline is not being phased in accord with the "probable capacity" of other public works components; namely, highways. In short, a 16 inch diameter pipeline cannot be permitted because it cannot service a demand that is beyond the "probable capacity" of SRs 1 and 92. Since the best available studies show the area to already be at the worst possible level of service (given the demand imposed by users of the 10 inch pipeline), a 16 inch pipeline is demonstrably too big to satisfy Local LCP Policy 10-3..
  - In terms of LCP Local Policy 10-7, CCWD may claim to have had periodic discussions with City Council or staff, but those discussions had more to do with lottery procedures for newly discovered water connections or CCWD's promotion of the current CDP application. This is shown by the fact that there is no record of the City having had any role in CCWD's current expansion plan, let alone a coordinating role, nor did the City have anything to do with identifying appropriate sources of funding. It is up to the applicant, not the City, to show how a proposed project complies with LCP policies. In fact, neither CCWD's application, nor the Planning Commission staff report makes any mention of this policy, so it is therefore not met. This is the case regardless of what the Council may have said or did relative to CCWD's last pipeline expansion (Crystal Springs project in 1989), which was a different CDP. If the Crystal Springs CDP applied to the current project, it is near certain that CCWD would not be applying for a separate CDP now.

## SUMMARY OF RECENT COUNTYWIDE TRAFFIC ANALYSIS

cover page  
The June, 1997 Countywide Transportation Plan (CTP) Alternatives Report (\$2M CCAG project) is the first ever, countywide analysis of the combined impact of land use and transportation plans. It graphically shows that under existing land use policy, SR 1 and 92 have the worst service levels now and are headed towards a level of gridlock comparable to the 1995 Devil's Slide closure, even with growth control and maximum highway investment factored in. It concludes that inappropriate land use is a stronger contributor to creating traffic congestion, than highway and transit improvements are contributors to relieving it. Specific details include:

- graph #1
- The maximum foreseeable public investment in SM County highway and transit improvements of \$3.2 billion (2/1 transit to highway spending level) does not prevent Coastside congestion from getting a lot worse by 2010; [reference is item 12.28 of Coastside Results of CTP]
  - Transit programs don't seem to help congestion much, since countywide, peak commute hour trips are predicted to be 89% private vehicles in 2010 (93% now); Coastside impact of transit spending would tend to be even less, since location, geography and population are less amenable to mass transit solutions; [reference is item 1.25 of Coastside Results]
- graphs 2 + 3
- SR 1 and 92 continue to have the worst Level of Service (LOS) in the County, even with growth control factored into the model (ie., the Travel Demand Forecasting Model, which was tailored to San Mateo County's roads, benchmarked against 1990 measurements, and allowed to "grow" traffic based on existing land use plans); [reference is comparison of items C13, C14, C17, C19 of Coastside Results]
- graph 4
- Given that a traffic volume/capacity (v/c) ratio greater than 1 means LOS "F" [the worst possible level of service - see table 3-1, Figure 3-1, and the legend on any of the volume/capacity graphs of Coastside Results, say item C13], it appears that peak commute hour v/c for both SR 1 and 92 was already ~1.10 in 1990 [make the indicated subtractions at the most congested SR 1 and 92 locations on item 12.28 of Coastside Results], and is projected to be ~2.10 at what we currently define as "buildout" [item 6C-AM of Coastside Results], and ~1.50 in the year 2010 with growth control included [item 9-AM of Coastside Results];
  - A future v/c range above 1.50 is something to be avoided, since we have highly undesirable experience from the 1995 Devil's Slide closure [the v/c was close to 2.00, based on knowing the most likely 1995 traffic volume, and the analytical relationship between volume and v/c from the study - see Rough Graph item of Coastside Results];
  - Simply improving highways without addressing land use, causes more congestion in the long term than it solves in the short term [Basic Principles of Traffic Analysis handout from special CCAG meeting packet of 7/10/97 - item 13 of Coastside Results]
  - The only way to effectively manage congestion is with a combination of land use plan changes and highway/transit improvements [7/10 CCAG packet - items 7 and 8 of Coastside Results];

San Mateo County

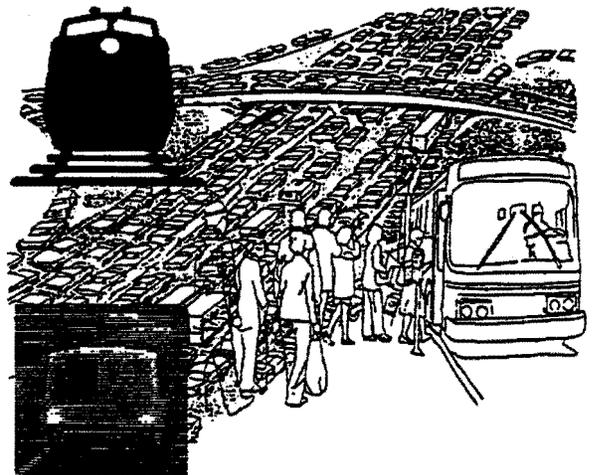
# Countywide Transportation Plan

Second Edition

June 1997



## Alternatives Report Land Use and Transportation Scenarios



City/County Association of Governments  
of San Mateo County (C/CAG)

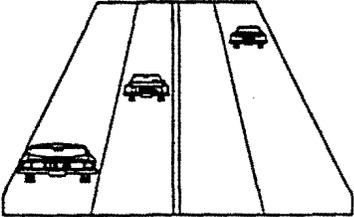
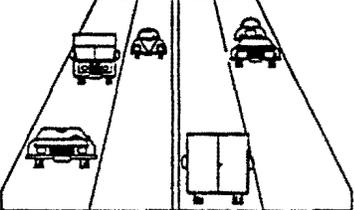
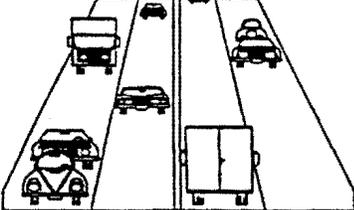
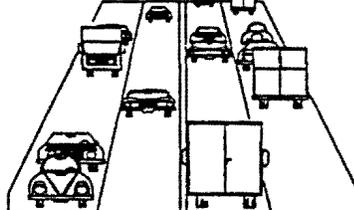
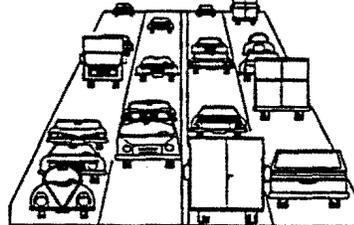
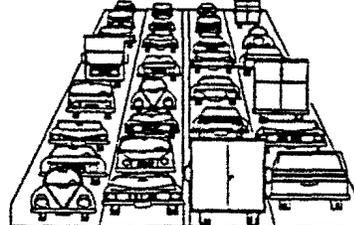
In association with  
The Cities of San Mateo County  
San Mateo County Transit District (SamTrans)







# LEVEL OF SERVICE DEFINITIONS

| LEVEL OF SERVICE                                                                                    | FLOW CONDITIONS                                                                                                                               | DELAY        | SERVICE RATING |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------|
| <p><b>A</b></p>    | <p>Highest quality of service. Free traffic flow with low volumes. Little or no restriction on maneuverability or speed.</p>                  | None         | Good           |
| <p><b>B</b></p>    | <p>Stable traffic flow, speed becoming slightly restricted. Low restriction on maneuverability.</p>                                           | None         | Good           |
| <p><b>C</b></p>  | <p>Stable traffic flow, but less freedom to select speed or to change lanes.</p>                                                              | Minimal      | Adequate       |
| <p><b>D</b></p>  | <p>Approaching unstable flow. Speeds tolerable but subject to sudden and considerable variation. Less maneuverability and driver comfort.</p> | Minimal      | Adequate       |
| <p><b>E</b></p>  | <p>Unstable traffic flow and rapidly fluctuating speeds and flow rates. Low maneuverability and low driver comfort.</p>                       | Significant  | Poor           |
| <p><b>F</b></p>  | <p>Forced traffic flow. Speed and flow may drop to zero.</p>                                                                                  | Considerable | Poor           |



## CITY OF HALF MOON BAY

City Hall, 501 Main Street  
Half Moon Bay, CA 94019

Enclosure

1

July 9, 1998

Anthony J. Kash  
President  
Coastside County Water District  
766 Main Street  
Half Moon Bay, CA 94019

### RE: EL GRANADA TRANSMISSION PIPELINE REPLACEMENT PROJECT

Dear President Kash:

The City Council discussed the El Granada Transmission Pipeline Replacement Project at the July 7<sup>th</sup> meeting. The City Council respectfully requests that an Environmental Impact Report be prepared for this project.

Please note that our request for an Environmental Impact Report does not reflect either support or dissatisfaction for the project.

If you would care to discuss our request further please call me at 726-8270 or 712-7205.

Sincerely,

Naomi Patridge  
Mayor

Cc City Council  
Blair King, City Manager  
John Truxaw, City Attorney  
Anthony J. "Bud" Carney, Planning Director

CCWD-EIR1

July 8, 1998

Ray McDevitt, CCWD Attorney  
c/o Coastside County Water District  
766 Main Street  
Half Moon Bay, CA 94019

Subject: Request for Legal Briefing of CCWD Board on CEQA Requirements Before Taking Action on Mitigated Negative Declaration for El Granada Transmission Pipeline Expansion

The subject Mitigated Negative Declaration is soon scheduled for consideration. Significant public concerns have been voiced in numerous written and public hearing comments on the draft Initial Study. These comments constitute a substantive record, based on which CEQA requires good faith consideration by CCWD.

We feel that public comments on the subject Initial Study have not been adequately responded to, either in the Initial Study revisions or by the Board's lack of meaningful response to the 6/9/98 public hearing input. The Board appears to need additional information about the letter and intent of CEQA, in order to make an informed decision about its ability and options to rectify the current situation.

Lack of information about CEQA requirements is likely to result in a vulnerable decision being made by the Board. Such a decision is likely to (1) be questioned by both City and County governments (Responsible Agencies in this matter, which have CDP authority and can relieve CCWD of its Lead Agency role for non-compliance with CEQA); (2) be appealed to the Coastal Commission (which has shown the will to reign in growth-inducing projects), and (3) trigger unnecessary litigation risk.

Existing law and planning projects already challenge the assumptions CCWD has made about how much water the Coastside needs and when it will be needed. For example:

- County Measure A (passed by voter initiative in November 1986) strictly limits infrastructure to that needed to service LCP buildout (Sections 2.4 and 2.6);
- City growth control Measure A (passed by voter initiative in November 1991) sets a maximum growth rate of 3% (24 year buildout), and a 1% rate (85 year buildout) is likely to be introduced soon in response to well-known, well-publicized and worsening local traffic, fiscal, environmental and other conditions;
- LCP-related projects for the City to reconsider its buildout target (General Plan revision) and the Midcoast to increase local control over its LCP (annexation/incorporation study or formation of Area Planning Commission) are underway now and will be complete long before CCWD's proposed pipeline and related projects (production well, Carter Hill West pipeline, and Denniston treatment plant expansions; dam and storage reservoir construction; and SFWD Phase 2 agreement implementation).

In short, there is no valid justification to expend current resources and risk significant environmental impact locking-in capacity based on buildout assumptions, that currently underway studies are likely to make obsolete.

We are not saying this to make trouble or idle threats. We are stating the fact that state law has granted Responsible Agencies and the public the right to enforce CEQA. We will make that happen in this case because a project which expands water-related infrastructure in an arid and sensitive Coastal Zone, is clearly not a candidate for a Negative or Mitigated Negative Declaration. All we ask at this point is that the actual requirements of CEQA be explained to the CCWD Board before they act too hastily and create unnecessary problems for everyone.

CEQA Guidelines (Title 14 of the California Code of Regulations; Chapter 3; verbatim excerpts attached with Articles numbered for reference) indicate that the Initial Study and revisions fail to comply with the letter and intent of the Guidelines in several key areas. For example:

- CCWD failed to prepare adequate environmental documents in consultation with the City and County (Section 15052) [Note that the City or County shall become the Lead Agency in this event, once the statute of limitations for challenging CCWD's actions has expired; also note that in this situation, the City or County can determine per Section 15162, that a new EIR is necessary due to occurrence of substantial changes in project circumstances, for example a new LCP, already scheduled for the City in the year 2000, prior to CCWD project completion.]
- The Initial Study and revisions do not meet the most basic requirement for a Negative or Mitigated Negative Declaration, in that there is substantial evidence, in light of the whole record before CCWD, that the project, even as revised, may have significant effect on the environment (Sections 15070 & 15074). Section 15074 in fact restricts adoption of a Negative or Mitigated Negative Declaration only to those situations in which (1) a finding can be based on the whole record that there is no substantial evidence of significant environmental impact and (2) such a finding reflects CCWD's independent judgment and analysis, neither of which has been apparent in this matter to date. [Note that still-unresolved public comments more than meet the "substantive evidence" test of Section 15384. For example, it is indisputable that the City's LCP revision project was funded and underway prior to CCWD's proposed project, which the Initial Study shows is clearly based on an unrevised buildout definition. Also note that the desire to avoid an EIR, with its greater cost, disclosure and requirements to analyze alternatives, cumulative impacts, growth-inducing impacts, relevant economic and social impacts, and other factors, is not a valid reason under CEQA to adopt a Negative or Mitigated Negative Declaration.]
- There was no apparent posting of required notices by CCWD on and off site in the areas where the project is to be located, nor were owners of contiguous property notified by direct mail, nor was notice given to transportation agencies or public agencies with transportation facilities which could be affected by the project, which in view of its enabling effect on soon to be obsolete buildout assumptions, has obvious regional and areawide significance (Section 15072).
- CCWD cannot adopt a Negative or Mitigated Negative Declaration within the boundaries of a Comprehensive Airport Land Use Plan without first considering whether the project will result in a safety hazard or noise problem for persons residing or working in the project area (Sections 15074, 15154). [Note that the area serviced by the proposed pipeline is within the "Detailed Land Use Study Area" defined in the Comprehensive Airport Land Use Plan Update for San Mateo County (dated January, 1998) and that enabling buildout of this area could violate new, state-recommended "Safety Compatibility Zones", which CACG (the airport land use planning agency) is even now in the process of adopting.]
- While CCWD may have expended minimal efforts to receive and respond to public input, it has not established procedures by which to evaluate public input on the environmental issues raised by its activities. As shown by a previous court case (Environmental Defense Fund v. CCWD, (1972) 27 Cal. App. 3d 695), CCWD has been lax before in its considering of all the environmental information on the record and in preparing environmental documents which meet CEQA legal standards.

[Note that Section 15022 requires CCWD to adopt objectives, criteria and specific procedures to administer its CEQA compliance responsibilities, including evaluating and responding to public comments in good faith. Section 15002(j) requires CCWD to respond to both public and concerned agency comments.]

- Under the CEQA Guideline Definitions, CCWD cannot adopt a Mitigated Negative Declaration, since substantial evidence remains on the record that the project even as revised, may have significant, unmitigated effects on the environment.
- Section 21083(c) of CEQA itself requires an environmental effect to be found significant if the activity would cause an adverse effect on people. Given that the LCP is now being revised because of the well-documented, adverse effects of pursuing the existing LCP (traffic congestion, overcrowded schools, declining service levels, pollution, habitat destruction, higher taxes, etc.), there is little doubt that the physical effect of expanding water infrastructure based on the existing LCP requirements, imposes significant economic and social impact.

In addition to the above, specific areas of CEQA non-compliance, an overriding concern of ours is that CCWD seems determined to pursue the proposed project, regardless of its impact, mitigated or not. We ask that CCWD's attorney confirm to the Board:

- (1) that the CEQA Guidelines are lawful regulations which are binding on all California public agencies, including CCWD (Article 15000) and
- (2) that the lawful response of lead and responsible public agencies to the possibility of significant environmental impact from a proposed project includes delaying it, changing its scope, imposing conditions on it, choosing alternative ways of meeting the objective, and disapproving the project (Article 15002).

Your prompt attention and independent evaluation of this matter will avoid unnecessary problems for everyone and is greatly appreciated.

Attachments:           Signature Page  
                          CCWD Initial Study and Related Information from CEQA Guidelines

cc:                     CCWD Board

SIGNATURE PAGE FOR 7/8/98 LETTER TO CCWD ATTORNEY, RAY MCDEVITT  
Request for Legal Briefing of CCWD Board on CEQA Requirements Before Taking Action  
on Mitigated Negative Declaration for El Granada Transmission Pipeline Expansion

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**CCWD INITIAL STUDY AND RELATED INFORMATION FROM CEQA GUIDELINES**  
(Code of California Regulations, Title 14, Chapter 3)

**Article 1. General - Sections 15000 to 15007**

**15000. Authority**

The regulations contained in this chapter are prescribed by the Secretary for Resources to be followed by all state and local agencies in California in the implementation of the California Environmental Quality Act. These Guidelines have been developed by the Office of Planning and Research for adoption by the Secretary for Resources in accordance with Section 21083.

These Guidelines are binding on all public agencies in California.

**15002. General Concepts**

(a) Basic Purposes of CEQA. The basic purposes of CEQA are to:

- (1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify the ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

(f) Environmental Impact Reports and Negative Declarations. An Environmental Impact Report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

(1) An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment. (See: Section 15064(a)(1).)

(h) Methods for Protecting the Environment. CEQA requires more than merely preparing environmental documents.

(j) Public Involvement. Under CEQA, an agency must solicit and respond to comments from the public and other agencies concerned with the project. (See: Sections 15073, 15086, 15087, and 15088.)

**15003. Policies**

In addition to the policies declared by the Legislature concerning environmental protection and administration of CEQA in Sections 21000, 21001, 21002, and 21002.1 of the Public Resources Code, the courts of this state have declared the following policies to be implicit in CEQA:

- (a) The EIR requirement is the heart of CEQA. (County of Inyo v. Yorty, 32 Cal. App. 3d 795.)
- (b) The EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected. (County of Inyo v. Yorty, 32 Cal. App. 3d 795.).

(c) The EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project. (No Oil, Inc. v. City of Los Angeles, 13 Cal. 3d 68.)

(d) The EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action. (People ex rel. Department of Public Works v. Bosio, 47 Cal. App. 3d 495.)

(e) The EIR process will enable the public to determine the environmental and economic values of their elected and appointed officials thus allowing for appropriate action come election day should a majority of the voters disagree. (People v. County of Kern, 39 Cal. App. 3d 830.)

(f) CEQA was intended to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (Friends of Mammoth v. Board of Supervisors, 8 Cal. 3d 247.)

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**Article 2. General Responsibilities - Sections 15020 to 15025**

**15021. Duty to Minimize Environmental Damage and Balance Competing Public Objectives**

(a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.

(1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.

(2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.

**15022. Public Agency Implementing Procedures**

(a) Each public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA and these Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The implementing procedures should contain at least provisions for:

(7) Evaluating and responding to comments received on environmental documents.

\*\*\*\*\*

**Article 4. Lead Agency - Sections 15050 to 15053**

**15050. Lead Agency Concept**

(a) Where a project is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR or Negative Declaration for the project. This agency shall be called the Lead Agency.

(b) Except as provided in subsection (c), the decision-making body of each Responsible Agency shall consider the Lead Agency's EIR or Negative Declaration prior to acting upon or approving the project. Each Responsible Agency shall certify that its decision-making body reviewed and considered the information contained in the EIR or Negative Declaration on the project.

(c) The determination of the Lead Agency of whether to prepare an EIR or a Negative Declaration shall be final and conclusive for all persons, including Responsible Agencies, unless:

- (1) The decision is successfully challenged as provided in Section 21167 of the Public Resources Code,
- (2) Circumstances or conditions changed as provided in Section 15162, or
- (3) A Responsible Agency becomes a Lead Agency under Section 15052.

#### **15051. Criteria for Identifying the Lead Agency**

Where two or more public agencies will be involved with a project, the determination of which agency will be the Lead Agency shall be governed by the following criteria:

(a) If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project would be located within the jurisdiction of another public agency.

(1) The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.

#### **15052. Shift in Lead Agency Designation**

(a) Where a Responsible Agency is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the Responsible Agency shall assume the role of the Lead Agency when any of the following conditions occur:

(2) The Lead Agency prepared environmental documents for the project, but the following conditions occur:

(A) A subsequent EIR is required pursuant to Section 15162,

(B) The Lead Agency has granted a final approval for the project, and

(C) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.

(3) The Lead Agency prepared inadequate environmental documents without consulting with the Responsible Agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

**Discussion:** The purpose of this section is to explain how Responsible Agencies shall deal with the problem they encounter when the appropriate Lead Agency failed to comply with CEQA. As a general rule, Responsible Agencies must use the EIR or Negative Declaration prepared by the Lead Agency even if the Responsible Agency believes that the document is inadequate. The purpose for this general rule is to require Responsible Agencies to work through the normal CEQA consultation and review process to obtain adequate documents from the Lead Agency. If the Responsible Agency is dissatisfied with the end product, the Responsible Agency's only relief is to litigate the adequacy of the document within 30 days.

Section 15052 deals with the situation where the normal CEQA process broke down. ... If any of the three stated situations occurs and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency, then the Responsible Agency would be required to assume the role of the Lead Agency. These exceptions are narrowly drawn in order to require Responsible Agencies to work within the normal CEQA process to the maximum extent possible. Where the normal process breaks down in any of these three ways, the Responsible Agency could not get an adequate document from the Lead Agency due to no fault of its own. This section provides an interpretation necessary to allow the

Responsible Agency to obtain an adequate analysis of the environmental problems.

**15053. Designation of Lead Agency by Office of Planning and Research**

(a) If there is a dispute over which of several agencies should be the Lead Agency for a project, the disputing agencies should consult with each other in an effort to resolve the dispute prior to submitting it to OPR. If an agreement cannot be reached, any public agency, or the applicant if a private project is involved, may submit the dispute to OPR for resolution.

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**Article 6. Negative Declaration Process - Sections 15070 to 15075**

**15070. Decision to Prepare a Negative or Mitigated Negative Declaration**

A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

(a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or

(b) The initial study identifies potentially significant effects, but:

(1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Any needed or proposed mitigation measures must be incorporated into a proposed negative declaration and the project revised accordingly before the negative declaration is released for public review. *Sundstrom v. Mendocino* (1988) 202 Cal. App. 3d 296.

Under subsection (a) or (b), if there is any substantial evidence before the Lead Agency that the project as proposed or revised may have a significant effect, an EIR must be prepared.

**15072. Public Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration**

(a) A lead agency shall provide a notice of intent to adopt a negative declaration or mitigated negative declaration to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by the lead agency of the negative declaration or mitigated negative declaration to allow the public and agencies the review period provided under Section 15105 (30-60 days).

(2) Posting of notice by the lead agency on and off site in the area where the project is to be located.

(3) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll..

(e) For a project of statewide, regional, or areawide significance, the lead agency shall also provide notice to transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected

by the project as specified in Section 21092.4(a) of the Public Resources Code. "Transportation facilities" includes: major local arterials and public transit within five miles of the project site and freeways, highways and rail transit service within 10 miles of the project site.

**15074. Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration.**

(a) Any advisory body of a public agency making a recommendation to the decision making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.

(b) Prior to approving the a project, the decision making body shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision making body shall approve adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

(e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

Discussion: ... The decision-making body is required to decide whether to approve the Negative Declaration on the basis of the Initial Study and any public comment received. This approach serves the public participation policies in CEQA by requiring the Lead Agency to consider the public comments on a proposed Negative Declaration before approving the Negative Declaration.

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**Article 10. Considerations in Preparing EIRs and Negative Declarations - Sections 15140 to 15154**

**15154. Projects Near Airports**

(a) When a lead agency prepares an EIR for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted for a project within two nautical miles of a public airport or public use airport, the agency shall utilize the Airport Land Use Planning Handbook published by Caltrans' Division of Aeronautics to assist in the preparation of the EIR relative to potential airport-related safety hazards and noise problems.

(b) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project described in subsection (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

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**Article 11. Types of EIRs - Sections 15160 to 15170**

**15162. Subsequent EIRs and Negative Declarations**

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) If the project was approved prior to the occurrence of the conditions described in the subsection (a), the subsequent EIR or negative declaration shall be prepared by the public agency which grants the next discretionary approval for the project. In this situation no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

#### **15165. Multiple and Phased Projects**

Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Sections 21061, 21100, and 21151, Public Resources Code; Whitman v. Board of Supervisors, (1979) 88 Cal. App. 3d 397.

Discussion: This section follows the principle that the EIR on a project must show the big picture of what is involved. If the approval of one particular activity could be expected to lead to many other activities being approved in the same general area, the EIR should examine the expected effects of the ultimate environmental changes. This section is consistent with the Whitman decision cited in the note interpreting CEQA.

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#### **Article 13. Review and Evaluation of EIRs and Negative Declaration - Sections 15200 to 15209**

## 15201. Public Participation

Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities.

Note: Authority cited: ... Environmental Defense Fund v. Coastside County Water District. (1972) 27 Cal. App. 3d 695;  
...

Discussion: This section declares the importance of public participation as an element of the CEQA process.

In *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural, Assoc.* (1986) 42 Cal. 3d 929, the court emphasized that the public holds a "privileged position" in the CEQA process "based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision making."

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## Article 20. Definitions - Sections 15350 to 15387

### 15365. Initial Study

"Initial Study" means a preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR. Use of the Initial Study is discussed in Article 5, commencing with Section 15060.

### 15366. Jurisdiction by Law

(a) "Jurisdiction by law" means the authority of any public agency:

- (1) To grant a permit or other entitlement for use;
- (2) To provide funding for the project in question; or
- (3) To exercise authority over resources which may be affected by the project.

(b) A city or county will have jurisdiction by law with respect to a project when the city or county having primary jurisdiction over the area involved is:

- (1) The site of the project;
- (2) The area in which the major environmental effects will occur; and/or
- (3) The area in which reside those citizens most directly concerned by any such environmental effects.

(c) Where an agency having jurisdiction by law must exercise discretionary authority over a project in order for the project to proceed, it is also a Responsible Agency, see Section 15381, or the Lead Agency, see Section 15367.

### 15369.5. Mitigated Negative Declaration

"Mitigated negative declaration" means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is

no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

#### 15370. Mitigation

"Mitigation" includes:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

#### 15381. Responsible Agency

"Responsible Agency" means a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

#### 15382. Significant Effect on the Environment

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Discussion: The second and third sentences pose a problem of interpretation that has caused controversy for many years. The controversy centers around the extent to which CEQA applies to economic and social effects of projects. In determining whether an effect is significant, however, Section 21083(c) of CEQA requires an effect to be found significant if the activity would cause an adverse effect on people.

#### 15384. Substantial Evidence

(a) "Substantial evidence" as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the entire record whole record before the lead agency. Mere uncorroborated opinion or rumor Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

(b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. This definition is intended to be informative and does not constitute a change in, but is merely reflective of, existing law.

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To: Half Moon Bay City Council  
From: Carol L. Cupp for the Coastside Legal Resource Fund and Half Moon Bay Neighbors' Alliance  
Date: 7 February 1999  
Subject: Appeal to City Council of PDP-44-98CDP for first phase of CCWD's El Granada Pipeline Replacement Project, issued by the Planning Commission on January 28, 1999

99 JUN 13 9 PM 12:35  
CITY CLERK - HMB

The above Coastal Development Permit (CDP) is hereby appealed to the City Council. This appeal is made on the following general grounds, and the appellant reserves the right to provide additional information prior to the appeal being heard by the City Council.

◆The project was titled and thus misrepresented to the Planning Commission, to the City, and to the public, in writing, as a pipeline "replacement" project. The reality is that the expanded (16-inch diameter) pipeline has a flow area 2.6 times the existing (10-inch diameter) pipeline. The expansion is justified throughout the report by statements that the expansion is needed to meet "buildout requirements," not maintenance requirements. Conformance of a project with the Coastal Act necessarily implies understanding what the project consists of. Because CCWD called this project a "replacement" instead of an expansion, the Planning Commissioners were mistakenly lulled into approving the project under false pretenses.

◆The City's Local Coastal Plan (LCP) requirements were not thoroughly reviewed in the staff report, by the applicant, or by the Planning Commission. Specifically, the list of acceptance criteria by which to evaluate whether the project complies with the LCP was incomplete, and some criteria that were applied are no longer applicable including Half Moon Bay's buildout target.

-For example, there was no recognition that the project must meet the primary goals established by the Coastal Act (policy 30001.5; LCP, page 2), which include protection and maintenance of the overall quality of the Coastal Zone and assurance of orderly, balanced land use and conservation of Coastal Zone resources. No relevant information was provided by the applicant on how Coastal resources will be protected by the larger capacity the pipeline would provide. The City Council asked for an EIR but was ignored, leaving compliance with the LCP as the only environmental review the City can use to understand the impact of the project.

-For example, there was no evaluation (as required by LCP policy 10-3, LCP, page 197) of whether the project is being phased in accordance with the probable future capacities of other public works elements including highways, which currently have no additional capacity and are expected to remain so even with every foreseeable improvement taken into account.

-For example, there is no recognition in the project plan that, since mid-1997, the City Council has been engaged in an LCP revision process, which has already established a clear direction to significantly reduce the buildout target by at least 2,500 houses; LCP policy 10-3 limits expansion of public works facilities to a capacity which does not exceed that needed to service buildout, and in this case, obsolete buildout numbers were used to size and justify the pipe expansion.

◆There was no systematic process of evaluating the project against the LCP requirements. Specifically, the key information considered by the Planning Commission consisted of the applicant's reasons for expanding the pipeline, which included leak reduction, increase of fire flow

capacity, and operational flexibility in moving water up and down the Coastside. None of these reasons represent LCP compliance criteria.

◆ Representations were made by the applicant that the project had already been approved as part of the 1994 Crystal Springs Pipeline (CSP) project. Such representations are demonstrably incorrect, since the CDP for the CSP project does not cover the El Granada Pipeline Replacement Project. If it did, the applicant would not be applying for another CDP now.

◆ Implications were made but no concrete assurances were provided that the City would be able to require an EIR when additional water is added to the expanded pipe at some unknown time in the future. As far as the City can be certain, the current CDP is the last chance it will ever have to review the environmental consequences of this major infrastructure expansion project. Relative to LCP requirements, the review was cursory and focused on the applicant's agenda, not the Coastal Act.

◆ Conflicting information provided by the applicant was not challenged by the Planning Commission, much less resolved. For example, the claim that the pipeline expansion is needed to fix leaks conflicts with the fact that the recent (March, 1998) CCWD water supply report indicates that system leakage is relatively insignificant (less than 5%). The claim that we have a fire flow problem conflicts with recent presentations to the contrary by the fire chief to the MidCoast Community Council during a public meeting. The claim that expanding the main transmission pipeline is the quickest and most efficient way to handle any fire flow problem that may exist now or in the future, was not seriously reviewed by the Planning Commission, or compared for effectiveness with what other districts do. The claim that the expanded pipe is needed to prevent the reserve tanks from emptying during several days of peak use was not related to the probability of the worst case scenario posed, or the fact that Coastside peak use is a relatively short weekend phenomenon (versus the five days required per CCWD's own study).

We respectfully request that the City Council deny CCWD this Coastal Development Permit and that the City recommend to CCWD that it resubmit a permit application for a 10-inch pipeline maintenance replacement project, if indeed maintenance of the pipeline is required. Citizens should not have to pay to correct such basic errors as not reviewing a CDP application against the LCP. Therefore, we respectfully request that the City Council refund the appeal fee to us.

Sincerely yours,



Carol L. Cupp  
323 Poplar Street  
Half Moon Bay, CA 94019

for

Half Moon Bay Neighbors' Alliance and

Coastside Legal Resource Fund  
PO Box 1881  
El Granada, CA 94018-0567  
650/361-0567  
clrf@sanmateo.org

**MEMORANDUM**

**City of Half Moon Bay**

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March 12, 1999

TO: Honorable Mayor and Council

FROM: Blair King  
City Manager

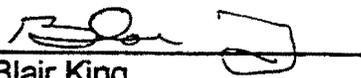
SUBJECT: City Attorney Decision on Effect of Tie Council Vote on Coastal  
Development Permit Appeal

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This is to transmit the decision of the City Attorney with regard to the twice tied vote of the Council when deciding the appeal of the Coastal Development permit granted by the City of Half Moon Bay Planning Commission to the County Coastside Water District.

Pursuant to the Attorney's decision, the Council has acted with finality, the Planning Commission's decision was not overturned, and the decision is subject to appeal of the Coastal Commission.

In consultation with the City Attorney and the Planning Director, the ten working day appeal period to the Coastal Commission commences the first working day after the date of this memorandum. This date was selected in response to the ambiguity surrounding the definition of what was the City Council's action.

  
Blair King

cc: Planning Department  
Applicant  
Appellant

**CITY OF HALF MOON BAY  
INTER-OFFICE MEMORANDUM**

**TO:** Mayor and Councilmembers  
**FROM:** John Truxaw, City Attorney  
**RE:** Effect of Tie Council Vote on Coastal Development Permit Appeal  
**DATE:** March 9, 1999

**Question Presented**

What is the effect of a two-two tie vote of the Half Moon Bay City Council when deciding an appeal from a coastal development permit granted by the City of Half Moon Bay Planning Commission (the Commission)?

**Brief Answer**

Under the common law, the effect of the Council's tie vote is that no action was taken. Under the applicable provisions of the Half Moon Bay Municipal Code and relevant case law, the result is that the Commission's permit approval is affirmed.

**Discussion**

**a. Common Law Rule**

The general rule is that tie votes among members of an administrative agency result in no action (*Clark v. Hermosa Beach* (1996) 48 Cal. App. 4th 1152, 1176). As a result, the Council's tie vote on appeal from the Commission's permit approval resulted in no Council action on the matter.

**b. Statutory Construction**

Court's rely upon applicable statutes or ordinances to determine the effect of the appellate body's failure to act on a challenged action. The applicable code provision in *Hermosa Beach* provided that on appeals from planning commission decisions the city council "shall order that the conditional use permit be granted, denied, or modified." Following a tie vote, the *Hermosa Beach* court held that the challenged conditional use permit approval was not affirmed, i.e. the permit was denied. (*Id.* at 1175-76). The court reasoned that since the appeal proceedings were

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*de novo*, the appellate body's failure to act did not affirm the challenged approval, but rather constituted a denial of a permit. The applicable ordinance supported the court's holding, since it required that on appeal the council either grant, deny, or modify the conditional use permit itself rather than uphold or overturn the planning commission decision to grant the permit.

Similarly, the court in *Anderson v. Pittenger*, cited in *Hermosa Beach*, concluded that where an ordinance directs that the city council act on zoning variance appeals by granting, denying, or modifying the variance in *de novo* proceedings, a tie vote results in no action. (*Anderson v. Pittenger* (1961) Cal. App. 2d 188, 195). As in *Hermosa Beach*, the result was denial of the challenged variance. (*Id.*) The court in *REA Enterprises v. California Coastal Commission*, also cited in *Hermosa Beach*, held that where the State Coastal Commission's vote on appeal is limited to the affirmative question of whether the permit should be granted, a tie vote results in permit denial. (*REA Enterprises v. California Coastal Commission* (1975) 52 Cal. App. 3d 596, 606-610).

Section 18.20.075(E)(3)(e) of the Half Moon Bay Municipal Code provides that on appeals from coastal development permits, "[a]fter the hearing, the appellate body shall affirm, modify or reverse *the original decision*. When a decision is modified or reversed, the appellate body *shall state the specific reasons for modification or reversal.*" (italics added). Unlike the statutes considered in *Hermosa Beach*, *Anderson* and *REA Enterprises*, the Half Moon Bay ordinance relates the Council's appellate power to the challenged decision, not to the permit sought. Furthermore, where the original decision is modified or reversed, the City Council must state the specific reasons for doing so. In this instance, the City Council has been unable to do the things it is empowered and required to do to overturn the appealed from decision. The Council has not affirmed, modified or reversed the original decision, and most importantly it has not stated any reasons for any modification or reversal. Therefore, the decision of the Commission, unaffected by Council action and unaffected by reasons stated for its modification or reversal, stands.

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c. Findings

The above result is strongly supported by other provisions of the Municipal Code, and other court decisions. Section 18.20.070 of the Half Moon Bay Municipal Code provides that coastal development permits may only be approved or conditionally approved after the approving agency has made the necessary findings regarding the local coastal program, growth management system, zoning provisions, adequate services and the California Coastal Act. Section 18.20.075 F. further provides that "[a] decision by the city on an application for development shall not be deemed complete until: 1. The local decision on the application has been made and all required findings have been adopted.... 2. All local rights of appeal have been exhausted..." Section 18.20.075 I. provides that "[a]n appellant shall be deemed to have exhausted local appeals and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the local appellate body or bodies as required by the city's appeal procedures."

California Code of Civil Procedure Section 1094.5 establishes the standard of review for final administrative decisions resulting from hearings required by law. (Cal. Code of Civ. Proc. § 1094.5(a)). Under Section 1094.5(b), the reviewing court must determine whether the respondent had jurisdiction to conduct the proceedings, whether they were fair, and whether they were tainted by prejudicial abuse of discretion. Prejudicial abuse of discretion exists if the proceedings were not as required by law, if the decision is not supported by the findings, or if the findings are not supported by the evidence. In *Topanga Association for a Scenic Community v. County of Los Angeles*, the California Supreme Court held that review of administrative adjudication under Section 1094.5 requires determining whether substantial evidence supports the administrative agency's findings, and whether the findings support the agency's decision. (*Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 514). Accordingly, the court in *Topanga* concluded that findings are necessary to satisfy Section 1094.5. (*Id.* at 515).

Because tie votes result in no agency action, they also result in no making of findings. Thus, in the case of a tie Council vote on a coastal development permit appeal, the findings required under Half Moon Bay Code Section 18.20.070 and

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Section 30604 of the California Coastal Act have not been made by the City Council. Under *Topanga*, a lack of findings in an adjudicatory proceedings fails to satisfy the Section 1094.5 standard of review. Therefore, a tie Council vote on a coastal development permit appeal results not only in no agency action, but also no agency action that would withstand judicial review.

However, the findings required by Half Moon Bay Code Section 18.20.070, Section 30604 of the Coastal Act and CCP Section 1094.5 were made by the Commission rather than the Council. Consequently, the effect of Half Moon Bay Code Section 18.20.075(E)(3)(e) to treat a tie vote on appeal as affirmance of the Commission's original decision accords with the requirements of Half Moon Bay Code Section 18.20.070, Section 30604 of the Coastal Act and CCP Section 1094.5 as interpreted by the Supreme Court in *Topanga*.

#### Conclusion

Because a tie vote of an administrative body such as the Council results in no action, and Section 18.20.075(E)(3)(e) of the Half Moon Bay Municipal Code limits the Council's appellate authority over coastal development permits to a consideration of the Commission's original decision, and since to overturn the lower decision the appellate body must state reasons for so doing, a tie vote results in not overturning the lower decision. This result is in accord with the findings requirements of Half Moon Bay Code Section 18.20.070, Section 30604 of the Coastal Act and Code of Civil Procedure Section 1094.5 under *Topanga*. Since the Code further states that the City has acted with finality on a permit when findings have been made and local appeals exhausted, the City has acted with finality on this matter and it is subject to appeal to the Coastal Commission.

#### Note

#### Different Result at Coastal Commission and BCDC

As the above discussion infers, government agencies are empowered to establish by statute the result of various vote outcomes. In discussions with Coastal

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Commission staff attorney Ann Cheddar, she informed me that votes taken by the Coastal Commission are regulated by procedures found in Title 14 of the California Code of Regulations. These regulations only apply to the Coastal Commission:

**§13092. Effect of Vote Under Various Conditions.**

- (a) Votes by a commission shall only be on the affirmative question of whether the permit should be granted; i.e., a "yes" vote shall be to grant a permit (with or without conditions) and a "no" vote to deny.
- (b) Any condition to a permit proposed by a commissioner shall be voted upon only by affirmative vote.
- (c) A majority of members present is sufficient to carry a motion to require or delete proposed terms, conditions or findings.
- (d) Unless otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendation. In other words, if consistent with the staff recommendation and not otherwise modified, the vote of the commission shall be deemed to adopt the findings and conclusions recommended by the staff.

**§13094. Voting Procedure.**

- (a) Voting upon permit applications shall be by roll call, with the chairperson being polled last.
- (b) Members may vote "yes" or "no" or may abstain from voting, but an abstention shall not be deemed a "yes" vote.
- (c) Any member may change his or her vote prior to the tally having been announced by the chairperson, but not thereafter.

**§13095. Voting by Members Absent from Hearing.**

A member, or his or her alternate, may vote on any application, provided he or she has familiarized himself or herself with the presentation at the hearing where the application was considered, and with pertinent materials relating to the application submitted to the commission and has so declared prior to the vote. In the absence of a challenge raised by an interested party, inadvertent failure to make such a declaration prior to the vote shall not invalidate the vote of a member, or his or her alternate.

**§13096. Commission Findings.**

All decisions of the commission relating to permit applications shall be accompanied by written conclusions about the consistency of the application with Public Resources

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Code, Section 30604, and Public Resources Code Section 21000 and following, and findings of fact and reasoning supporting the decision.

**§13022. Voting-- Number Required to Authorize Action.**

Except as otherwise required by the California Coastal Act of 1976 or in these regulations, actions of the commission shall be by vote of a majority of commissioners physically present within the meeting room at the time of the vote.

Ms. Cheddar further informed me that the Commission always votes by motions in the affirmative, and the failure of a motion in the affirmative to receive sufficient "aye" votes is a vote against the motion. That is, if the motion is to approve CDP xyz, and that motion is defeated by seven "aye" votes and nine "no" votes, by the above regulations that vote is regarded as a vote in opposition to the permit, and it is denied. She stated that a tie vote results in a denial for the same reason: it failed to obtain sufficient votes to pass and therefore is denied.

BCDC has an even clearer provision for tie votes (Ms. Cheddar informs me that the Coastal Commission follows the following procedure as well, but I have been unable to find a provision similar to the following in the regulations of the Coastal Commission):

(e) When the Commission has voted on a permit application in a manner that is not consistent with the Executive Director's recommendation, the Executive Director shall prepare draft findings based on the statements made by those Commission members who voted consistent with the outcome of the vote and on such other materials as the Executive Director believes is necessary to support the Commission's decision legally or is otherwise appropriate. The Executive Director shall present proposed findings to the Commission at the meeting following the vote on the application, at which time the Commission shall vote on the proposed findings. *Only those Commission members who voted consistent with the prevailing decision may vote on whether or not to adopt the proposed findings.* The vote shall be by a majority of those present and voting. If those present and voting do not adopt the proposed findings that the Executive Director has submitted, they can either make such changes as they determine are appropriate and adopt the findings at that meeting or direct the Executive Director to prepare further proposed findings and submit them to the Commission at the

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next meeting, in which case those who voted consistent with the prevailing decision may again vote on whether to adopt the further proposed findings. This cycle shall continue until the Commission has adopted findings to support its decision.

In the above excerpt, you will note that manner in which BCDC gets around the problem of adopting findings of denial when the denial results from a tie vote. Only those who have voted consistent with the prevailing decision may vote on findings. Recall that at BCDC and the CCC, a tie vote is a vote in opposition to the recommended motion. Those who vote to deny the proposed motion are considered prevailing in this instance since by opposing the motion which results in a tie, they have caused its denial. Only those who vote against the staff recommendation will then vote on the findings that return to the Board.

Half Moon Bay has not adopted regulations similar to those above quoted, and instead, the result of a tie vote in Half Moon Bay requires an interpretation based on common law, and the various pertinent provisions of the Municipal Code.

JWT:kag  
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LISTING OF HMB LCP COASTAL ACT POLICIES WHICH ARE RELEVANT  
TO PROPOSED CCWD PIPELINE EXPANSION

001. The Legislature hereby finds and declares:

(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.

(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.

(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

(d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone. [LCP 18]

30001.5. The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

(a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast. [LCP 3]

30004. The Legislature further finds and declares that:

(a) To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.

(b) To ensure conformity with the [Coastal Act], . . . and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, . . . it is necessary to provide for continued state coastal planning and management through a state coastal commission. [LCP 18]

30007.5. The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. [LCP 18] [LCPP 1-2, 20]

30009. [The Coastal Act] shall be liberally construed to accomplish its purposes and objectives.

30114. "Public Works" includes "water, sewerage, telephone, and other similar utilities", plus "all public transportation facilities, including streets, roads, highways, public parking lots, . . .," [LCP pl84]

30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of the [Coastal Act].

**LISTING OF HMB LOCAL POLICIES WHICH ARE RELEVANT TO PROPOSED CCWD PIPELINE EXPANSION**

Enclosure

6

- | <u>POLICY</u> | <u>PAGE</u> | <u>SUBSTANCE OF POLICY</u>                                                                                                                                                                                                                                                                                                            |
|---------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| · 1-1,        | p20:        | Coastal Act policies 30210 through 30264 are adopted.                                                                                                                                                                                                                                                                                 |
| · 1-2,        | p20:        | LCP conflicts resolved by applying <u>most protective policy</u> .                                                                                                                                                                                                                                                                    |
| · 1-3,        | p20:        | LCP policies take <u>precedence</u> over other policies.                                                                                                                                                                                                                                                                              |
| · 1-4,        | p21:        | CDP requires that <u>all</u> applicable LCP policies be met.                                                                                                                                                                                                                                                                          |
| · 9-2,        | p140:       | No CDP issued w/o <u>adequate water</u> , sewer, schools and <u>roads</u> .                                                                                                                                                                                                                                                           |
| · 9-3,        | p140:       | <u>All</u> new development shall comply with <u>all</u> LCP policies.                                                                                                                                                                                                                                                                 |
| · 9-4,        | p140:       | Lack of available services shall be <u>grounds</u> for CDP denial.                                                                                                                                                                                                                                                                    |
| · 9-6,        | p141:       | Fees shall assure that new dev't generates enough revenue to cover the cost of police, fire, school, <u>road</u> & other services.                                                                                                                                                                                                    |
| · 10-2,       | p198:       | Special Districts (eg. CCWD) shall conform to LCP policies.                                                                                                                                                                                                                                                                           |
| · 10-3,       | p198:       | The City will act to limit PW facilities to capacities not exceeding buildout, and shall require phased expansion in accord with the "probable capacity" of <u>other</u> public works facilities and services. (Note that <u>other</u> PW facilities include <u>highways</u> ; see Coastal Act Policy 30114, which LCP incorporates.) |
| · 10-7,       | p198:       | "The City shall determine the need and timing for additional [infrastructure] services". The City will <u>coordinate</u> with service providers to establish the <u>ability</u> of infrastructure systems to expand and to identify prospective <u>funding</u> sources.                                                               |
| · 10-9,       | p199:       | The City will support water supply increases " <u>which will provide for but not exceed</u> ", the amount needed for buildout.                                                                                                                                                                                                        |

**BUSINESS OF THE PLANNING COMMISSION  
OF THE CITY OF HALF MOON BAY**

**AGENDA REPORT**

**For the meeting of:** January 28, 1999

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**TO:** Planning Commission

**FROM:** Anthony J. "Bud" Carney, AICP  
Planning Director

**TITLE:** PDP-44-98

**PREPARED BY:** Bill Ambrosi Smith, Associate Planner

**A. PROJECT DATA:**

**Owner(s):** Caltrans  
111 Grand Avenue  
Oakland, California

**Applicant(s)** Coastside County Water District  
766 Main Street  
Half Moon Bay, CA 94019

**Project Location:** In the Highway One Median, approximately 200 feet south of Bev Cunha's Country Road (formerly Sewer Plant Road) and 200 feet North of Wave Avenue

**APN:** N/A  
**Legal Description:** N/A

**Proposed Use:** Replacement of 2,200 lineal feet of an existing 10 inch welded steel water line with a 16 inch ductile iron water line to be constructed on the east side of the Frontage Road from the south side of Sewer Plant Road to approximately 200 feet north of Wave Avenue. This first phase of the El Granada Pipeline Replacement Project has been named the Casa Del Mar Pipeline Replacement Project, (See the attached "Casa Del Mar Pipeline Replacement Project, Narrative in Support of a Coastal Development Application," CCWD July 24, 1998)

Permits Involved: Coastal Development Permit

LUP Designation: N/A

Zoning District: N/A

Site Information:

Environmental Review CCWD is the Lead Agency, Resolution 993, July 14, 1998, adopting a Mitigated Negative Declaration. The City of Half Moon Bay is the Responsible Agency

Permit Streamlining Act Expiration Date March 3, 1999

Appealable to the Coastal Commission  Yes  No

## B. RECOMMENDATION

Staff recommends that the Planning Commission approve the application for replacement of 2,200 linear feet of the existing 10 inch water service line with a 16 inch water service line based upon the Findings for Approval contained in the Resolution for Approval and subject to the Conditions of Approval in Exhibit A.

## C. BACKGROUND

The project is designed to replace a portion of the interconnection between the Deniston Treatment Plant in the north and the Nunes Treatment Plant on Carter Hill. In general, water is distributed to the system from these two facilities. The interconnection is a critical link in the management of the system, as water can be moved to appropriate reservoirs. This transmission pipeline is the sole connection between the El Granada area and Half Moon Bay and allows transfer to various storage facilities according to the supply and cost of water from the various sources (Pilarcitos Lake, Pilarcitos Well field, Deniston Reservoir, Crystal Springs pumped source).

The El Granada Pipeline will eventually be replaced along the full 3.5 mile length described in the Initial Study and Mitigated Negative Declaration. The pipeline was installed in the 1950's and is near the end of its useful life according to CCWD engineers. The Casa Del Mar section, subject of this permit, is the District's highest priority because it is in the worst condition, with high maintenance due to leaks.

## D. KEY ISSUES

### Responsible Agency vs. Lead Agency

In this CEQA process, the City of Half Moon Bay is the responsible agency and the CCWD is the lead. Section 15367 of the CEQA guidelines defines Lead Agency as the public agency which has the principal responsibility for carrying out or approving a project. Section 15051 contains the criteria for identifying the Lead Agency where two public agencies are involved. Section (a) states that if the project will be carried out by a public agency, that agency will be the lead agency even if the project would be located within the jurisdiction of another public agency.

The guidelines state the general rule that the responsible agency must use the environmental document prepared by the Lead Agency even if the responsible agency believes that the document is inadequate. In this case, the City of Half Moon Bay Staff takes the position that the environmental documentation is inadequate for evaluating potential growth inducing impacts. However, subsequent information received from the CCWD indicates that repair of the leaky system, not growth, is the purpose of the requested permit. Therefore, conditional approval is recommended

### Existing Infrastructure Capacity

A personal communication with CCWD staff is the basis for the following discussion of infrastructure capacity in the current water delivery system. The Crystal Springs (Hetch Hetchy) permit allows a Crystal Springs Reservoir pump station capacity of about 5.5 million gallons per day (mgd). The Nunes water treatment plant is built and permitted for a capacity of 4 mgd. The pipeline has a capacity of about 12 mgd. The rationale in the original permit for a larger capacity in the line is the length of its useful life. The current allotment that CCWD has from the Crystal Springs Hetch Hetchy source is 4 mgd. Because the allotted water makes the Nunes treatment plant operate at capacity, any request for additional capacity in the system would require a Coastal Development Permit, either from the City of Half Moon Bay or San Mateo County. Likewise, in the northern system, the CCWD has surface water rights of about 2 mgd and the Denniston plant has about 2 mgd capacity. Therefore, in the northern part of the system any additional water supply would require a additional infrastructure, the subject of a Coastal Development Permit. A new well field would also require a CDP.

In summary, the existing infrastructure has critical bottle necks that are at maximum capacity under the current water supply allotment. Any additional water supply allotment would require additional Coastal Permitting. The second recommended condition of approval of this permit would require that CCWD

*Nunes plant capacity higher than 4*

*CSP*

*HMNB not assured of future reviews*

agree to the level of environmental analysis called for by the Coastal Permitting agency.

Coastal Permitting

not necessarily

HMB

**Growth Inducing Impacts**

The attached Resolution of the City Council authorizing the formation of an assessment district for water contains a map attachment that shows a 16 inch line in this location. While the increase of the line would have the ability to accommodate about 50 percent of the future growth, CCWD has no authorization to issue water permits for this growth. The construction of this pipeline is for the purpose of creating additional flexibility in moving water from the northern part of the system to the southern part of the system and back. This provides increased ability to transfer water to the smaller tanks in the north from the Crystal Springs water at the Nunes plant. It also allows transfer of water south when the cheaper water in the surface system of the Denniston plant is able to supply water to the tanks in the southern part of the system. Its increased size also allows replenishment of the three relatively small tanks in the El Granada area. As discussed in the section on fire fighting, this feature will allow these tanks to be replenished faster in case of failure of the Denniston plant for more than 2 days. This will ensure continued service as well as a margin for safety for fire control during a possible extended Denniston plant failure.

flexibility

Recognizing the potential for increased line size to become part of the infrastructure for an increase in the number of water connections, the proposed conditions of approval contain a provision that if the water line is to be used as the infrastructure for an application for additional capacity, then and Environmental Impact Report would be required that would thoroughly examine the cumulative growth inducing impacts of such an application. As the foregoing section outlines, CCWD would need development of infrastructure to increase the capacity to serve more people. The CCWD has agreed to perform the level of environmental analysis required by the Coastal Permitting agency.

relative to what

Last promise was broken

**Fire Fighting Capacity**

The CCWD states that under current conditions the Frenchman's Creek pump station (350 gallons per minute (gpm)) is a northerly water flow constriction. The northern storage capacity is about 3 million gallons in five tanks. Peak usage would deplete the reservoir at the rate of about 1 million gallons per day (mgd). Water can be pumped north at the rate of about .5 mgd. Assuming full pumping capacity and average daily use, the depletion of the reservoir would be at the rate of about .5 mgd.

no last sentence says peak, which has no probability

The failure of the Denniston plant in the north service area is the "bad case scenario" on which the following discussion is based. With no fire demand, the tanks would be empty in 6 days. Careful monitoring could keep the small tanks

peak does not last page of this copy

full and about 1 million gallons in the Denniston tank for about 3 days. The amount of water required for fire fighting for single family residential is about .2 mgd per structure. At the end of the third day, fire fighting capacity would be compromised.

The Half Moon Bay Fire District indicates that the El Granada area is the most subject to wildland fire hazard as well as structural fire hazard. In the 1940s, El Granada burned for about 3 days. The amount of water needed to meet the daily demand as well as fire capacity would deplete the storage capacity before a fire of this type was controlled. Water in the tank is needed for head pressure as well as flow. Target head pressure for the tanks is 20 pounds per square inch (psi). All of this leads to the conclusion that CCWD would have about 3 days to get the Deniston supply on line before fire fighting capacity would be dangerously low. At around 4 to 6 days, water in the tank could not supply pressurized water to meet the existing average usage. For this reason, CCWD argues that the 16 inch line would facilitate the north south transfer of water that would not leave the north area so vulnerable. The following table outlines some of the calculations that go into the above discussion.

*7 days  
peak  
or avg.*

|                                                                                          |           |      |
|------------------------------------------------------------------------------------------|-----------|------|
| Average daily use in the area served by the pipeline (N of Highway 92)                   | 1.09      | Mgd  |
| Northbound Pumping Capacity (Frenchmens Creek Pump)                                      | .50       | Mgd  |
| Daily Depletion (based on average)                                                       | .50       | Mgd  |
| Based on average use, Days to Deplete north area capacity (3 million gallons),           | 6         | Days |
| Fire fighting capacity required for single family residential structures (1000-1500 gpm) | 1.44-2.16 | Mgd  |
| Minimum fire fighting capacity for single structural event (1500 gpm for 2 hours)        | .18       | Mgd  |

**E. FINDINGS AND EVIDENCE:**

**Findings and Evidence - Coastal Development Permit**

**Finding 1:** The development, as modified by conditions, conforms to the Local Coastal Program.

**Evidence:** As discussed above, the pipeline is not intended to create additional capacity. Rather, it is intended to provide increased flexibility in the transfer of water from the northern part of the system to the southern part, as well as increased ability to fight fires in a "bad case scenario."

The project is consistent with Policy 6-4 that states that new water lines involving substantial excavation with the potential to destroy archaeological resources will prepare a survey and provide an opportunity for a qualified archaeologist to sample and salvage the site as part of the construction project. This project is occurring along the Highway One frontage that has been impacted with development for very long time. No survey is required up front. However, should archaeological resources be identified in the project, the work will stop, and the survey will be prepared.

The water line is intended to serve current rate payers. It is part of an infrastructure system that has the potential to support an application by CCWD for authorization to issue additional permits. At the time that this occurs, the conditions of approval would require an EIR to be prepared to address the potential cumulative impacts from growth. Policy 10-3 states that development or expansion of public works facilities will be limited to the size needed to serve build-out of the Land Use Plan. Policy 10-9 is similar. It says that 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. No increase in the ability to provide water is associated with this project. If permitted in the future, however, it has the potential to support an application for water service for about 50 percent of the current build-out, City and County. Because the General Plan is currently being updated, this percentage may be revised. It will not eliminate the appropriateness of this line for system flexibility and fire service, apart from its ability to support growth, should no future permit for increase in capacity be submitted.

Policy 10-7 states that the City will require agencies providing major public utilities to monitor their services and to coordinate all involved agencies to establish the ability of individual service system capacities to expand further and identify prospective funding sources for the expansion. By Resolution, the City of Half Moon Bay acknowledged the 16-inch line now proposed as part of the current assessment district for water service.

**Finding 2:** The development is consistent with the annual population limitation system established in the Land Use Plan and the Zoning Ordinance.

**Evidence:** This project is not a request for residential construction. No new water permits will be available as a result of this Coastal Development Permit. The annual population system does not apply to this application, and no Measure A certificate is required

**Finding 3:** The development is consistent with the use limitations and property development standards as well as the other requirements of the Zoning Ordinance.

Unless we want to have more water service in the area, we need to expand the capacity of the water line. This is a good idea.

Flexibility  
Fire service  
Wells

Nox  
a  
CDP

This evidence is <sup>in</sup> ~~no~~ way apparent

**Evidence:** The project involves infrastructure which is a necessary use in any zoning district. The pipeline serves the existing rate payers in the district and those with the current right to connect, both in the County unincorporated area as well as within the City Limits.

**Finding 4:** Evidence has been submitted that the proposed development will be provided with adequate services and infrastructure in a manner that is consistent with the Local Coastal Program.

**Evidence:** The water line, when finished, will serve existing rate payers with flexible service as well as increased fire protection. The project itself is infrastructure. Should the water pipe form the basis of infrastructure for additional growth, then the conditions of approval of this permit would allow the Coastal Permitting authority to require the preparation of an Environmental Impact Report prior to processing of the Coastal Development Permit to <sup>add</sup> water capacity to the system. Any expansion of the current ability to deliver water would require additional development that would need a Coastal Permit.

**Finding 5:** This project is located between the sea and the first public road; it conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**Evidence:** This project is located between the sea and the first public road. It does not involve construction that will have significant effect on coastal access. Construction closures are designed to be minimal for any access along the route of the project.

#### F. ATTACHMENTS:

1. Resolution of Approval and Exhibit A, Conditions of Approval
2. Location map
3. Plan sets
4. Casa del Mar Pipeline Replacement Project, Narrative in Support of a Coastal Development Application, CCWD July 24, 1998
5. CCWD Initial Study, response to comments and Negative Declaration Resolution (Distributed to Planning Commissioners Only. File copy available at City Hall for inspection)
6. Half Moon Bay request for additional information
7. CCWD response to this request
8. CCWD Memo regarding the City Council resolution authorizing Water service assessment district
9. Public comment sent to the Planning Commission

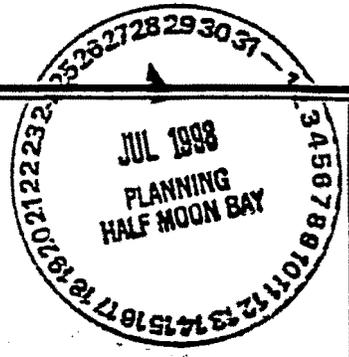
necessarily

NO & FROM US

This is important. Stop them and we are saved. & permit.

Let's accept this before since we get to review more before before the whole before is done

not a valid Coastal Act compliance



# CASA DEL MAR PIPELINE REPLACEMENT PROJECT

NARRATIVE IN SUPPORT OF A  
COASTAL DEVELOPMENT APPLICATION

Coastside County Water District

July 24, 1998

# CASA DEL MAR PIPELINE REPLACEMENT PROJECT

## COASTSIDE COUNTY WATER DISTRICT

### I. Introduction and Summary

This document is a description of the proposed Casa del Mar Pipeline Replacement project, a capital improvement project proposed to be undertaken by the Coastside County Water District in 1998. Basic information about the project is summarized below:

**Project Sponsor:** Coastside County Water District  
766 Main Street  
Half Moon Bay, CA 94019

**Contact:** Robert R. Rathborne, General Manager  
(650) 726-4405

**Project Location:** East side of the Highway 1 Frontage Road, from the south side of the Sewer Plant Road to approximately 200 feet north of Wave Avenue in the City of Half Moon Bay

**Proposed Improvements:** The project involves the replacement of a 2,200 foot long segment of the existing 10-inch diameter water transmission pipeline located on the west side of the Frontage Road with a 16-inch pipeline to be constructed in a trench on the east side of the Frontage Road.

**Project Purpose:** The project is an infrastructure improvement and maintenance project. It involves the replacement of a particularly leaky segment of the 48 year old El Granada Pipeline, which is nearing the end of its useful life. The replacement pipeline will be six inches larger in order to have adequate capacity to serve both existing and projected demands in the northern portion of the District, consistent with the adopted Half Moon Bay and San Mateo County General Plans and Local Coastal Programs.

### II. Background

The Coastside County Water District is a special district providing water to customers within its boundaries, which include the City of Half Moon Bay and several unincorporated coastal communities in San Mateo County, including Miramar, Princeton by the Sea and El Granada.

The District Boundaries extend approximately 9.5 miles north to south along the coast and 1.5 miles east to west. See Figure 1. The District has approximately 5,000 connections and serves an estimated population of 15,000 people.

The District obtains water from three sources, operates two treatment plants, ten storage tanks and a distribution system. These supply sources and facilities are briefly described below.

1. **San Francisco Water Department.** The District is entitled to the wholesale purchase of water from the San Francisco Water Department under the terms of a 1984 agreement. Water purchased from the Department can come from one of two reservoirs:

a. **Pilarcitos Lake.** Water from Pilarcitos Lake is transported to the Nunes Treatment Plant via gravity pipelines.

b. **Crystal Springs Reservoir.** The District can pump water from Upper Crystal Springs Reservoir through an 18-inch diameter pipeline to the Nunes Treatment Plant. Crystal Springs Reservoir is a part of the San Francisco Water Department's Hetch Hetchy system. It became available in October 1994, and has eliminated the District's exclusive dependence on local rainfall. Water from this source is more expensive than water from other sources due to pumping costs.

2. **Pilarcitos Well Field.** This well field, located in Pilarcitos Canyon upstream of Highway 92, is owned and operated by the District. See Wells P1 - P5 on Figure 1. This is a small source of supply with seasonal limitations and very low yield in drought years.

3. **Denniston Project.** This source, located east of the Half Moon Bay Airport, at the north end of the District, consists of both stream diversions and wells. The surface supplies have seasonal limitations and the overall production in drought years is low to very low.

4. **Treatment Plants.** The District operates two water treatment plants. The Nunes Water Treatment Plant, located on Carter Hill northeast of Half Moon Bay, has a capacity of 4.5 mg/day. The Nunes Treatment Plant treats water from Pilarcitos Lake, Crystal Springs Reservoir and the Pilarcitos Well Field.

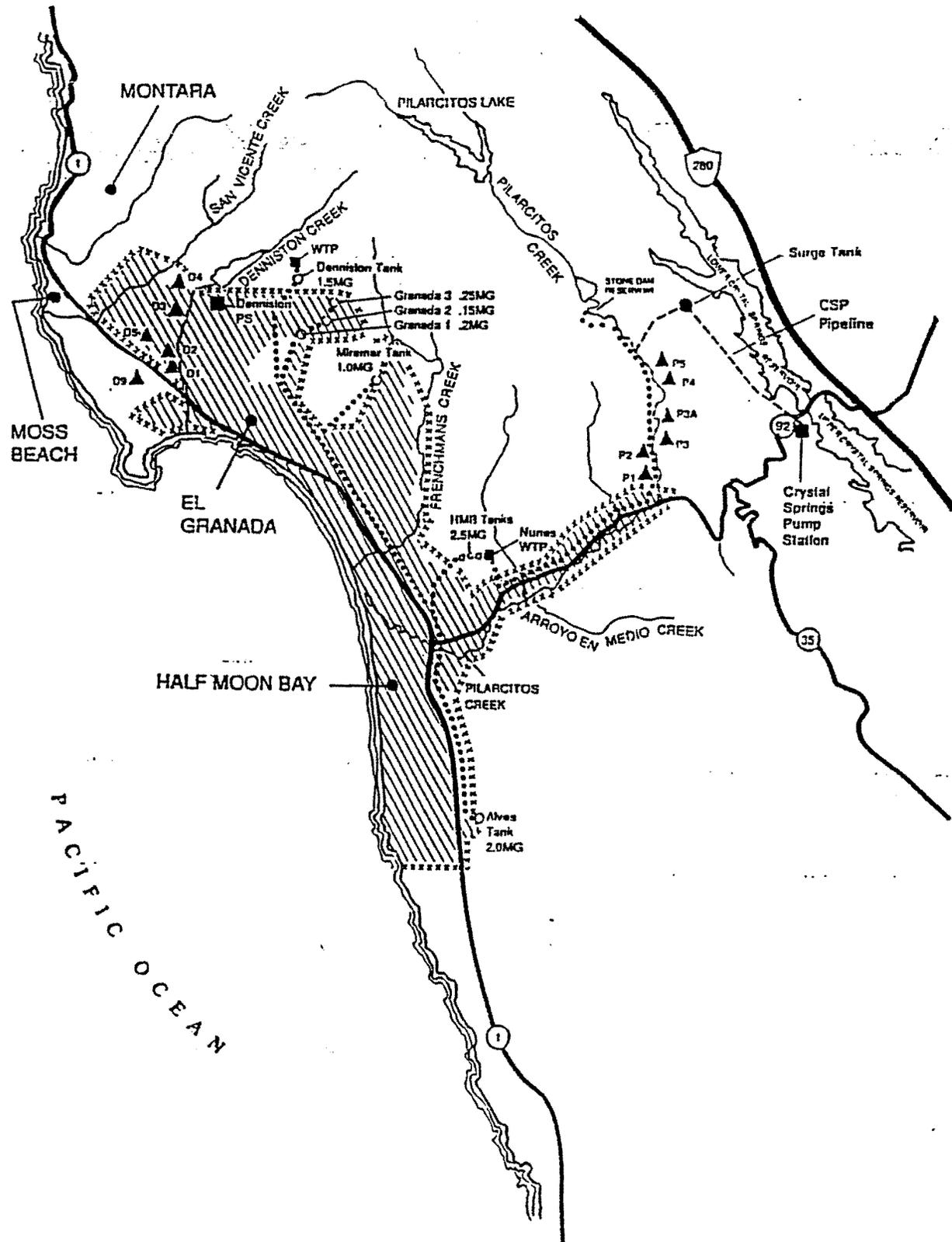
The Denniston Water Treatment Plant, in operation since 1974, is located above Denniston Creek and has a capacity of 1.0 mgd. It treats water from the Denniston Project.

5. **Storage and Distribution.** The District has ten treated water storage tanks with a total capacity of 7.65 mg. They are located on hillsides at eight separate sites. (See Half Moon Bay (HMB) Tanks, Granada Tanks and Alves Tank on Figure 1.) Major transmission pipelines are shown on Figure 1. Treated water is distributed from the treatment plants to

FIGURE 1

# Coastside County Water District

## Water Supply and Transmission System



**DISTRICT INFORMATION**

Treated Water Storage 7.60 MG

Water Treatment Plants

**LEGEND**

- District Boundary
- Existing Transmission Lines
- Water Reservoir

two major geographical zones via 8-, 10-, 12-, and 16-inch transmission lines. The two zones are interconnected by a 10-inch transmission line (the El Granada Pipeline) to facilitate transfer of water between the zones. The Casa del Mar Pipeline Replacement Project involves a segment of this key transmission line.

### **III. Project Description**

#### **A. SITE LOCATION AND EXISTING FACILITIES**

The existing 10-inch El Granada Transmission Pipeline is located on the western edge of the Highway One right-of-way from a short distance north of Highway 92 to Mirada Road in Miramar, where it crosses Highway One and continues on local streets to El Granada Tank No. 1. In the segment alongside the Casa del Mar subdivision in Half Moon Bay, the pipeline is located about 3 feet west of the frontage road. For much of this distance it lies beneath the sidewalk.

Although the El Granada Pipeline will eventually be replaced along its full length, the District's first priority is the leaky, high maintenance, Casa del Mar segment. It extends from the south side of the entrance road to the Sewer Authority MidCoastside (SAM) sewage treatment plant to a short distance north of Wave Avenue, a total of about 2,200 feet. See Figure 2. This is about 12% of the entire 18,600 foot long El Granada Pipeline. The District has identified this project as the Casa Del Mar Pipeline Replacement Project. It is, effectively, the first phase of the El Granada Pipeline replacement.

#### **2. PROPOSED NEW FACILITIES**

The existing 10-inch diameter welded steel pipe would be replaced with a 16-inch ductile iron pipe. The new pipe would be laid in a 3 - 5 foot deep trench excavated along the east side of the existing frontage road.

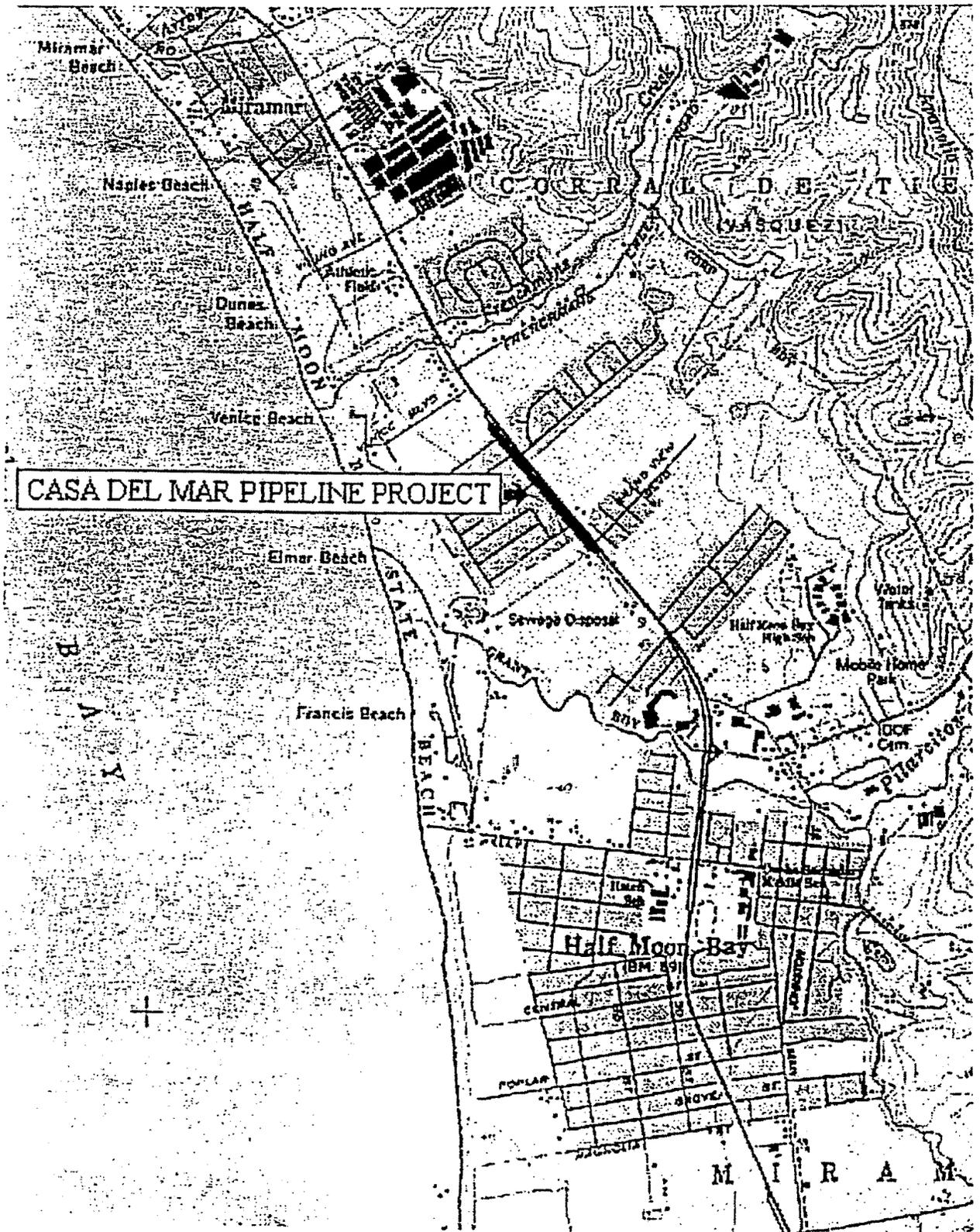
About six distribution pipelines, 3 fire hydrants and 15 - 20 individual service connections are tapped into the transmission pipeline in this segment. The project would include the transfer of the distribution pipeline connections and individual connections to the new pipe along with installation of new fire hydrants, valves and other supporting facilities. The old pipeline would be taken out of service, sealed and left in place.

#### **3. CONSTRUCTION PROCEDURES**

Construction would begin with a mobilization task in which the selected contractor and the pipe supplier would transport equipment and materials to the corridor. The first phase of construction would involve the installation of the new 16-inch pipe along the east side of the frontage road.

# TOPOGRAPHIC MAP

# FIGURE 2



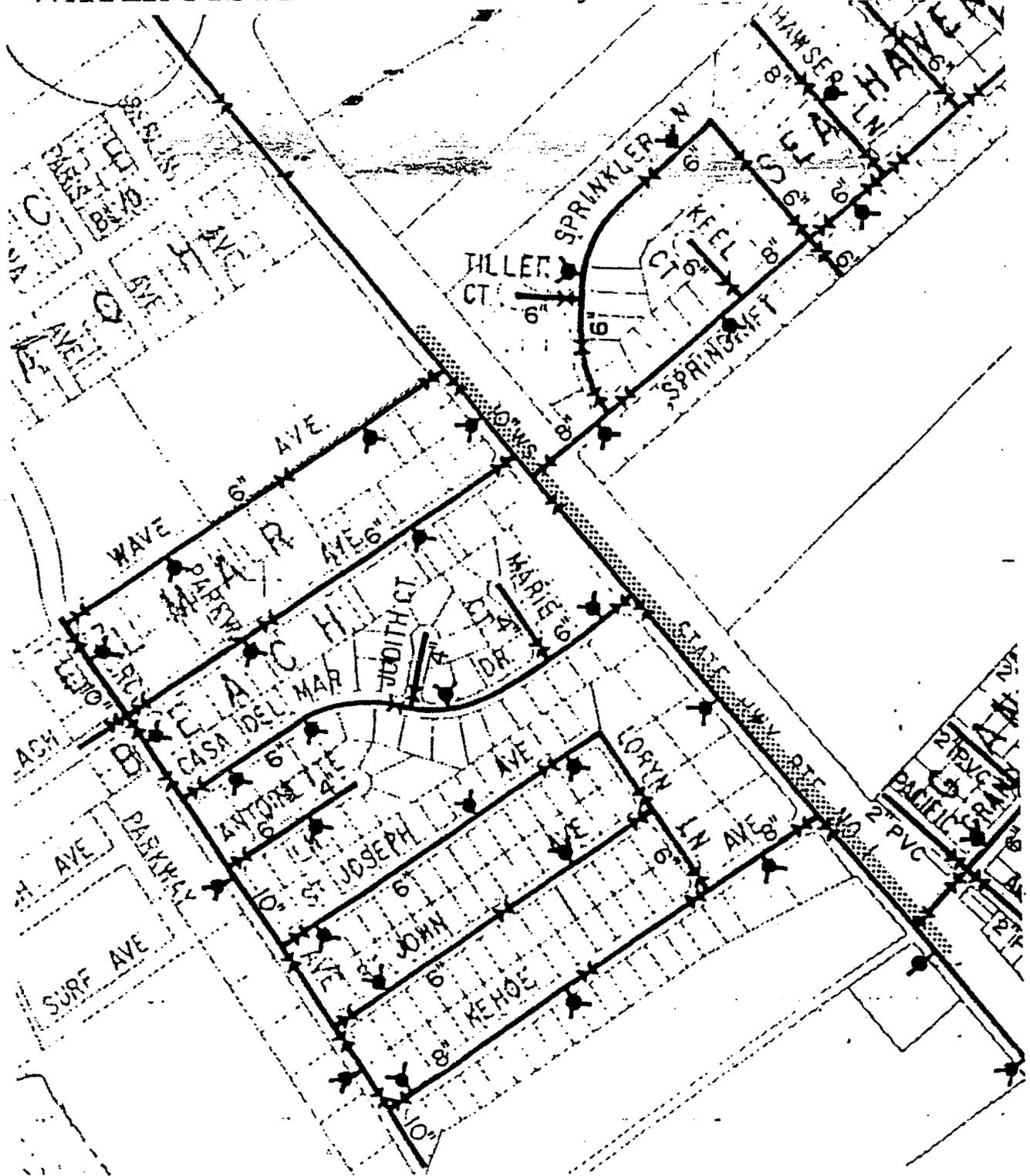
AERIAL PHOTO OF SITE LOCATION

FIGURE 3



# WATER SYSTEM MAP OF PROJECT AREA

FIGURE 4



**LEGEND:**

- Valve 
- Hydrant 
- Project Corridor 

Scale: 1" = 400'





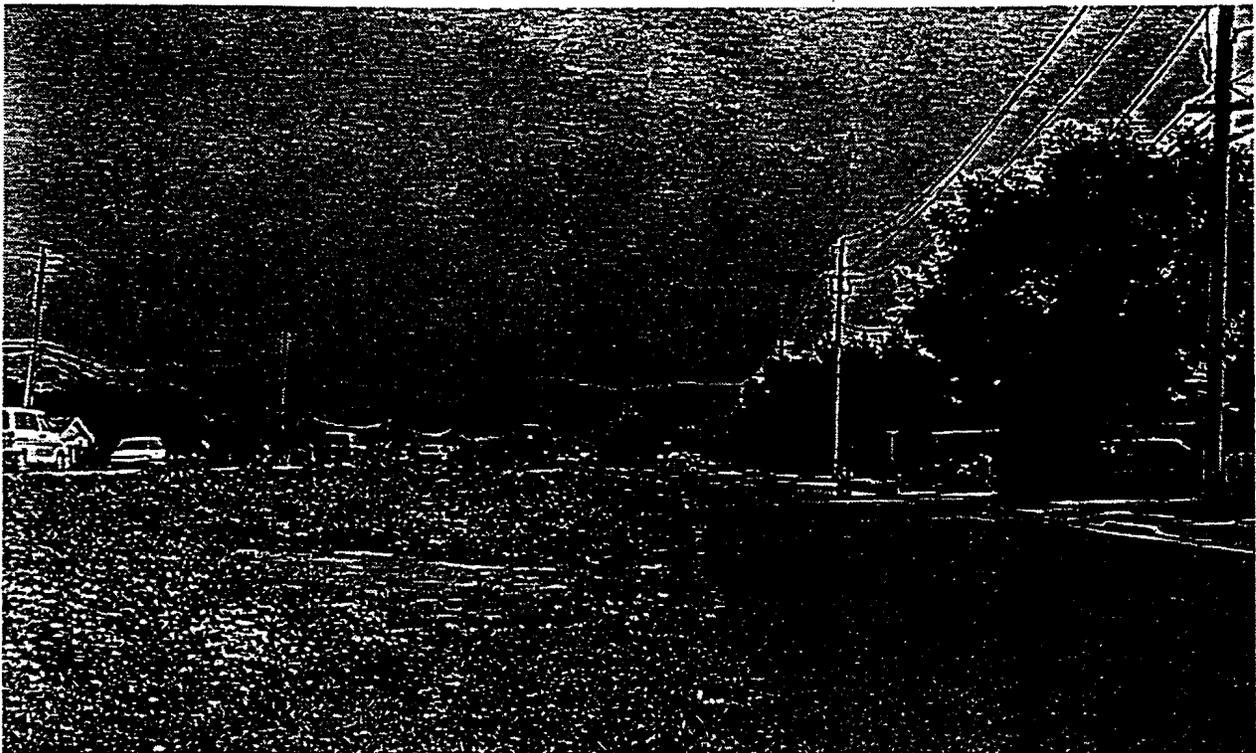
View North along Frontage Road from South end of project corridor. The wharf hydrant on left is connected to the existing pipeline. New pipeline would be located on the right side of the road.



View North from near the center of the corridor. The existing pipeline is beneath the sidewalk. The new pipeline would be installed between the edge of the pavement and the trees.



View South from Wave Avenue. Valve covers for the existing pipeline are in the street. Pipeline lies beneath the sidewalk. It will be relocated to the other side of the Frontage Road.



View South along corridor. New pipeline will be installed adjacent to left edge of pavement in center of the photo.

Trenching, pipe installation and backfilling would be undertaken in a continuous sequence. The pipe would be buried approximately 3 feet below the ground surface, including several locations where small drainage channels would have to be crossed. It is expected that the contractor could install between 200 - 400 feet of new pipe per day.

Once the new pipe is in place the ends would be temporarily sealed, and the new pipeline would be pressure tested and sanitized with a chlorine solution. Once testing is complete the ends would be connected to the existing 10-inch pipeline and both facilities would be in service. The contractor would then extend all the affected distribution lines and individual water connections to the new pipeline and make the connections. In this way, service disruptions would be limited to the time required to transfer each individual pipe from the old pipeline to the new pipeline. Barring major unforeseen problems, no customer would be out of service overnight. New fire hydrants would also be placed into service in a similar manner.

Once all the connections have been transferred to the new pipeline segment, the old pipeline would be disconnected at both ends, sealed and abandoned in place.

#### 4. PROJECT NEED

The 18,600 foot long, 10-inch diameter, welded steel El Granada Transmission pipeline is the sole water transmission pipeline between Half Moon Bay and El Granada. Figure 7 shows the water service area of the El Granada Transmission Pipeline. The existing pipeline has been in use since 1950 and is approaching the end of its useful life. The segment adjacent to the Casa del Mar subdivision has been particularly prone to leaks in recent years. Accordingly, it has been identified by the District as the first segment of the El Granada Pipeline to be replaced.

In the next 3 - 5 years the District expects to replace the existing 10-inch pipe with 16-inch pipe for the entire length of the El Granada Transmission Pipeline because the existing 10-inch diameter pipe is too small for existing peak day, and projected future average day, demands. In order to understand why the Casa del Mar pipeline, and ultimately the entire El Granada pipeline, needs to be enlarged from 10 inches to 16 inches, it is necessary to understand the ways in which the El Granada Transmission Pipeline functions.

The El Granada Transmission Pipeline, including the Casa del Mar segment, not only serves customers along the Highway One frontage between Half Moon Bay and El Granada but also allows the District to transfer water either north or south depending on operational needs, which change in conjunction with the quantities of water available from the District's various supply sources:

- a. Normal Operation. Normally, most of the northern area of the District can be served

# EL GRANADA PIPELINE SERVICE AREA

FIGURE 7



## LEGEND

----- BOUNDARY OF WATER SERVICE AREA OF PROPOSED PROJECT PIPELINE

~~~~~ BOUNDARY BETWEEN CITY OF HALF MOON BAY AND COUNTY OF SAN MATEO

SCALE: 1" = APPROX. 1400 FT.



from the Denniston Treatment Plant at the northern end of the District. See Figure 1. This facility treats water from surface and groundwater sources in the Denniston Creek basin (called the Denniston Project). However, even under normal operating conditions, the District must occasionally augment the supply of water in the northern portion of the service area with water from the Nunes Treatment Plant (which is primarily water that is purchased from the San Francisco Water Department). This is accomplished by transporting water northward through the El Granada Transmission Pipeline from the Carter Hill tanks in Half Moon Bay to the Miramar Storage Tank in the north. The Frenchman's Creek Booster Pump is often activated to assist in this transfer of water.

b. **Winter Surplus in the Denniston Project.** When there is a winter surplus in the Denniston Project, which is common in years of normal to above normal rainfall, the El Granada Transmission Pipeline is used to move water south toward Half Moon Bay, so that the purchases of San Francisco Water Department water can be reduced or eliminated. The amount of Denniston Project water supplied to Half Moon Bay customers can be increased by pumping with the bi-directional Frenchman's Creek Booster Pump.

c. **Drought Period.** During droughts, the supply of Denniston Project water is greatly reduced and is sometimes not even sufficient serve all of the District's customers north of Miramar. In this case the El Granada Transmission Pipeline and the Frenchman's Creek Booster Pump are used to move water through to the Miramar area and further north, to Granada Tank No. 1, to augment the supply of Denniston Project water to customers in the northern end of the District's service area, including the Clipper Ridge, Princeton, El Granada and Granada Highlands communities.

d. **Denniston Project Not Operable.** If the Denniston Project is inoperable because of water quality problems, equipment malfunctions, power failure, etc. all of the water supply for the northern portion of the District would have to be met using water from the Nunes Treatment Plant and the Carter Hill storage tanks. The District Engineer has determined that the existing (1996) average daily water usage in the District north of Highway 92 (the area served by the El Granada Transmission pipeline) is about 760 gpm. Existing peak day usage is estimated at 1,140 gpm¹. This demand will increase as new development is approved and constructed.

Currently, the El Granada Pipeline/Frenchman's Creek Booster Pump can transport a maximum of 350 gpm northward. This is not sufficient to meet the average or peak day needs of the area served by the El Granada Transmission pipeline. Even assuming full

¹James Teter, P. E., *Engineering Master Plan, El Granada Transmission Pipeline Replacement Project*, June 30, 1997.
Reproduced as Appendix A in the Revised Initial Study

storage tanks¹ and the booster pump operating at full capacity, the District would have only 1 - 2 days to bring an inoperable Denniston Project back in operation. After this period of time, the storage tanks would be depleted to the point where fire fighting reserves would be impaired.

3 days there
might be
1 m gallons
left. This would
cause 16 hours
of 1000 gpm
flow.

Peak usage
less transmission
+ 1 mgd. Work
empty
N tanks
in 3 days

Considering that a major landslide can muddy the surface water for days and that a specialized piece of equipment can take weeks to replace, the District does not have a realistic and workable back-up system in the event that the Denniston Project water becomes unavailable for an extended period. This could require an emergency declaration if the Denniston Project were inoperable on warm days or any other high-demand period. Furthermore, the existing 10-inch pipeline is inadequate to meet future demands from projected increases in population and water connections in its service area.

The need for enlarging the El Granada Transmission pipeline from 10 inches to 16 inches has been determined from calculations of water demand that are based on the adopted Half Moon Bay and San Mateo County *Local Coastal Programs* and *Land Use Plans*. Each LCP contains requirements for two levels of population growth: the Phase I level and the Buildout level. Since the Phase I level will be reached in the relatively near future, and the new pipe will have a long useful life, the District's criteria for the proposed replacement pipeline is to limit its size so as to not exceed the projected LCP buildout population water usage level.

San Mateo County area:

The San Mateo County *Local Coastal Program Policies* estimates the future average day water demand at buildout of the Land Use Plan for areas of the Coasts County Water District that are within County jurisdiction at 1.31 to 1.66 mgd, including both commercial and residential usage. Peak day usage would be 2.36 to 2.99 mgd (180% of average day usage).²

Half Moon Bay area:

Future land use development in the Half Moon Bay portion of the area served by the El Granada Transmission pipeline is governed by the City's *Local Coastal Program, Land Use Plan*,³ amended 1993. Table 9.1 entitled, "Categories of Undeveloped Lands in Half Moon Bay" provides the maximum potential for new residential units under the Land Use Plan. The CCWD has reviewed

¹3.1 million gallons can be stored in the northern portion of the District.

²County of San Mateo, Environmental Services Agency, Planning and Building Division, *Local Coastal Program Policies*, August 1992, Table 2.10.

³City of Half Moon Bay, *Local Coastal Program, Land Use Plan*, Amended 1993, 244 pps.

the projections for the geographical areas within the El Granada Pipeline service area and updated the data to reflect units constructed since 1993.¹ Attachment 1 presents the District's tabulation of this data.

The LCP anticipates 2,026 residential new units in the geographic area served by the El Granada Transmission Pipeline at buildout. The District estimates that the remaining potential residential buildout is 1,836 units, housing a maximum of 4,782 additional residents. At an average day water usage of 93 - 134 gallons per day per capita and peak day usage at 180% of average day usage, the average day demand from these future residents is calculated at 0.44 to 0.64 mgd while the peak day demand would be 0.79 to 1.15 mgd. Current average day usage in this area is 0.28 mgd and estimated peak day usage is 0.52 mgd.

The total estimated water usage within the area served by the El Granada Transmission Pipeline is summarized in Table 1, below.

| TABLE 1
ESTIMATED BUILDOUT WATER USAGE IN
EL GRANADA PIPELINE SERVICE AREA | | |
|--|------------------------------|-----------------------------|
| GEOGRAPHICAL AREA | AVERAGE DAILY USAGE | PEAK DAY USAGE ² |
| County of San Mateo | 1.31 - 1.66 mgd ¹ | 2.36 - 2.99 mgd |
| City of Half Moon Bay:
Current Usage | 0.28 mgd ³ | 0.52 mgd |
| City of Half Moon Bay:
Future Additional Demand | 0.44 - 0.64 mgd ⁴ | 0.79 - 1.15 mgd |
| Total Demand at Buildout | 2.03 - 2.58 mgd | 3.67 - 4.66 mgd |

¹ County of San Mateo, *Local Coastal Program Policies*, Table 2.10.

²Peak day usage assumed to be 180% of average daily usage.

³Derived by District Engineer from CCWD meter records. *Engineering Master Plan, El Granada Transmission Pipeline Replacement Project*, June 30, 1997.

⁴Developed from Half Moon Bay LCP/LUP Table 9.1 data for the El Granada Transmission Pipeline Service Area.

The buildout water demand projections were applied to the District Engineer's four primary engineering criteria to ascertain the optimal pipe size and capacity for the El Granada Pipeline replacement. The criteria used are summarized as follows:

1. Service Area and Service Capability. The replacement pipeline, when complete, should

¹James Teter, P. E., *Engineering Master Plan, El Granada Transmission Pipeline Replacement Project*, June 30, 1997.

have sufficient capacity to serve the entire northern service area under the "Denniston Project Not Operable" mode. The minimum requirement should be to meet average (not peak) day needs at a development level not greater than LCP buildout.

2. Operational Energy. It is acceptable to use the booster pump station to meet future estimated peak day demands. Pumping should not be required to meet average day demands, so as to reduce energy costs and have adequate gravity flows to maintain adequate service if the pump station is inoperable.

3. Transmission Pipeline Redundancy. Sound engineering practice favors the construction of parallel pipelines. The El Granada replacement pipeline should not be so large that a future parallel pipeline would increase capacity beyond what is allowed by the LCP's.

4. Construction Cost. Project costs can be substantially reduced if the pipeline is sized below peak day demands. If future demands occur which exceed the capacity of the replacement pipeline, they could be met with parallel pipelines in future developments or by increased booster pump capacity.

Using these criteria, the District Engineer has identified 16 inches as the optimal pipe size for the El Granada Transmission Pipeline. This, of course, includes the Casa del Mar segment which is the subject of this application.

When completed, the 16-inch El Granada Transmission Pipeline replacement will have the ability to meet future average day requirements at buildout of the City and County LCP's. It will supply 55% of the peak day demands at buildout, well below the allowable LCP maximums. It is therefore in conformance with both the City and County planning criteria for new public works facilities.

The 16-inch diameter pipeline will also conform with the District's engineering criteria because,

1) it will have sufficient capacity for the average and peak day requirement of existing customers and average day requirements at buildout. This could suffice if the Denniston Project is inoperable.

2) energy demands will not be excessive because average day demands can be met with gravity flows.

3) options for constructing redundant parallel pipelines in future developments will not be foreclosed, because the capacities permitted under the LCP's will not be exceeded.

4) the construction cost is the minimum required to serve existing customers and water

service applicants.

HALF MOON BAY NEIGHBORS' ALLIANCE

PO Box 291, Half Moon Bay, CA 94019
650-726-9525

May 5, 1999

Bill Van Beckum, Coastal Planner
California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, CA 94105

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION

| |
|---|
| EXHIBIT NO. 11 |
| APPLICATION NO. |
| A-1-HMB-99-20
(CCWD) |
| CORRESPONDENCE (IVERSON)
(Page 1 of 2) |

Dear Mr. Van Beckum,

This is to support the appeal of Coastal Development Permit PDP -44-98 for the Coastside County Water District (CCWD) Water Transmission Pipeline Expansion.

The Half Moon Bay Neighbors' Alliance has, since 1987, supported efforts to preserve the natural resources and quality of life in the Half Moon Bay area..It has played a major role in growth and development issues as they relate to community involvement and action. This includes subject CCWD project.

It is clear CCWD and this project are out of compliance with Coastal Act policy and should be denied a CDP. Expansion of infrastructure of this magnitude (replacement of a 10" pipe with a 16" pipe) will most definitely have significant impacts on resources. Yet CCWD proceeded without benefit of a full Environmental Impact Report (EIR) without demonstrating full compliance with Coastal Act policies as required for such infrastructure projects. Claims such as "fixing leaks", "to increase pressure", "to provide for operational flexibility", and to even mitigate MTBE in adjoining ditrict's production wells are not criteria required for granting of a CDP. All criteria must be addressed relative to this project.

Of particular significance is CCWD's assumption that expansion is essential to meet build out numbers for Half Moon Bay and the unincorporated San Mateo County areas it serves

build out numbers that are in fact out of date and are presently being revised downward. Beside which, determination of build out numbers is not within the powers of CCWD but with Half Moon Bay and the County. CCWD numbers are entirely without basis.

CCWD must be required to reapply with a total description and environmental analysis of the entire phase 2 expansion to include other pipe lines, new sources of water, new storage facilities, pumping facilities, expanded treatment capacity, impacts on all natural resources, and factual, documented data.

Neighbors' Alliance urges in the strongest terms denial of permit #44-88 until the foregoing are fully addressed according to Coastal Act policy.


Half Moon Bay Neighbors' Alliance
David Iverson, President

April 30, 1999

RECEIVED
MAY 03 1999

Bob Merrill/
Jack Liebster
California Coastal Commission
45 Fremont Street - Suite 2000
San Francisco, CA 94105-2219

CALIFORNIA
COASTAL COMMISSION

Sybject: Coastside County Water District (CCWD) CDP request for
El Granada Transmission Pipeline Expansion Project (Phase 1 & 2)
A-1-99-20

Dear Bob and Jack:

Per our phone discussion a week ago regarding the status of the appeal for the above, I am forwarding the following additional information for your review:

- (1) Letter dated March 25, 1999 from Roger Chinn, Foreperson of the San Mateo County Grand Jury regarding the continuing investigation of Coastside County Water District regarding the above proposed projects.
- (2) Memo dated March 24, 1999 from the MidCoast Community Council to the project planner, Michael Schaller, at the County regarding Coastside County Water District's application for CDP for Phase 2 of the El Granada Transmission Pipeline Expansion Project.

Sincerely,

Barbara K. Mauz

Barbara K. Mauz
P.O. Box 1284
El Granada, CA 94018

Phone: (650) 726-4013

| |
|--|
| EXHIBIT NO. 11 |
| APPLICATION NO. |
| A-1-HMB-99-20
(CCWD) |
| (CORRESPONDENCE (MAUZ))
(Page 1 of 8) |

RECEIVED

MAY 03 1999

CALIFORNIA
COASTAL COMMISSION

MAR 29 1999

1999 Grand Jury
of the County of San Mateo

Roger Chinn, Foreperson
Hall of Justice
400 County Center
Redwood City, California 94063
tele: (650) 599-1711; fax: (650) 363-4698

March 25, 1999

✓ Mr. Robert Rathbone, and
District Manager
Coastside County Water District
766 Main Street
Half Moon Bay, CA 94019

Mr. James Teter
District Engineer
Coastside County Water District
2529 Greenwich Street
San Francisco, CA 94123

Dear Messrs. Rathbone and Teter:

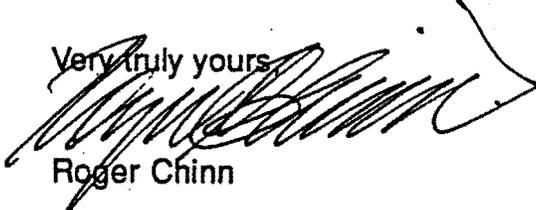
The Special District Committee of the Grand Jury desire to meet with both of you to provide information on the decisions to enlarge the pipes in the Water District's transmission system in the replacement program to reduce the loss water from the system. Other issues for discussion include your District's progress with updates in the procedures and public information program in Recommendations #51 and #52 of the 1998 Grand Jury Report.

Please meet with the Committee on Tuesday, April 20, 1999 at 3:00 p.m. at one of the two conference rooms off of Room 2A, Second Level, 400 County Center (formerly Hall of Justice, 401 Marshall), Redwood City, CA.

As you may be aware, all matters to be discussed with the Grand Jury is to be held in strictest confidentiality until the matter, if deemed with merit, is incorporated into the Final Report of the Grand Jury.

Please confirm your attendance of the meeting requested by calling me at the above number. Your cooperation is appreciated.

Very truly yours


Roger Chinn

cc: Special Districts Committee
file

RECEIVED
MAY 03 1999

CALIFORNIA
COASTAL COMMISSION

Memo

To: San Mateo County Planning and Building Division
Michael Schaller, Planner

From: MidCoast Community Council

Date: 03/24/99

Re: Comments on CCWD's CDP Application for El Granada Pipeline Replacement Project –
Northern Section

How has the applicant demonstrated that the project complies with the LCP?

The main information being presented by CCWD is their reasons for expanding the pipeline, which includes leak reduction, increase of fire flow capacity, and operational flexibility in moving water up and down the Coastsides. None of these reasons represents LCP compliance criteria or CDP acceptance criteria.

The County application gives no justification or reason for the replacement of the 10" pipe with one 156% larger. The claim that the pipeline expansion is needed to fix leaks conflicts with the most recent CCWD Water Supply Report (3/98). This report indicates that system leakage is relatively insignificant (less than 5%). The County LCP allows for a 15% leakage loss on its numbers for Phase I and buildout capacity. The numbers used by CCWD are over-factoring supplying by 10%.

The claim that we have a fire flow problem conflicts with the fire chief's recent presentation to the MCC. Chief Delgado stated, for the record, that no concern of fire fighting capacity exists at this time. He suggested that by building larger holding tanks we could increase fire response capacity. The claim that expanding the main transmission pipeline is the quickest and most efficient way to handle any fire flow problem that may exist now or in the future, has not been seriously reviewed, or compared for effectiveness with what other districts do. The claim that the expanded pipe is needed to prevent the reserve tanks from emptying during several days of peak use was not related to the probability of the worst case scenario posed, or the fact that Coastsides peak use is a relatively short weekend phenomenon.

LCP: Public Works Component (pg. 2.2)

*2.6 Capacity Limits

Limit development or expansion of public works facilities to a capacity which does not exceed that needed to serve buildout of the Local Coastal Program.

The project is titled, in writing, as a pipeline "replacement" project. This is a misrepresentation to the County, City of HMB, and to the public. The reality is that the expanded (16-inch diameter) pipeline has a flow area 2.6 times the existing (10-inch diameter) pipeline. The expansion is justified, throughout the report (Initial Study), by statements that the expansion is needed to meet "buildout requirements", not maintenance requirements. We must understand what the project actually consists of to determine if it conforms with the Coastal Act.

Capacity issues:

Current overall system transmission capability, even in drought conditions, is rated at 3,383 gpm in the latest CCWD Water Supply Evaluation report (March, 1998 - Pg. II-3). In CCWD's calculations for sizing of the replacement pipeline (Appendix C of the Revised Environmental Study), the number used to for peak day usage at buildout for Half Moon Bay and the MidCoast is 3,331 gpm. CCWD has stated that this pipeline would only deliver 54% of the water needed for current projected buildout in HMB and the MidCoast.

A system that currently has nearly the required capacity to support buildout is increasing its transmission capability by 156%. CCWD states that this will result in only 54% of the water it currently has. Clarification of this discrepancy is necessary.

The issue of the Frenchman's Creek pumping station also has contradictory reports: The Water Supply Evaluation report treats the imminent replacement of the pump as a standard part of the plan, while also mentioning the proposed 16" replacement pipeline. The studies in the Environmental Study talk about eliminating or minimizing the need for the pump. An important consideration is that the replacement of the Frenchman's Creek Pump with a newer, higher capacity unit, later, would allow excessive amounts of water to be moved through the system if the 16" pipeline is installed.

Based on CCWD Water Supply Evaluation Report 3/98 and related reports - with the current SFWD agreement and current the CCWD transmission, treatment and distribution facilities,
(1) the CCWD "safe yield" (reliable supply during drought) is 407 to 541 million gallons per year;
(2) the CCWD "normal yield" (avg. rain season) is 1066 million gallons per year;
(3) the CCWD projected demand for 1998 is 862 million gallons.

In short, development has already occurred beyond the safe yield.

LCP: Public Works Component

2.12 Timing and Capacity of Later Phases (pg.2.4 - 2.5)

c. *Establish the capacity by: (1) estimating the capacity needed to serve the land use plan at buildout, (2) considering the availability of related public works to establish whether capacity increases would overburden the existing and probable future capacity of other public works and (3) considering the availability of funds.*

California Coastal Act

Section 30114 (pg. 12)

Public works' means the following: (b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities...

How does the applicant show that the project is being phased in accordance with the probable future capacities of other public works elements, including highways (as required by LCP Policy 2.9 and 2.12)?

By increasing the current 10-inch pipe to 16-inches, it will allow for servicing an increased number of residents, larger than our current highway infrastructure can tolerate.

Ref. 1: 6/97 CCAG Traffic Modeling Study] See Coastside Capacity Report - Summary of Recent Countywide "Traffic Analysis"

Especially during commute hours, SRs 1 and 92 have had high traffic volume to capacity (v/c) ratios since at least 1990, and are projected to have the highest v/c ratios in San Mateo County at LCP buildout. This translates into Caltrans Level of Service index F (prolonged

gridlock; average traffic speed for affected highway segment approaches zero ;SR 92 "F" segments up to 8 miles long)

It is clear that currently we have no additional highway capacity -- this dire situation will remain the same even with every foreseeable highway improvement taken into account. If we do not have the transportation capacity to service the current users of a 10-inch diameter pipe, how can our infrastructure accommodate the increased number of users being serviced by a sixteen-inch pipe?

How does this project conform to the California Coastal Act Section 3006.5? Is this project part of a larger project? What is the largest population this 16-inch pipeline is capable of serving? Is this part of the Phase II expansion project? If yes, what other parts are there? What are the cumulative impacts on growth of greatly expanded water transmission capabilities (even though obtaining additional water is not specifically included in this particular element of CCWD's buildout implementation plan)?

California Coastal Act, Section 3006.5 (pg.4)

The legislature further finds and declares that sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions and that the commission should, in addition to developing its own expertise in significant applicable fields of science, interact with members of the scientific and academic communities in the social, physical, and natural sciences so that the commission may receive technical advice and recommendations with regard to its decision making, especially with regard to issues such as coastal erosion and geology, marine biodiversity, wetland restoration, the question of sea level rise, desalination plants, and the cumulative impact of coastal zone developments.

"Piecemealing" : The project is not being presented in its full scope. There needs to be analysis of this entire project and how it relates to other proposed CCWD projects*. How do the projects noted below relate to growth patterns and infrastructure in the MidCoast and in Half Moon Bay?

*Proposed CCWD projects:

- Expansion of 3.5 mile El Granada Transmission Pipeline from 10 to 16 inch diameter (goes from 92 & 1 north) without an EIR;
- Expansion of 2.5 mile Carter Hill West Pipeline from 12 to 24 inch diameter (goes from 92 & 1 south);
- Planning to expand Denniston Creek Treatment Plant to the full capacity allowed by CCWD's state Water Rights Board permit
- Planning to convert a 40 acre feet agricultural water storage pond (with a 10 foot high dam) east of the airport into a 500 acre feet storage reservoir with a 30 to 80 foot high dam;
- Transferring the remaining "priority" water connections (~1000 unused ones left) into "non-priority" connections
- An additional 305 connections of "non-priority" water connections
- Studying "reclaimed" water (partially treated sewage) for agricultural and other non-residential uses which equals 100 million gallons per year

CCWD is currently proposing a dual 10" transmission pipe line to the Moss Beach Highlands project at the north end of its district. Review of the capability of this line by an engineer of the Montara Sanitary showed a potential of service to a population far in excess of the 400 or so in this development - is the new transmission capacity of the replacement 16" pipe related to future service to the north of the existing district?

CCWD is proposing an increase in the storage capacity of Denniston reservoir. Is this increased capacity being considered in the project proposal? A reading of the reports and the negative declaration seems to indicate the pipeline replacement is not taking this increased generation

and storage capacity in its analysis of water storage and supply.

The recent shutdown of two MTBE-contaminated wells operated by Citizens' Utilities, as well as Citizens' continuing shortage of water for the Montara-Moss Beach area has prompted discussion of a possible takeover of their water supply service by CCWD. Is the excessive capacity of the new pipe possibly planned for this purpose?

LCP: 2.13 Coordination with the City of Half Moon Bay (pg 2.5)
Coordinate with the City of Half Moon Bay's certified Local Coastal Program to take into consideration the policies of the City's LCP when determining (1) Phase I sewer capacity, and (2) when and how much to increase the capacity of all public works facilities after Phase I

How has the applicant demonstrated that there has been joint planning between the County, the City of Half Moon Bay, CCWD, and the other utility districts that serve the MidCoast? What communication has existed between the County and the city of HMB in ascertaining future water needs?

For example, there has been no recognition that since mid 1997, the HMB City Council has been engaged in an LCP revision process, which has already established a clear direction to significantly reduce the buildout target by at least 2500 houses; CCWD is using obsolete buildout numbers to size and justify the pipe expansion.

The General Plan Review, in process in HMB, could very well result in slower growth rates and a reduced buildout number resulting in the shuffling of excess system capacity toward the Midcoast.

The issue of increasing the potential capacity for water, a critical step in enabling new development, needs to be considered and reviewed by a joint-planning session of the jurisdictions involved as recommended in the recent ABAG report: Coastside Subregional Planning Project (sponsored by the Association of Bay Area Governments)

California Coastal Act Section 30001.5

The legislature further finds and declares that the basic goals of the state for the coastal zone are to:

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.*
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state....*

How does this project meet the primary goals established by the Coastal Act? What information has been provided by the applicant to show how Coastal resources will be protected by the larger capacity the pipeline would provide? What are the cumulative impacts on growth of greatly expanded water transmission capabilities (even though obtaining additional water is not specifically included in this particular element of CCWD's buildout implementation plan)? What are the economic impacts on district resources and ratepayers, including cost, allocation and funding plans? How does this relate to the easement across the Mirada Surf property?

Despite the request of HMB and MidCoast Citizens, HMB City Council and the Midcoast Community Council that an EIR be prepared, the CCWD declared a mitigated negative declaration. Compliance with the LCP is the only environmental review the MidCoast can use to review the environmental consequences of this major infrastructure expansion project. See attached letter submitted to CCWD including Environmental Checklist and comments.

In particular, the environmental impacts of the County section of the project should be revisited in the Mirada Surf area, where the project would pass through an area that is currently under investigation regarding the extent of its wetlands (an area that is referred to as an "abandoned field" in the Negative Declaration). The earlier proposed Mirada Surf DEIR also brought out issues on the drainage problems inherent in the sections of El Granada this pipeline passes through, drainage problems not addressed in the CCWD Environmental document.

Midcoast Community Council Recommendation:

1. Deny approval of Coastal Development Permit. The project does not comply with the policies of the Local Coastal Program.
2. Deny approval of Coastal Development Permit. The project does not comply with the Coastal Act.
3. In addition, the applicant needs to document the status of the coordination of other required agency permits and reviews i.e. Army Corp. of Engineers, Fish & Game, etc. prior to the County taking action on this project application.
4. HMB's CDP for the Carter-Hill Pipeline is currently under appeal to the Coastal Commission. It would be premature for the County to move ahead with approval of this CDP. CCWD and their engineer confirmed that if a segment of the pipe (of the entire project) was not increased in size, hydraulically, the project would not function.

Additional Resources Consulted:

Terry Burnes, Planning Administrator, Introduction to Local Coastal Program Policies, San Mateo County

All development in the Coastal Zone requires either a Coastal Development Permit or an exemption from Coastal Permit requirements. For a permit to be issued, the development must comply with the policies of the Local Coastal Program and those ordinances adopted to implement the LCP.

Zoning Regulations, San Mateo County

Section 6328.12 Standards for Application Review

The officer, commission or board acting on a Coastal Development Permit shall review the project for compliance with: all applicable plans, policies, requirements and standards of the Local Coastal Program, as stated in Sections 6328.19 through 6328.30 of this Chapter; the County General Plan; requirements of the underlying district; and other provisions of this Part.

Section 6328.14

Approval of a Coastal Development Permit shall be conditioned as necessary to ensure conformance with and implementation of the Local Coastal Program

Section 6328.15

Findings. A Coastal Development Permit shall be approved only upon the making of the following findings:

- a.) *That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6238.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program*
- b.) *that the project conforms to specific findings required by policies of the San Mateo County Local Coastal Plan*

General Plan, San Mateo County

C. Coordinating water supplies with land use plans, pg. 10.44

Ensuring the capacity of public water systems correspond to the level of development promoted in the land use plan is a key strategy in the Local Coastal Program. This coordinated approach supports land use decisions and allows for logical and orderly development.

this is a fax first sheet; 8 pages including this page.

Larry M. Kay

Residence at: 12 Sunset Terrace, Half Moon Bay, 94019
Mail to: Post Office Box 394
Montara, California
94037

TELEPHONE & FAX (650) 712-9554

April 15, 1999

| | |
|---------------------------------------|----|
| EXHIBIT NO. | 11 |
| APPLICATION NO. | |
| A-1-HMB-99-20
(CCWD) | |
| CORRESPONDENCE (KAY)
(Page 1 of 9) | |

FAXLTR TO: California Coastal Commission @415-904-5400,
North Coast Area Office

ATTN: Each Member of the Commission, and Planner Bill Van
Beckum

SUBJECT: A New Event in Appeal # A-1-HMB-99-020; Coastside
County Water district, applicant / Cupp, Appellant

FROM: The Undersigned, Kay, a member of the public, as
Friend to the Commission

ATTACHED: Only for your convenient reference the
March 26, 1999 Commission Notification of Appeal:

ATTACHED: Coastside County Water District
announcement of expansion 8 miles northward into the
northern sector of the California Mid-Coast area; The Half
Moon Bay Review newspaper for April 14, 1999: This is the
new event.

ATTACHED: Summary in the San Mateo County Times
newspaper, September 19, 1998, of the report by Governmental
entity, the Association of Bay Area Governments, showing
that the area presently served By CCWD, and the new area
CCWD is expanding into, cannot support such growth
inducement as the excessive water capability CCWD would
provide with a system water pipe of 16" replacing a 10"
system pipe:

ATTACHED: Only for your convenient reference a 3
page document which is already provided to you in the
appellant's submission to the Commission; The legally
enforceable pledge made to a conciliatory, trusting, high
ranking California court that full EIR would be made if
further expansion of CCWD system capability was undertaken:

~~~~~

April 15, 1999

Page (2)

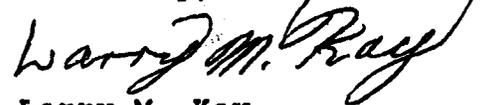
The subject appeal was heard *De Novo* by the HMB City Council and tied 2-2.  
I respectfully ask the Commission to hear this appeal *De Novo* in view of the above.

Further, I respectfully ask the Commissioners to consider all documents listed above in the light of your common-sense regarding whether a replacement system water pipe of 2.6 times capacity is growth inducive.

Remember school days... the area of a circle is pi times the radius squared; The 16" pipe could carry 2.6 times the water flow of the existing 10" pipe. To build such excessive capacity would be illegal in that it is Non-LCP compliant as set forth in the appeal. The Coastal Act forbids such excess capacity.

According to what CCWD promises their giant new system pipe would be more empty than used. Sure. Then, there is the Easter Bunny. And, there is the promise (attached) of CCWD to an Appeals Court Judge to provide EIR if they expanded capability.

Sincerely,



Larry M. Kay

APR-07-99 04:51 PM CAROL CUPP

726 3639

P. 01  
UNIVERSITY MICROFILMS

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST AREA OFFICE  
6 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5280



**COMMISSION NOTIFICATION OF APPEAL**

**DATE:** March 26, 1999  
**TO:** Bill Ambrosi Smith, Planner  
City of Half Moon Bay, Building & Planning Department  
501 Main Street  
Half Moon Bay, CA 94019  
*Bill Van Beckum*  
**FROM:** Bill Van Beckum, Coastal Planner  
**RE:** Commission Appeal No. A-1-HMB-99-020

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Section 30602 or 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

**Local Permit #:** PDP-44-98  
**Applicant(s):** Coastsides County Water District, Attn: Bob Rathborne  
**Description:** Replacement of 2,200 lineal feet of an existing 10 inch welded steel water line with a 16 inch ductile iron water line to be constructed on the east side of the Frontage Road from the south side of Sewer Plant Road to approximately 200 feet north of Wave Avenue.  
**Location:** In the Highway One median, approximately 200 feet south of Bev Cunha's Country Road and 200 feet north of Wave Avenue, Half Moon Bay (San Mateo County)  
**Local Decision:** Approved  
**Appellant(s):** Carol Cupp  
**Date Appeal Filed:** 3/25/99

The Commission appeal number assigned to this appeal is A-1-HMB-99-020. The Commission hearing date has been tentatively set for April 13-16, 1999 in Long Beach. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Half Moon Bay's consideration of this coastal development permit must be delivered to the North Coast Area office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Bill Van Beckum at the North Coast Area office.

# CCWD turns on spigot for Mid-Coast

By VIVA CHAN  
Half Moon Bay Review

Mindful of longstanding political tensions with its neighbors to the north, the Coastside County Water District Board of Directors decided Tuesday to prepare an agreement to temporarily supply water to Citizens Utilities' customers in Montara and Moss Beach.

Citizens Utilities last month asked the district to consider assisting it after the private water purveyor shut two of its wells found contaminated with MTBE, a suspected carcinogen.

See WATER, Page 9A

# Water

Continued from Page 1A

The CCWD board voted unanimously to enter into negotiations with Citizens Utilities to come up with a proposal on how the district will supply water to its neighbor.

"We want to help out, but we don't want to get a political black eye," said Director Roger Goodrich.

A final agreement could come back to the CCWD board at its regular meeting next month.

Meanwhile, Citizens last week released test samples for March for MTBE in the two contaminated wells.

In the Drake well, there was an increase in MTBE levels of a couple micrograms per liter. The other contaminated well, the Wagner well, however, registered a drop to a non-detectable level.

State health officials said the level of contamination is slight and the water in both wells is still safe for drinking.

"The conditions in the Drake and Wagner wells do not currently constitute a public health emergency," reported Physical Engineer Clifford Bowen of the San Francisco District Drinking Water Field Operations office of the state Department of Health.

However, Citizens Utilities Engineer Rob Roscoe cautioned that the lower reading in the Wagner well may be due to the fact that Citizens has not been pumping water from it.

At Tuesday's CCWD meeting there was an underlying current of tension between CCWD and the Mid-Coast over past and current political differences. To illustrate the resistance some Citizens customers feel toward CCWD, Goodrich brought in a rusty wreath of barbed wire.

Gary Warhaftig, with the Moss Beach-Montara Water Improvement Association, once commented that he would rather floss his teeth with barbed wire than be served by Coastside County Water District's system. The comment surfaced again in a recent discussion involving Citizens' current dilemma.

At Tuesday night's meeting, the CCWD board considered three different scenarios for how it could assist Citizens Utilities.

■ Pumping untreated water from the Denniston Water Tank near the Half Moon Bay Airport.

■ Trucking in treated, potable water from CCWD's supplies at the Denniston Water Treatment Plant.

■ Connecting the two water companies directly through a half-mile-long pipeline along the west side of the airport along Airport Road.

No decision was made on which supply method would be used. Any CCWD assistance would be strictly temporary, directors said.

Roscoe said he preferred receiving treated, potable water instead of untreated well water from the Denniston Water Tank, as recommended by CCWD staff.

"We're not asking for you to put your customers in jeopardy ... We'll take water during off peak time if we have to," Roscoe said.

Using water pumped from Denniston Well No. 9, located across from the Half Moon Bay Airport on the east side, would entail extensive treatment because of high iron and manganese levels, he pointed out.

An additional demand on the district's treated water system would reduce capacity to maintain tank levels for fire flows and may affect the supply to Coastside County Water District customers during extreme peak demand periods, staff reported. Directors repeatedly stated that they do not want to serve Citizens customers at the expense of their own customers.

While the supply details are yet to be worked out, Citizens has bought a carbon filtration system to treat its two contaminated wells. It will keep them open for use in times of high demand. Roscoe said they may be operating the new filtration system by mid-May, depending upon how long it takes to secure county permits.

The price of the water Citizens would receive from the Denniston well was a topic of concern by both Citizens and some of its customers in the audience.

The district proposed selling the untreated water at its usual commercial rate price of \$2.40 per hundred cubic feet.

"The citizens of Montara and Moss Beach would be paying Cadillac prices for Yugo water," said Paul Perkovic, chair of the Midcoast Community Council.

Such a price reflects three times what the San Francisco Water District charges at bulk rate for its pristine supply from the Hetch Hetchy, according to Perkovic.

Wednesday, April 14, 1999



# HALF MOON BAY REVIEW

HALF MOON BAY

Serving The San Mateo County Coastsides

# San Mateo County

WWW.NEWSCHOICE.COM

SATURDAY: September 19, 1998

The Peninsula's Hometown Newspaper

## Growing, struggling

By Sarah Weld  
CORRESPONDENT

### Study: Coast can't support more development

While most of San Mateo County struggles with too many jobs and not enough houses, the coast faces the reverse problem.

Over the next 20 years, the number of homes in Half Moon Bay and the Midcoast communities of Montara, Moss Beach, Princeton, El Granada and Miramar is expected to jump by 50 percent, according to a government report.

But the number of jobs is

predicted to grow by only 20 percent.

In the rest of The County, this would be good news, but on the coast this means a bigger strain on everything from a shrinking water supply to clogged highways.

"I'm waiting for someone to come up with a magic bullet to solve all these problems," said Michael Crabtree, Pacifica's city

planner and one of the report's authors. "In order to keep it the way it is, we have to grow. Where is the magic off-ramp to take us to the promised land?"

Alarmed at the prospect of uglier weekday commutes and strapped water and sewer services, officials from Pacifica, Half Moon Bay and the unincorporated section of San Mateo County in between have been

studying the area's resources.

Sponsored by the Association of Bay Area Governments, the report released this month looks at traffic, coastline protection and economic growth between Pacifica and Half Moon Bay. The 60-square-mile area covers about 22 miles of coastline and miles of publicly and privately held open space.

The report's findings confirm

# Times

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### Growth on the coast

The midcoast communities of Half Moon Bay, El Granada, Moss Beach, Princeton, Montara and Miramar are expected to see the fastest population growth in The County between 2000 and 2020.

	Population	Households	Employed residents
Half Moon Bay	52%	53%	60%
Midcoast	47%	49%	56%
Pacifica	3%	5%	9%
County average	17%	19%	25%

Source: Association of Bay Area Governments

Staff

what coast residents already know — traffic is bad and it's getting worse. And more people could mean trouble for the coast's natural scenery.

The area has some of the worst rush-hour traffic in San Mateo County, where congestion

increased 125 percent from 1995 to 1996 — more than double any other Bay Area county, according to the report.

And as a group, coastal com-

Please see Coast, NEWS-14

(Cite as: 28 Cal.App.3d 512, 104 Cal.Rptr. 714)

View California Official Reports version

ENVIRONMENTAL DEFENSE FUND, INC., et al., Plaintiffs and Appellants,

v.

COASTSIDE COUNTY WATER DISTRICT et al., Defendants and Respondents,  
People of the State of California, Intervenor and Appellant.

Civ. 31455.

Court of Appeal, First District, Division 4, California.

Nov. 3, 1972.

Appeal from an order of the Superior Court, San Mateo County, Louis B. Dematteis, J., dissolving a preliminary injunction

which prevented further construction of water supply and storage system until environmental impact report was submitted to

the County Planning Commission. The Court of Appeal ordered the water district to file a supplemental report, 27 Cal.App.3d

695, 104 Cal.Rptr. 197. In a supplemental opinion, the Court of Appeal, Devine P.J., held that environmental impact report

which was filed in response to order of the court was adequate under statute, where it covered those matters which the court

deemed to have been inadequately reported, and where it also pledged that the water district would prepare an additional

detailed report before making any decision to proceed with the alternatives described, and that the district would further

conduct studies as to the environmental impact associated with any water system expansion beyond that presently to be

undertaken.

Stay order recalled, appeal from order dissolving injunction dismissed as moot.

Environmental Defense Fund, Inc. v. Coastside County Water Dist.

KeyCite this headnote

## 199 HEALTH AND ENVIRONMENT

199ll Regulations and Offenses

199k25.5 Environmental Protection in General

199k25.10 Environmental Impact Statement

199k25.10(6) Content, Sufficiency, and Accuracy

199k25.10(6.5) k. Dams, waterways, and water projects, generally.

Formerly 199k25.10(6), 199k25.10

al.App. 1972.

Environmental impact report which was filed in response to order of the court was adequate under statute, where it covered those matters which the court deemed to have been inadequately reported previously, and where it also pledged that the water district would prepare an additional detailed report before making any decision to proceed with the alternatives described, and that the district would further conduct studies as to the environmental impact associated with any water system expansion beyond that presently to be undertaken. West's Ann.Public Resources Code, § 21000 et seq.

\*\*714

(Cite as: 28 Cal.App.3d 512, 104 Cal.Rptr. 714, \*\*714)

\*512

(Cite as: 28 Cal.App.3d 512, \*512, 104 Cal.Rptr. 714, \*\*714)

Thomas J. Graff, Berkeley, for appellants Environmental Defense Fund et al.  
 Evelle J. Younger, Atty. Gen., E. Clement Shute, Jr., Donates Januta, Deputy Attys. Gen., San Francisco, for appellant  
 People of the State.

Hanson, Bridgett, Marcus & Jenkins, David J. Miller, San Francisco, for respondents.

\*513

(Cite as: 28 Cal.App.3d 512, \*513, 104 Cal.Rptr. 714, \*\*714)

DEVINE, Presiding Justice.

On September 12, 1972 this court decided that it is a judicial function to consider the adequacy of an Environmental Impact

Report which has been filed under the Environmental Quality Act of 1970 (Pub. Resources Code, s 21000 et seq.) and that

the Environmental Impact Report theretofore filed was inadequate in certain respects.

The court ordered the filing of a

supplemental report. (Environmental Defense Fund, Inc. v. Coastside County Water District, 27 Cal.App.3d 695, 104

Cal.Rptr. 197.) A comprehensive report has been filed, which covers those matters which the court deemed to have been

inadequately reported and also pledges the district to prepare an additional detailed Environmental Impact Report (EIR)

before making any decision to proceed with the alternative described under the pending Denniston Creek II and further to

conduct studies as to the environmental impacts associated with any water system expansion beyond that presently to be

undertaken. The district states its expectation that if the project be built, the district will be required to perform an on-going surveillance program to monitor groundwater conditions. Counsel for plaintiff Environmental Defense Fund, as well as the Attorney General appearing \*\*715

(Cite as: 28 Cal.App.3d 512, \*513, 104 Cal.Rptr. 714, \*\*715 )

for the People as intervenor, have stated to the court that they do not now object to the lifting of the supersedeas (although they do not thereby commit themselves to approval of the entire report). The court finds that the Environmental Impact Report which was filed in response to its order is an adequate report under the statute. Accordingly, the stay order is recalled, the appeal from the order dissolving the injunction is dismissed as now moot, and costs on appeal are awarded to appellants.

RATTIGAN and BRAY, [FN\*] JJ., concur.

FN\* Assigned by Chairman of Judicial Council.

END OF DOCUMENT

Copr. (C) West 1999 No Claim to Orig. U.S. Govt. Works

this is a fax first sheet; 8 pages including this page.

**Larry M. Kay**

Residence at: 12 Sunset Terrace, Half Moon Bay, 94019  
 Mail to: Post Office Box 394  
 Montara, California  
 94037

**TELEPHONE & FAX (650) 712-9554**

April 15, 1999

FAXLTR TO: California Coastal Commission @415-904-5400,  
 North Coast Area Office

ATTN: Each Member of the Commission, and Planner Bill Van  
 Beckum

SUBJECT: A New Event in Appeal # A-1-HMB-99-020; Coastside  
 County Water district, applicant/ Cupp, Appellant

FROM: The Undersigned, Kay, a member of the public, as  
 Friend to the Commission

ATTACHED: Only for your convenient reference the  
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Coastside County Water District  
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 inducement as the excessive (legally excessive) capability  
 CCWD would provide with a system water pipe (16") replacing  
 a 10' system pipe which now even at peaks is only one-  
 third full:

Only for your convenient reference a 3  
 page document which is already provided to you in the  
 appellants submission to the Commission; The legally  
 enforceable pledge made to a conciliatory, trusting, high  
 ranking California court that full EIR would be made if  
 further expansion of CCWD system capability was undertaken:

INTERRUPT

Re: MCDEVITT  
ATTORNEY AT LAW  
DIRECT DIAL 415 995 5010

RECEIVED

APR 21 1999

CALIFORNIA  
COASTAL COMMISSION

HANSON  
BRIDGETT

MARCUS  
VLAHOS  
RUDY-LLP

April 20, 1999

Mr. Bill Van Beckum  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

VIA HAND DELIVERY

Re: **A-1-HMB-99-020**  
**Coastside County Water District**

Dear Mr. Van Beckum:

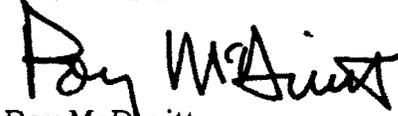
Enclosed is an original and three copies of Coastside County Water District's Statement of Opposition to Appeal. I am sending a copy of the Statement of Opposition to the City of Half Moon Bay.

My review of the Commission's regulations did not indicate that the District is obligated to send a copy of the enclosure to anyone else, including the appellant. If I am mistaken in this, please let me know and I will see that a copy is sent immediately.

If you have any questions about the project, the permit, or the appeal (and the District's opposition to it), or if there is any additional information we can furnish, please call me at (415) 995-5010.

Thank you.

Very truly yours,

  
Ray McDevitt

REM:ld

Enclosures

cc: Board of Directors, Coastside County Water District  
Robert R. Rathborne, General Manager, Coastside County Water District  
James S. Teter, Engineer, Coastside County Water District  
Bill Amrosi Smith, City Planning Department, Half Moon Bay

EXHIBIT NO. 11
APPLICATION NO.
A-1-HMB-99-20 (CCWD)
CORRESPONDENCE (McDevitt) (Page 1 of 71)

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CALIFORNIA COASTAL COMMISSION

In the matter of Appeal by Carol Cupp )  
from Coastal Development Permit )  
decision by City of Half Moon Bay for )  
water pipeline replacement (PDP-44-98) )

RECEIVED No. A-1-HMB-99-020  
APR 21 1999

CALIFORNIA  
COASTAL COMMISSION

STATEMENT OF OPPOSITION TO APPEAL

Coastside County Water District opposes the appeal of Carol Cupp and requests that it be dismissed because (1) appellant has ignored Commission regulations and (2) the appeal raises no substantial issue.

I. THE APPEAL SHOULD BE DISMISSED BECAUSE THE APPELLANT HAS NOT COMPLIED WITH COMMISSION REGULATIONS, SPECIFICALLY TITLE 14 CODE OF CALIFORNIA REGULATIONS SECTION 13111(c)

The Commission's regulations (14 CCR §13111(c)) require an appellant to notify the applicant and the local government of the filing of the appeal. Notification "shall be by delivering a copy of the completed Notice of Appeal." The regulation concludes:

"Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the Commission."

The "Appeal Information Sheet" made available to prospective appellants emphasizes the importance of this requirement. The instructions provide:

"Section III of the appeal application form is for the identification of persons interested in the project being appealed. An additional important step is that the appellant notify these persons and the local government of the appeal filing, within one week of the filing. Notification must be by mailing or delivering a copy of the completed appeal application form, including any

attachments, to all interested parties, at the addresses provided to the local government." (Emphasis in original.)

The instructions conclude with the warning: "Failure to provide the required notification may be grounds for Commission dismissal of the appeal. 14 Cal.Admin.Code Section 13111(c)."

Appellant Carol Cupp has completely ignored this requirement. She has delivered nothing to either the applicant, Coastside County Water District, or the local government, the City of Half Moon Bay, as of Monday, April 19, 1999.

Disregard of these clear, simple requirements is unwarranted. Ms. Cupp may or may not be a lawyer, but she had identified herself as acting on behalf of the "Coastside Legal Resource Fund" (Appeal, Enclosure 3), and she is clearly no stranger to complex procedural requirements. In fact, much of her appeal boils down to an argument that the Water District and the City's Planning Commission made some sort of procedural error. The Water District believes the argument is erroneous, but it illustrates that the appellant is certainly capable of comprehending and following procedural instructions.

Moreover, the District has been prejudiced by appellant's failure to comply with the Commission regulations. CCWD's access to the appeal was delayed: it has a copy only because it took the initiative of dispatching its attorney to go to the Commission office and arrange for a copy to be made. In fact, two visits were necessary because the appeal was incomplete as initially filed, and it was only later that it was discovered that the materials copied from the Commission's file did not represent the complete appeal package. In addition,

apparently a videotape was submitted as Enclosure 4 to the appeal, which the District still does not have and has not seen.

Appellant argues that a project long planned by the responsible water agency and considered at length by the City Planning staff, Planning Commission and City Council should be halted because of alleged procedural errors. It is entirely appropriate to require appellant herself to adhere to simple procedural rules clearly brought to her attention by the Commission staff. Her appeal should be dismissed.

## II. THE APPEAL RAISES NO SUBSTANTIAL ISSUE

### A. Background

In August 1985, the San Mateo County Board of Supervisors granted CCWD's application for a CDP to construct the Crystal Springs Water Supply Project. This was a complex, large-scale public works project consisting of a pump station adjacent to Crystal Springs Reservoir, approximately seven miles of pipeline to convey the water to Half Moon Bay, and substantial expansion in capacity of the water treatment plant located just east of the Half Moon Bay city limit. Two appeals were filed with the Coastal Commission challenging the Coastal Development Permit. The Commission found that neither appeal raised any substantial issue and, overriding a contrary staff recommendation, dismissed the appeals without hearing in September 1985. (Comm. Appeal #3-SMC-85-206.)

A central issue in planning and permitting the Crystal Spring Project was ensuring that it was appropriately sized to meet, but not exceed, demand for water in the City and in those portions of the County within the District. It was also crucial to ensure that the phasing built

into both City and County LCPs was implemented in an effective, and intelligent, way. The solution was to build the pipeline large enough to meet "buildout" (not expected to occur for 20 or more years) and control water delivery for the immediate "Phase I" (10 years ±) by (1) limiting the capacity of the pumps and (2) limiting the capacity of the expanded water treatment plant. This sensible solution has provided sufficient water for the initial phase of development in the City and County Coastal Zone without requiring the District to incur the huge and wasteful expense (and the environmental costs) of replacing the newly built pipeline with a larger one or building a separate parallel pipeline.

It was recognized at that time that the remaining element in a complete water supply system required enlargement of the transmission line running north-south, generally along or parallel to Highway One. While both the City Council and the County Board of Supervisors approved these pipeline replacements in 1987 as part of the formation of an assessment district, they were not made part of the CDP application because the need for their replacement wasn't imminent. The CCWD plan was for the enlarged pipeline to be constructed in segments, over time, financed with revenues from the continuing sale of "priority" water connections.

The plan was good, but the demand for priority land uses was very slow to materialize. The District currently holds in reserve, for Phase 1 priority uses, unsold capacity sufficient for well over 500 standard sized water connections.

Eventually, as the customer base gradually increased and water use rebounded from the artificially suppressed levels achieved during the drought (which lasted from 1987 through 1991), the capacity of these 50-year old pipelines began to be reached. The need for

replacement could no longer be prudently deferred.<sup>1</sup> The District therefore borrowed money, completed design and environmental analysis of the entire 3.5 mile northern pipeline segment (called the El Granada Pipeline) and applied in July 1998 for a CDP for the initial section of 2,200 feet because it is both the leakiest and the easiest to construct.

B. The appeal raises no substantial issue of compliance with the City of Half Moon Bay Local Coastal Plan.

The California Coastal Act limits the grounds for an appeal from a development permit application granted by a local government. The only grounds on which such a permit may be appealed is "an allegation that the development authorized by the permit does not conform to the standards set forth in the certified local coastal plan or the public access policies set forth in this division." Public Resources Code §30603(b).

The existing steel pipeline installed in 1950 is 10 inches in diameter. The District intends to replace it with ductile iron pipe 16 inches in diameter, exactly as shown in the plans submitted to and approved by the City Council and County Board of Supervisors over 12 years ago. Since the Commission found in 1985 that the CDP for the overall water supply project for the mid-coast raised no substantial issue, it is difficult to see how this prosaic replacement of a small segment of a 50-year infrastructure pipeline involving no increase in water supply could present such an issue.

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<sup>1</sup> In June 1997, the District's Engineer reported that the El Granada Pipeline "is at or near its maximum transmission capacity . . . and a new, larger transmission pipeline is required to accommodate the increased use which is occurring within the pipeline service area." (Attachment Two, p.2, emphasis added.) Moreover, the District could foresee the completion of the SAM water treatment plant expansion to "buildout" capacity, expected to occur in 1999, which would allow property owners who held Phase I water connections, but who had been prevented from building by the lack of sewer capacity, to proceed.

In fact, it does not.

The City of Half Moon Bay Planning Commission has found that the pipeline replacement conforms to the Local Coastal Program and, with respect to the short stretch (approximately 200 feet) where the frontage road west of Highway One is the nearest public road paralleling the sea, that it conforms to the public access policies in the Coastal Act. Resolution P-03-99. (Attachment One.) There is ample evidence supporting those findings.

The Half Moon Bay certified LCP, as amended through 1993, addresses public works in Chapter 10. Water Supply Policies are found in Section 10.5.2. The most relevant policies regarding water are Policy 10-3, Policy 10-9 and Policy 10-10, which provide respectively:

*Policy 10-3:* 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 the phased development of public works facilities in accordance with phased development policies in Section 9 and probable capacity of other public works services.

*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.

*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 avoid growth-inducing impacts, so long as adequate capacity is provided to meet City needs in accordance with the phased development policies (including expected development to the year 2000) and allocations for floriculture uses.

District planning began with a detailed Engineering Master Plan analyzing existing and projected demand in the portions of the City and County served by the El Granada Pipeline. This important document was incorporated as Appendix A to the Initial Environmental Study

and is part of the record, but was not presented to the Commission by appellant. For convenience, a copy is attached marked Attachment Two.

The Engineering Master Plan, in turn, began by looking to the City and County LCPs. It recognized the governing significance of these policies, and their counterparts in the LCP adopted by the County Board of Supervisors, since a portion of the overall pipeline to be replaced is located in the County. Please see Attachment Two, p.5-8.

As explained at pages 8-10 of Attachment Two, constructing a pipeline at the maximum size permissible under the City and County LCPs, while legal, would not be desirable based on other engineering considerations. Instead, as summarized on pages 12-14, "the engineering criteria for sizing of the proposed pipeline recommends that it be sized with less capacity than permitted at Buildout of the Local Coastal Programs in order that in the future parallel transmission pipelines can be constructed in order to provide water service redundancy capacity." Attachment Two, p.13, Paragraph 4. Paragraph 5 summarizes the benefits of a pipeline no larger (and no smaller!) than 16 inches. Paragraph 6 explains why the 2,000 foot long segment which is the subject of this appeal should be replaced first. Paragraph 7 explains why the Engineer recommends proceeding with replacement immediately.

The capacity of the pipeline and its perceived potential to induce growth was the central theme of most comments on the District's Initial Study/Preliminary Negative Declaration. The final Mitigated Negative Declaration attempted to explain that replacing the old 10 inch pipeline did not presage or facilitate any development beyond that allowed by governing LCPs. One obvious point made by the District was that expanding the diameter of the pipeline

allowed for a portion of Buildout demand to be met but did not guarantee it, since the District still had to independently develop additional sources of water, as well as expand the treatment plants and other "upstream" bottlenecks. (See, e.g., Responses Number 3, 5, 7, 16, 19, 44 and 73.)

The City Planner posed a series of pointed questions to the District, focused on the growth implications of the pipeline, and accepted the application as complete only when the questions were answered to his satisfaction. (Please see Attachment Three.)

After extended analysis, the City Planning Department concluded that the development, as conditioned, conforms to the LCP, referencing a number of LCP policies it considered relevant, including Policies 6-4, 10-7, 10-8 and 10-9. Planning Department staff recommended the permit be granted, subject to a number of conditions, including Condition No. 2, which addressed the City's concern for full-scale CEQA review of any future District projects aimed at actually increasing water supply:

This Coastal Development Permit authorizes only the replacement of a portion of a water transmission pipeline as described herein. It does not authorize any development which would expand or enlarge the applicant's sources of water supply or create a new source of water supply. Before conducting any development which would enlarge or expand its sources of water supply or create any new sources of water supply, the applicant shall secure a Coastal Development Permit for such development, and, if requested to do so by the agency issuing such Coastal Development Permit, shall prepare an Environmental Impact Report on such development.

The Planning Commission adopted Resolution P-03-99, granting the permit and imposing several conditions, including Condition No. 2.

The City Council, on a split vote (2 to 2 with 1 abstention) took no action, thus allowing the Planning Commission's decision issuing the permit to become final.<sup>2</sup>

Appellant's challenge to the permit appears to consist of three elements:

- first, a simple recitation of a large number of sections extracted from the Coastal Act and the City LCP, coupled with the assertion that every CDP issued by a local government must be accompanied by a recital that all LCP provisions – whether or not they are remotely applicable to the specific project – are complied with;
- second, the contradictory suggestion that the City should have ignored its certified LCP and denied the permit based on the possibility of revisions to the LCP at some undetermined future date; and
- third, the claim that the City may issue no future CDPs because of traffic on Highway One and Highway 92.

None of these have merit nor do they raise substantial issues as to the project's compliance with the LCP.

First, the basic issue is whether a permitted development is consistent with a certified LCP. Resolution P-03-99 finds "the development, as modified by conditions, conforms to the

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<sup>2</sup> The District agrees with the City Attorney's legal analysis of the effect of a tie vote under the City ordinance. However, we must point out that if, as appellant suggests, the Council's failure to act did not allow the permit to become final, then the City has violated the Permit Streamlining Act (Government Code Section 65950 et seq.) by taking no action on the permit application for six months and the permit has been issued without any conditions.

Local Coastal Program.” This is clear, simple and sufficient. There is nothing in the Coastal Act that requires local governments to include formulaic recitals that list every policy in an LCP, even if it has no bearing on a specific development application, before issuing a CDP. In addition to the categorical finding quoted above, the Planning Department and Planning Commission considered the relevant LCP policies in depth and found that the project, with the conditions imposed, conformed to the LCP. It is appellant’s task to show that some other policy, not expressly addressed, prohibits the development. With one exception, discussed below, appellant has not attempted to do so. Instead, she merely paraphrases a lengthy list of policies without attempting to demonstrate either (1) how they apply to the specific project at hand, or (2) how they have been violated. The findings made by the Planning Commission are sufficient and are supported by substantial evidence.

Second, the Coastal Act is clear that the certified LCP is the governing document. Appellant is entitled to be dissatisfied with the existing LCP. The City Council has indeed begun a process of reevaluating its LCP, looking to different scenarios for buildout. When, and if, this process culminates in amendments to the City’s LCP, which are approved by the Commission, the Water District will of course incorporate them into its own planning. If changes in the amount and/or composition of City buildout reduce the projected demand for water which the District must furnish, the District will plan accordingly.<sup>3</sup>

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<sup>3</sup> The District has recently engaged Peter Banning, former San Mateo County LAFCO Executive Officer, to review the alternative scenarios under consideration by the City’s consultant, in order to understand the significance of possible changes to other water infrastructure project now in early planning stages. Interestingly, Mr. Banning’s preliminary analysis suggests that none of the alternatives has a substantial effect on the amount of water needed at Buildout. This is because (1) the Water District serves the County as well as the City, (2) a substantial amount of demand is already in place so that changes in future levels of (continued...)

But, unless and until that occurs, the District, the City and the appellant must follow the rules on the books. If it were otherwise, and applicants and local governments could ignore certified LCP requirements because they "might" be revised, the Commission's task would become impossible. Wisely, the Coastal Act precludes those applying for permission to develop, and those opposed, from basing decisions on imagined futures.<sup>4</sup>

Finally, the only LCP policy which appellant specifically mentions is misapplied.

Policy 10-3 provides:

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 the phased development of public works facilities in accordance with phased development policies in Section 9 and probable capacity of other public works and services.

The City found that the replacement pipeline did not exceed the capacity needed to serve buildout. Because of the number of other segments of the El Granada Pipeline itself which remain to be permitted and built, it is certainly phased in such a way as to allow the District to easily respond (if needed) to reductions in City Buildout levels accomplished through an amendment to its LCP. Appellant insists nonetheless that the concluding phrase "and the probable capacity of other public works and services" precludes the City from approving the CDP application because of existing levels of traffic on Highways One and 92.

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(...continued)

development are at the margins, and (3) commercial/industrial development, which is proposed to be substituted for residential units in the "low growth" scenario, have relatively similar demands for water.

<sup>4</sup> So does the Half Moon Bay LCP itself. In Section 10.4.1, page 193, it states: "The CCWD is the only provider of public water services in the City of Half Moon Bay. It must make determinations regarding expansion of water supply capabilities consistent with the County and City LCPs."

In effect, the argument is that because peak hour traffic is congested, no public works project may move ahead. This interpretation is incorrect for several reasons.

First, it is not consistent with previous decisions by the City and this Commission, specifically the approval of a major expansion of the regional sewage treatment plant to a capacity sufficient for ultimate buildout.

Second, it is not consistent with the text of the LCP accompanying and elucidating the policies. (Please see Attachment Four.)

Third, it would require that the City deny all applications for CDPs and impose a moratorium on all development until road improvements effect an improvement in service levels on Highways One and 92. But the City has no interest in bringing all development (and most particularly priority development) to a complete stop.

Fourth, it is based on incomplete data which is misleadingly presented. Appellant attaches a few pages extracted from a 1997 Alternatives Report prepared by the City/County Association of Governments in San Mateo County. This report is identified in its Preface as a "draft" and as "the first phase in the development of the Countywide Transportation Plan." The document is focused on the 101 Corridor and primarily the impacts of the BART extension to SFO, Caltrain and major freeway improvements. It does not address east/west public transit issues such as increased bus service, nor does it consider transportation system management (TSM) options such as employer-sponsored commute vans or ridesharing. And the only improvements to Highway 92 west of Interstate 280 and east of the Half Moon Bay city limits which are assumed are those already under way.

Nevertheless, even given those constraints, the scenario submitted by appellant shows an improvement in traffic flow within Half Moon Bay city limits due to improvements on Highways One and 92 within Half Moon Bay. And other scenarios which appellant did not furnish with her appeal show improvements on Highway 92 east of the city limits as well.

The point here is not that traffic levels are not a source of frustration to those who commute on Highway 92. Rather, the point is that there is no basis for appellant to select one particular scenario out of one draft document prepared for other purposes and claim that it represents the "probable future capacity" of a roadway which was given only peripheral attention in that report. The future capacity of the expanded sewer plant is already known and is well in excess of water supply, even assuming that the El Granada Pipeline is enlarged to 16 inches for its entire length. The probable future capacity of roads within Half Moon Bay is shown to be substantially expanded and improved by the very material appellant has submitted and other material from the Alternatives Report which she omitted shows a considerably less crowded future on the highways outside city limits as well.

Finally, the replacement of the El Granada Pipeline is phased, just as Policy 10-3 envisions. Completing it will require other CDPs from both the City and the County for other segments. And even then, its hydraulic capacity will remain limited by the "upstream" pipelines and the Water Treatment Plant. The City can use the phasing of development built into its current LCP (3% per year maximum growth) to control new construction of traffic generating buildings, which is what the LCP contemplates. LCP, pp.194-195.

- C. The appeal raises no substantial issue of compliance with the Coastal Act's access policies.

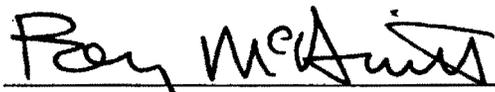
The 2,200 feet of pipeline to be replaced lie in the Highway One frontage road to the west of the highway. At the northern end, for about 200 feet, the frontage road is considered the nearest public road parallel to the sea. The Planning Commission found that the project poses no obstacle to public access any more than does the existing pipeline, for the simple reason that both are located underground, beneath the public right of way.

Appellant presents no evidence that the project is somehow inconsistent with the Act's policies. It is self-evident that it does conform to those policies, as the City found, and there is really nothing more that needs to be said.

#### CONCLUSION

Coastside County Water District requests that Carol Cupp's appeal be dismissed.

Respectfully submitted,



Ray E. McDevitt, Attorney for  
Coastside County Water District

Date: April 20, 1999

**Planning Commission Resolution P- 03 -99**  
**PDP-44-98 Coastal Development Permit**

**WHEREAS**, an application was submitted requesting approval of a Coastal Development Permit; and

**WHEREAS**, the project is described as replacement of 2,200 lineal feet of an existing 10 inch welded steel water line with a 16 inch ductile iron water line, to be constructed on the east side of the Frontage Road from the south side of Sewer Plant Road to approximately 200 feet north of Wave Avenue. This first phase of the El Granada Pipeline Replacement Project has been named the Casa del Mar Pipeline Replacement Project, (See "Casa del Mar Pipeline Replacement Project, Narrative in Support of a Coastal Development Application," CCWD July 24, 1998); and

**WHEREAS**, an Initial Study and proposed Mitigated Negative Declaration for this project was submitted to the California State Clearinghouse On March 8, 1998, and the Coastside County Water District prepared a revised Initial Study in response to the comments received during the review period; and

**WHEREAS**, the project that is described herein is a 2,200 lineal foot portion of the approximately 3.5 mile Casa del Mar pipeline replacement project that was studied in the Revised Initial Study and Mitigated Negative Declaration referenced herein; and

**WHEREAS**, at its June 9, 1998 meeting the CCWD Board heard public testimony and certified the mitigated negative declaration as complete, correct and adequate and prepared in accordance with the California Environmental Quality act and applicable State and County Guidelines and represents the independent judgement of the Coastside County Water District, and

**WHEREAS**, The City of Half Moon Bay, as responsible agency, has used the environmental analysis of the Coastside County Water District, the lead agency, as required by CEQA Guidelines Section 15367; and

**WHEREAS**, On the basis of the Initial Study, comments thereto, and testimony presented and considered at the public hearing, that there is no substantial evidence that the project with the incorporated mitigation measures thereto contained within the Mitigated Negative Declaration, will have a significant effect on the environment; and

**WHEREAS**, the procedures for processing the application have been followed as required by law; and

**WHEREAS**, the Planning Commission conducted a duly noticed hearing on the matter on January 28, 1999, at which meeting all those in attendance were given an opportunity to be heard on the matter; and

**WHEREAS**, the Planning Commission considered all written and oral testimony presented for their consideration; and

**WHEREAS**, the Planning Commission has found and determined that:

1. The development, as modified by conditions, conforms to the Local Coastal Program.
2. The development is consistent with (not subject to) the annual population limitation system established in the Land Use Plan and the Zoning Ordinance.
3. The development is infrastructure, consistent with the use limitations and property development standards of the applicable Zoning Districts as well as the other requirements of the Zoning Ordinance.
4. Evidence has been submitted that the proposed development will be provided with adequate services and infrastructure in a manner that is consistent with the Local Coastal Program.
5. This project is located between the sea and the first public road; it conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**NOW, THEREFORE, BE IT RESOLVED** that, based upon the above Findings and the Conditions of Approval of Exhibit A, the Planning Commission approves the amendment to prior approvals.

**PASSED AND ADOPTED** by the Half Moon Bay Planning Commission at a meeting held on January 28, 1999 by the following vote:

AYES, Commissioners King, Ferreira, Taylor, Sullivan and  
Chairman Hansen

NOES, Commissioners Benjamin and Heinz

ABSENT \_\_\_\_\_

ABSTAIN, \_\_\_\_\_

APPROVED:

s/Robert Hansen  
Robert Hansen, Planning Commission Chairman

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
**PDP-44-98**  
**January 28, 1999**

1. Development shall be in substantial conformance with the approved site plan except for any changes that may be required by these conditions of approval. Any changes to the approved plan shall be submitted to the Planning Director for review and approval. In the event that the Planning Director determines that any of these proposed changes warrant further Planning Commission review and approval, the applicant shall submit the revised plans for consideration at a public hearing before the Planning Commission.
  
2. This Coastal Development Permit authorizes only the replacement of a portion of a water transmission pipeline as described herein. It does not authorize any development which would expand or enlarge the applicant's sources of water supply or create a new source of water supply. Before conducting any development which would enlarge or expand its sources of water supply or create any new sources of water supply, the applicant shall secure a Coastal Development Permit for such development, and , if requested to do so by the agency issuing such Coastal Development Permit, shall prepare an Environmental Impact Report on such development.
  
3. This Coastal Development Permit PDP-44-98 shall expire one year from the day that the City Council appeal period ends, unless construction of the project has commenced.
  
4. During construction, the applicant shall minimize the transport and discharge of stormwater from the project site by instituting construction site practices that include but are not limited to the following best management practices:
  - Use silt fence barrier, straw bale barrier, sand bags, brush or rock filter, filter fabric stormwater inlet filtration devices, or other appropriate measures as necessary to minimize the quantity of sediment laden runoff from the site and into the storm drain system.
  
  - Stabilize any areas that have been stripped of vegetation and maintain erosion control measures between October 15 and April 15.
  
  - Ensure that erosion control by revegetation is performed just prior to the rainy season unless on-site irrigation is provided. Select seed to minimize fertilizer and water use. Limit watering to the amount and frequency which can be absorbed on site.

- Avoid stockpiling of soils or materials when rain is forecast. Cover with a waterproof tarp during periods of rainy weather to control runoff.
  - Avoid cleaning, fueling, or maintaining vehicles on site, except in an area designated to contain and treat runoff.
5. Pursuant to Chapter 14.40 of the Half Moon Bay Municipal Code, the hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 10:00 a.m. to 6:00 p.m. Sundays and Holidays.
  6. Any public utilities requiring relocation as a result of the construction performed under this permit shall be relocated at the applicant or owner's expense.
  7. The applicant shall demonstrate the issuance of a Caltrans Encroachment permit prior to the commencement of the project.
  8. If historic or archaeological resources are uncovered during grading activities, all work shall stop and the applicant shall retain a qualified archaeologist. At the applicant's expense, the qualified archaeologist will perform an archaeological reconnaissance and develop mitigation measures to protect archaeological resources.
  9. The applicant shall monitor surface conditions above the abandoned 10-inch pipeline on the west side of the frontage road. Should slumping or surface deformations form, the CCWD is responsible for repair of the areas involved.
  10. The applicant shall prepare and implement a detailed dust control plan during all phases of construction. At a minimum, the dust control plan shall require the following measures of all contractors:
    - Water or cover stockpiles of soil, sand or other materials that can be blown by the wind.
    - Minimize drop heights when loading vehicles with excavated materials.
    - Sweep adjacent streets of all mud and debris from the project area, since this material can be pulverized and later re-suspended by vehicle traffic.
    - Limit the speed of all construction vehicles on unpaved surfaces to 5 miles per hour while on site.
    - Cover or wet all materials transported on or from the site that have exposed soil surfaces with an appropriate dust suppressant or cover them or re-seed them as quickly as practicable.

- Suspend earthmoving or other dust-producing activities during periods of high winds whenever dust control measures are unable to prevent visible dust plumes.
11. Prior to excavation, the applicant shall perform lead testing per Caltrans standards and shall take all appropriate steps to minimize all of the associated health and safety hazards.



Coastside County Water District

**ENGINEERING MASTER PLAN**

**EL GRANADA TRANSMISSION PIPELINE REPLACEMENT PROJECT**

June 1997

Introduction

In 1987 the Coastside County Water District began detailed engineering planning of a major water supply expansion project which was named the Crystal Springs Project because the source of water supply for the expansion was Crystal Springs Reservoir. The principal components of the Crystal Springs Project were identified in a report entitled *Conceptual Design Report, Crystal Springs Water Supply Project & Infrastructure Pipelines*, July 1987, by James S. Teter, Consulting Engineer. That report identified the Crystal Springs Pump Station, the Crystal Springs Pipeline, and the Nunes Water Treatment Plant Expansion as the facilities required for the transmission and treatment of Crystal Springs water. It also identified a series of infrastructure transmission pipeline projects required to accommodate the supply system expansion:

"In addition, it will be necessary to increase the capacity of the CCWD's transmission pipeline system to accommodate the additional demand created by the new customers provided water service by the Crystal Springs Project (the hydraulic equivalent of 3,550 residential size service connections). Based on an analysis of the applications received from persons desiring water service from the Project capacity, a preliminary infrastructure pipeline system has been developed as shown on figures 5A and 5B. Following receipt of the signed contracts by applicants for water service, the infrastructure program will be reanalyzed. However, the necessity of constructing all of the currently proposed infrastructure pipeline projects is not expected to change — only, perhaps, the timing of their construction. The location and magnitude for Phase I growth as defined by the LCP's prepared by the County of San Mateo and City of Half Moon Bay is reasonably well defined under current plans of those agencies, and all of the proposed infrastructure pipeline projects will be required to provide adequate water service for Crystal Springs Project applicants purchasing water service connections in those areas proposed for Phase I growth."

The construction of the Crystal Springs Pump Station, Crystal Springs Pipeline, and Nunes Water Treatment Plant Expansion have since been completed, and the District is now focusing its attention on constructing the remaining portions of the overall Crystal Springs Project, the infrastructure pipeline projects. This report continues the engineering planning for the infrastructure pipeline project discussed in the Crystal Springs Project Conceptual Design Report as follows:

**\*3. El Granada Pipeline Replacement Project**

The El Granada Pipeline begins at the terminus of the Carter Hill Pipeline, and extends northward to El Granada. It is the sole transmission pipeline between Half Moon Bay and El Granada. It is operated bi-directionally depending on the source of supply. Water from the Denniston source is transmitted southward, and water from San Francisco Water Department sources is transmitted northward. Gravity flow through this pipeline is controlled by the water level of storage tanks at 3 sites: Carter Hill tanks, Miramar tank, and El Granada Tank No. 1. Because of the relatively small difference in

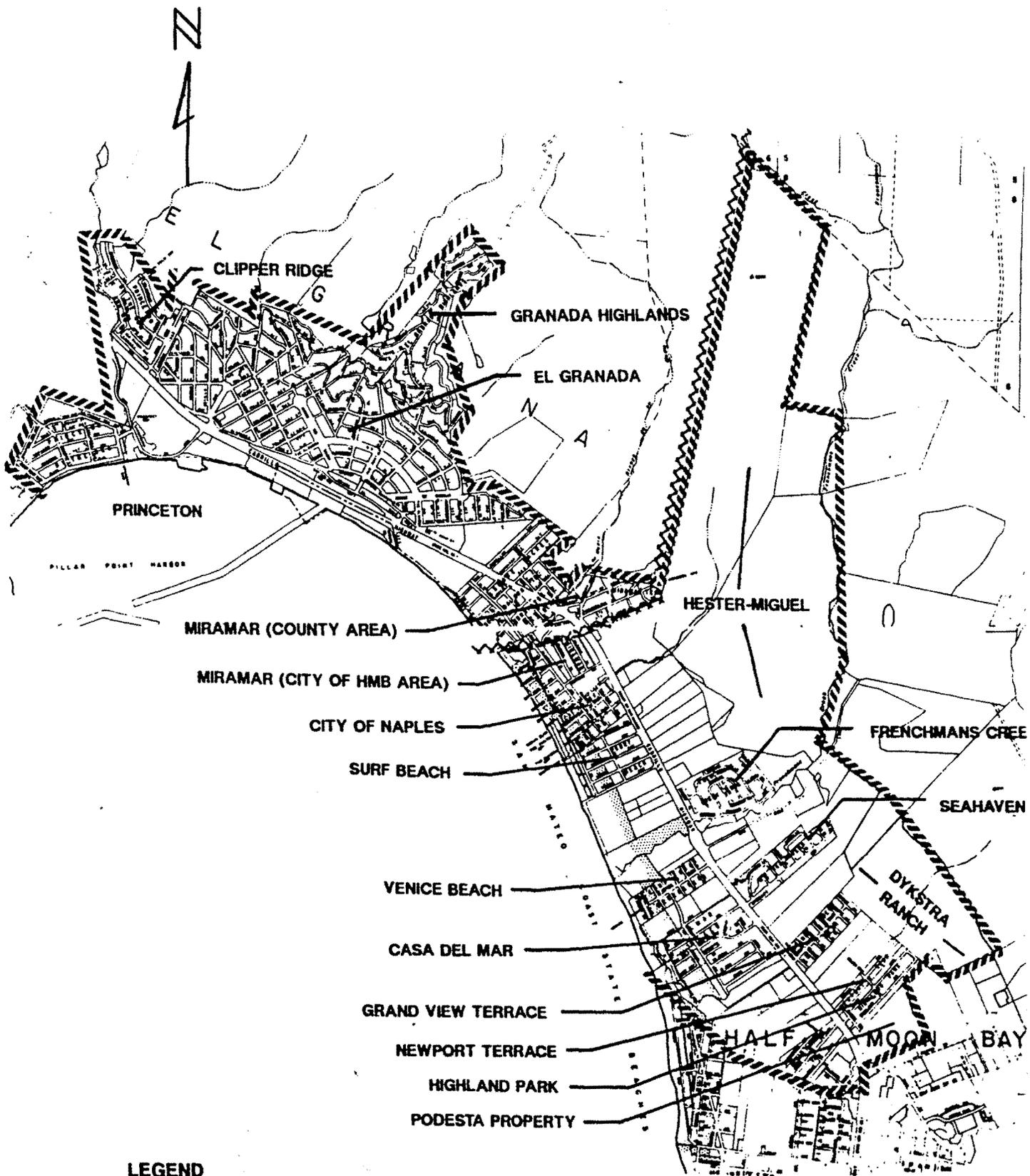
elevation between the Carter Hill tanks and the Miramar tank, it is necessary to locate a pump station between these locations to direct flow either northerly or southerly. The El Granada Pipeline is 18,600 linear feet long, and it is proposed to replace the existing 10-inch pipeline with 16-inch pipeline because of the insufficient capacity of the existing pipeline. The existing Frenchmans Creek Booster Pump Station will be replaced by a new pump station at a nearby, but currently undetermined location. Because of the annual limitation on building permits in the County portion of the CCWD service area, the entire El Granada Pipeline Replacement Project need not be constructed initially. Initial replacement (Section 1) will include sections of pipeline from El Granada Tank No. 1 to Santiago Ave. and from Frenchmans Creek Subdivision to Seahaven Subdivision; also, the first stage of the El Granada Booster Pump Station. Deferred construction will include the remainder of the pipeline replacement and the second stage of the booster pump station."

It has now been 10 year since that description of the El Granada Pipeline Replacement Project was prepared. The primary purpose of this master plan report is to update the preliminary engineering work performed 10 years ago, including an updated final recommendation regarding size and alignment for the proposed replacement transmission pipeline. This report is also intended to serve as the project description document to be utilized in the preparation of the subsequent documentation required for compliance with the California Environmental Quality Act and for preparation of the required Coastal Development Permit applications.

### Existing El Granada Transmission Pipeline

The water service area of the existing El Granada Transmission Pipeline is shown on attached Figure 1: Project Area Map. The existing pipeline to be replaced was constructed in 1950, and consists of 10 inch diameter welded steel pipe. During recent years there have been numerous leaks in certain portions of the overall pipeline, particularly in the Casa Del Mar subdivision area. Repair of new pipeline leaks becomes increasingly difficult because of the number of repair clamps and plugs already installed on the old pipeline; some repairs require removing existing repair clamps and installing new, longer ones. The areas of the pipeline where the majority of the leaks occur should be replaced in the near future, both because of wastage of water and because of the cost of labor and materials for the repair work. In addition, the existing pipeline is at or near its maximum transmission capacity during peak demand periods which occur during hot weather, and a new larger transmission pipeline is required to accommodate the increased water usage which is occurring within the pipeline service area.

The alignment of the existing El Granada Transmission Pipeline is shown on Figure 2. The pipeline begins 400 feet south of the intersection of Main Street and Lewis Foster Drive in Half Moon Bay (near Ocean Shore Hardware), extends northward within the right of way of State Highway No. 1 to Miramar, continues through Miramar on The Crossways, crosses to El Granada through an undeveloped area to Santiago Avenue, and continues through El Granada on Columbus Street to the pipeline termination point



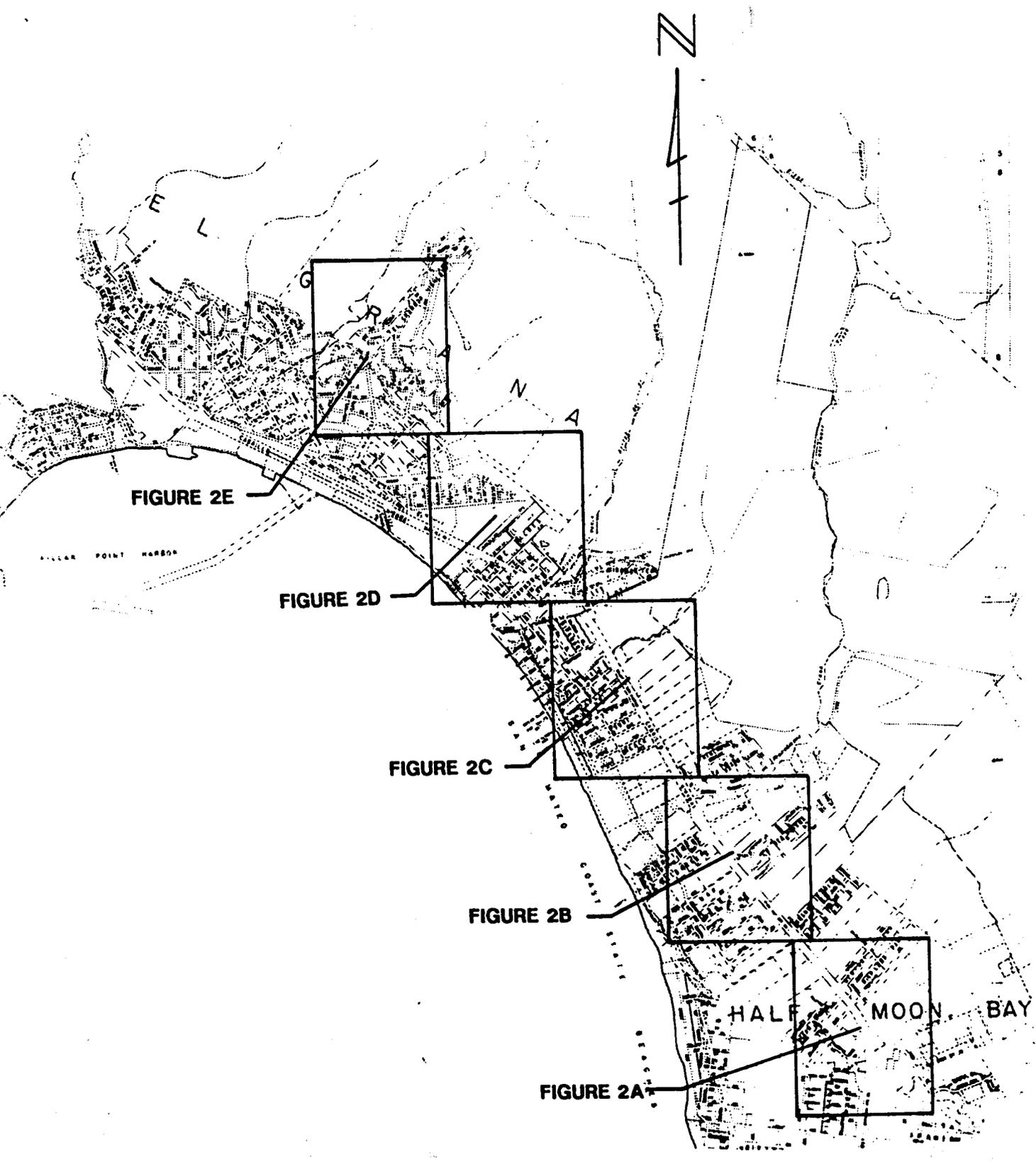
**LEGEND**

————— BOUNDARY OF WATER SERVICE AREA OF PROPOSED PROJECT PIPELINE

~~~~~ BOUNDARY BETWEEN CITY OF HALF MOON BAY AND COUNTY OF SAN MATEO

PROJECT AREA MAP

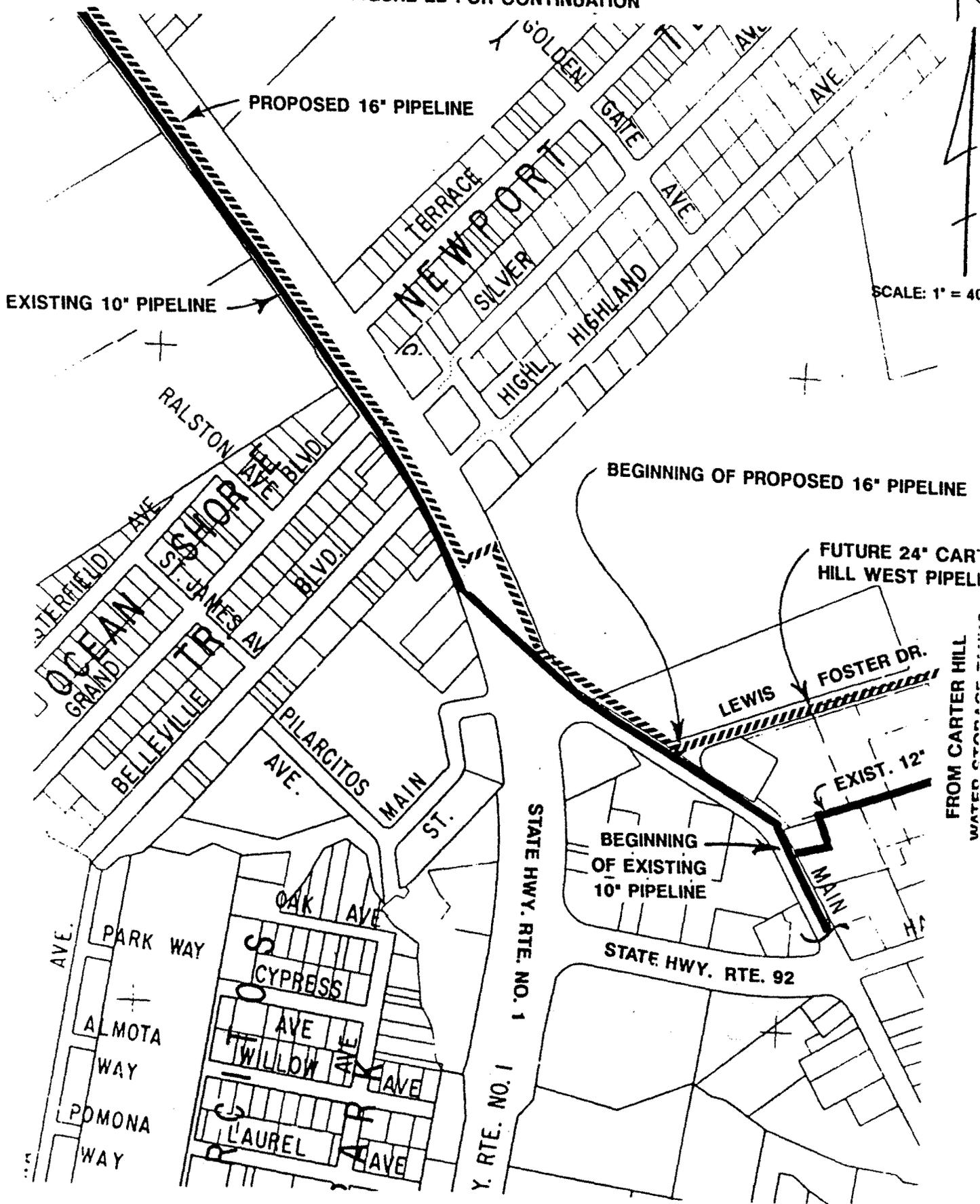
SCALE: 1" = APPROX. 1400 FT.



KEY MAP FOR FOLLOWING LARGE SCALE FIGURE 2 PAGES

ALIGNMENT OF EXISTING AND PROPOSED EL GRANADA TRANSMISSION PIPELINES

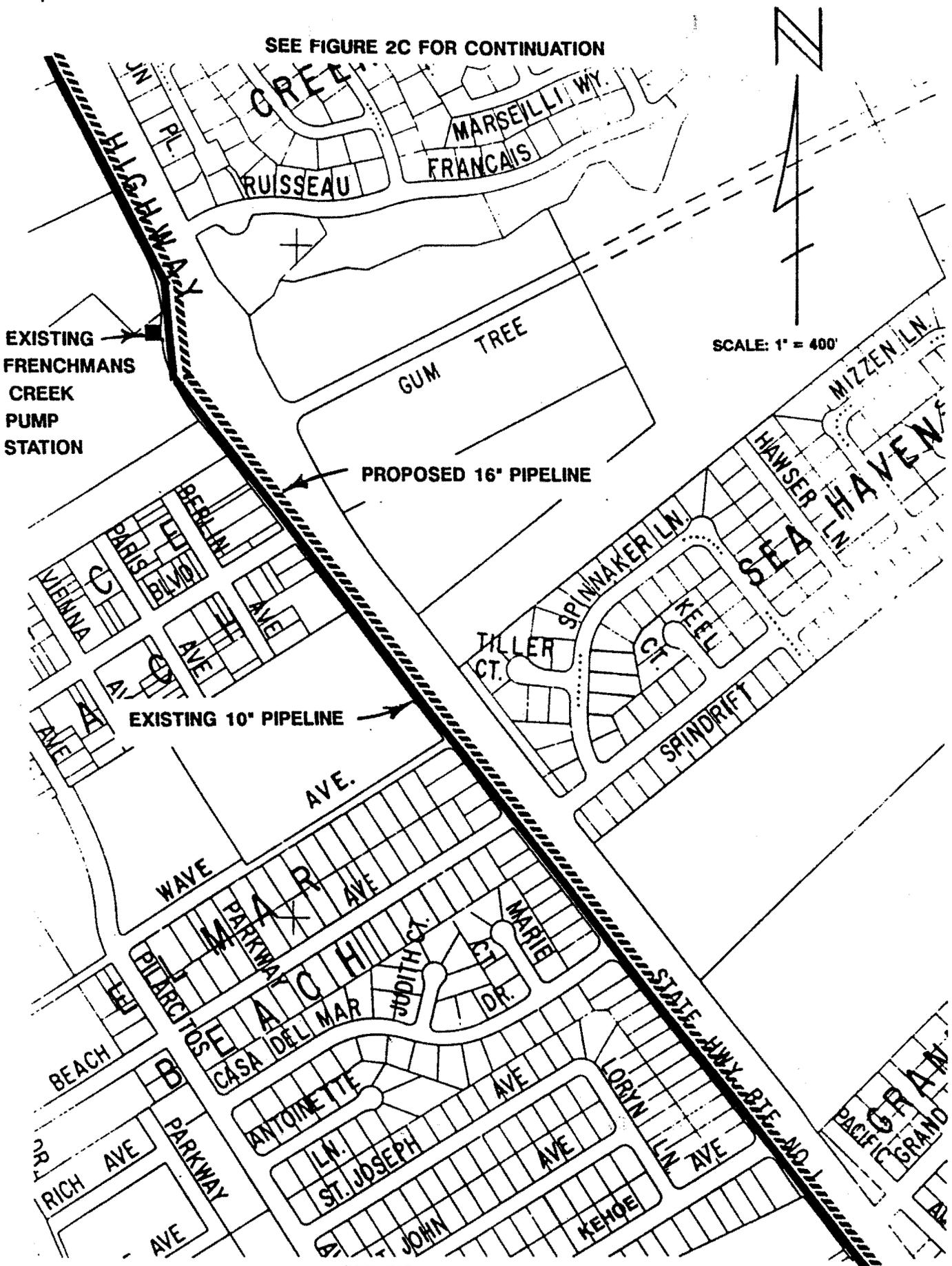
SEE FIGURE 2B FOR CONTINUATION



SCALE: 1" = 40'

ALIGNMENT OF EXISTING AND PROPOSED EL GRANADA TRANSMISSION PIPELINES

SEE FIGURE 2C FOR CONTINUATION

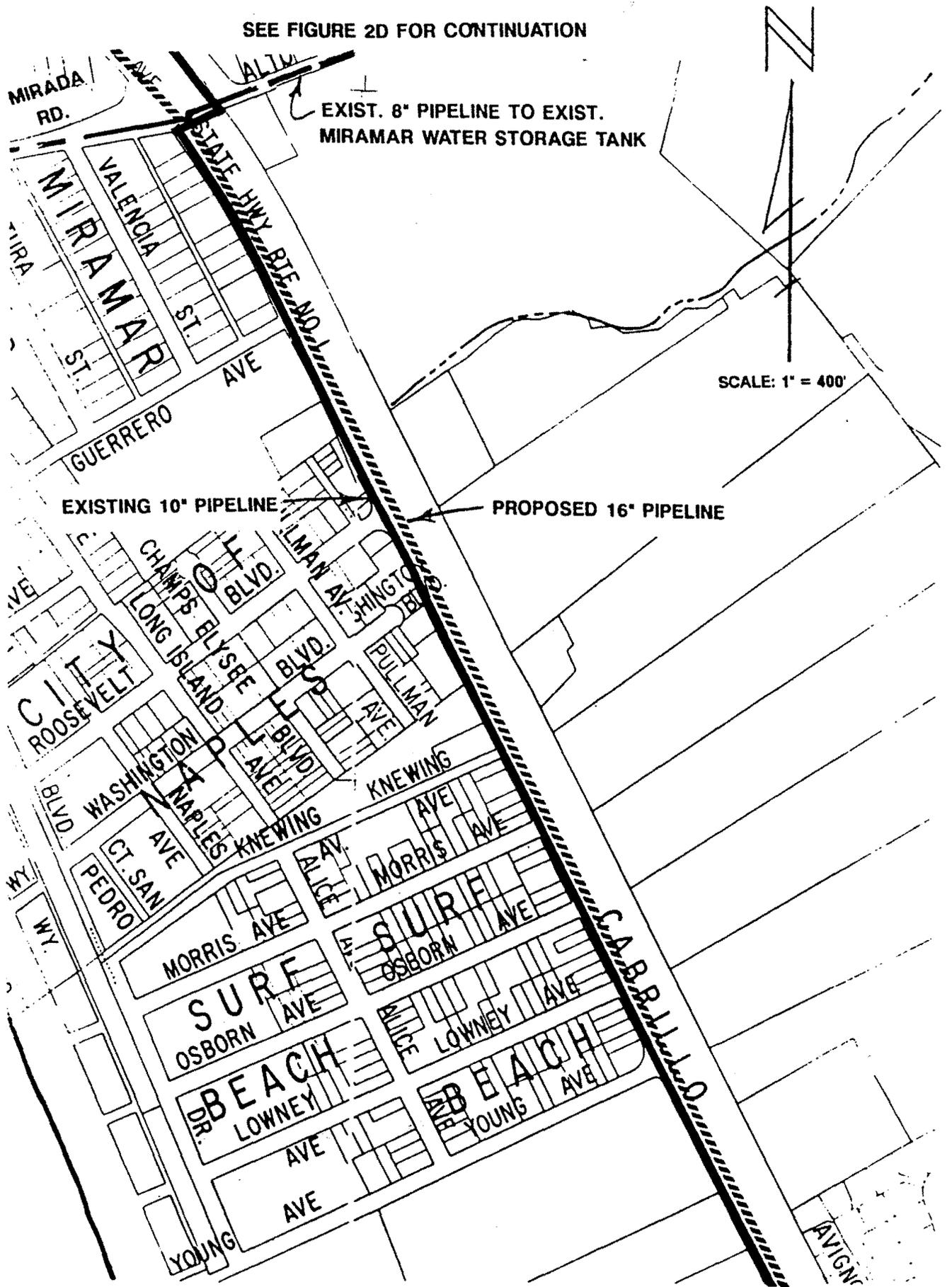


SEE FIGURE 2A FOR CONTINUATION

ALIGNMENT OF EXISTING AND PROPOSED EL GRANADA TRANSMISSION PIPELINES

FIGURE 2B

SEE FIGURE 2D FOR CONTINUATION



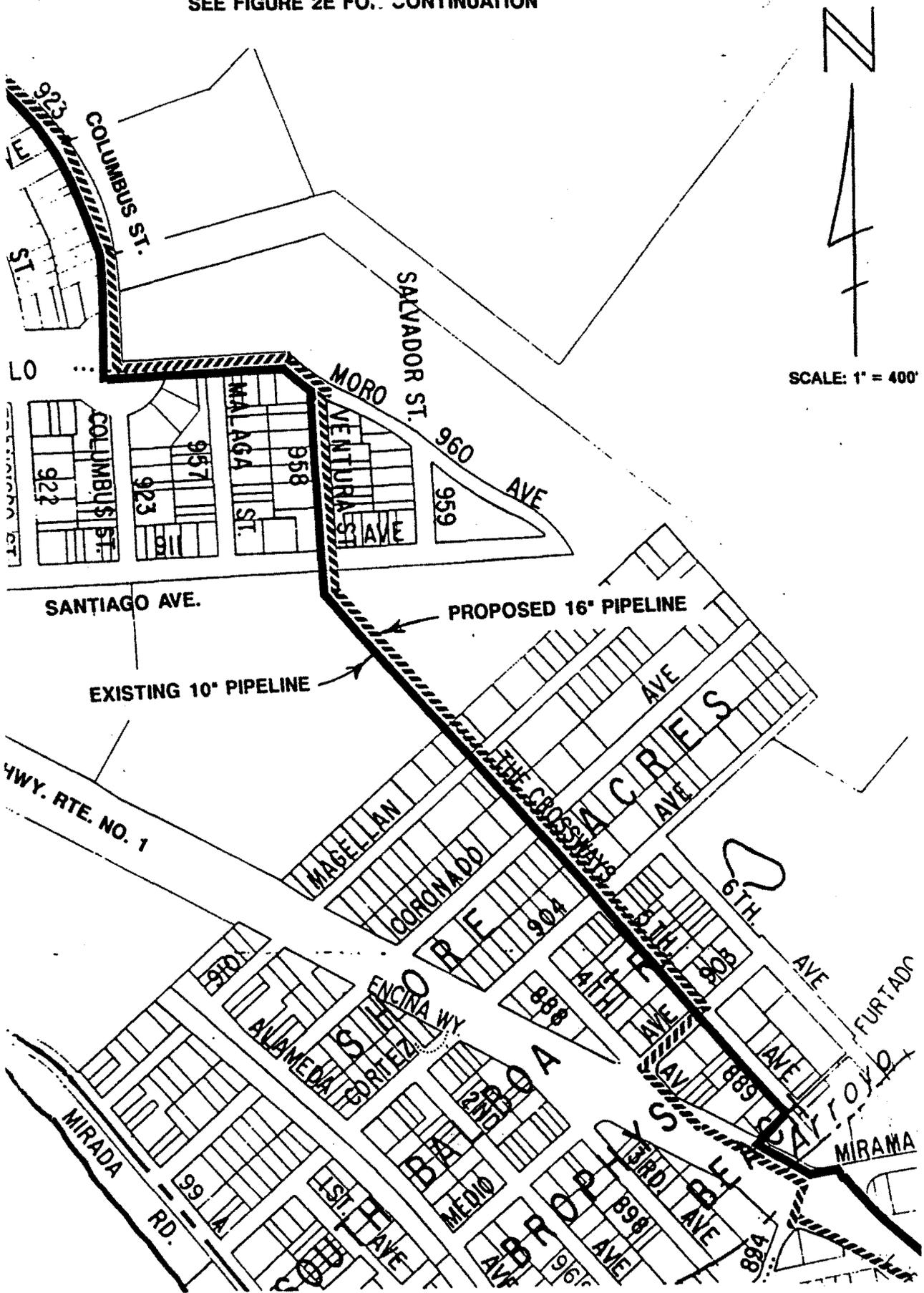
SEE FIGURE 2B FOR CONTINUATION

ALIGNMENT OF EXISTING AND PROPOSED EL GRANADA TRANSMISSION PIPELINES

FIGURE 2C

REPRODUCTION

SEE FIGURE 2E FOR CONTINUATION

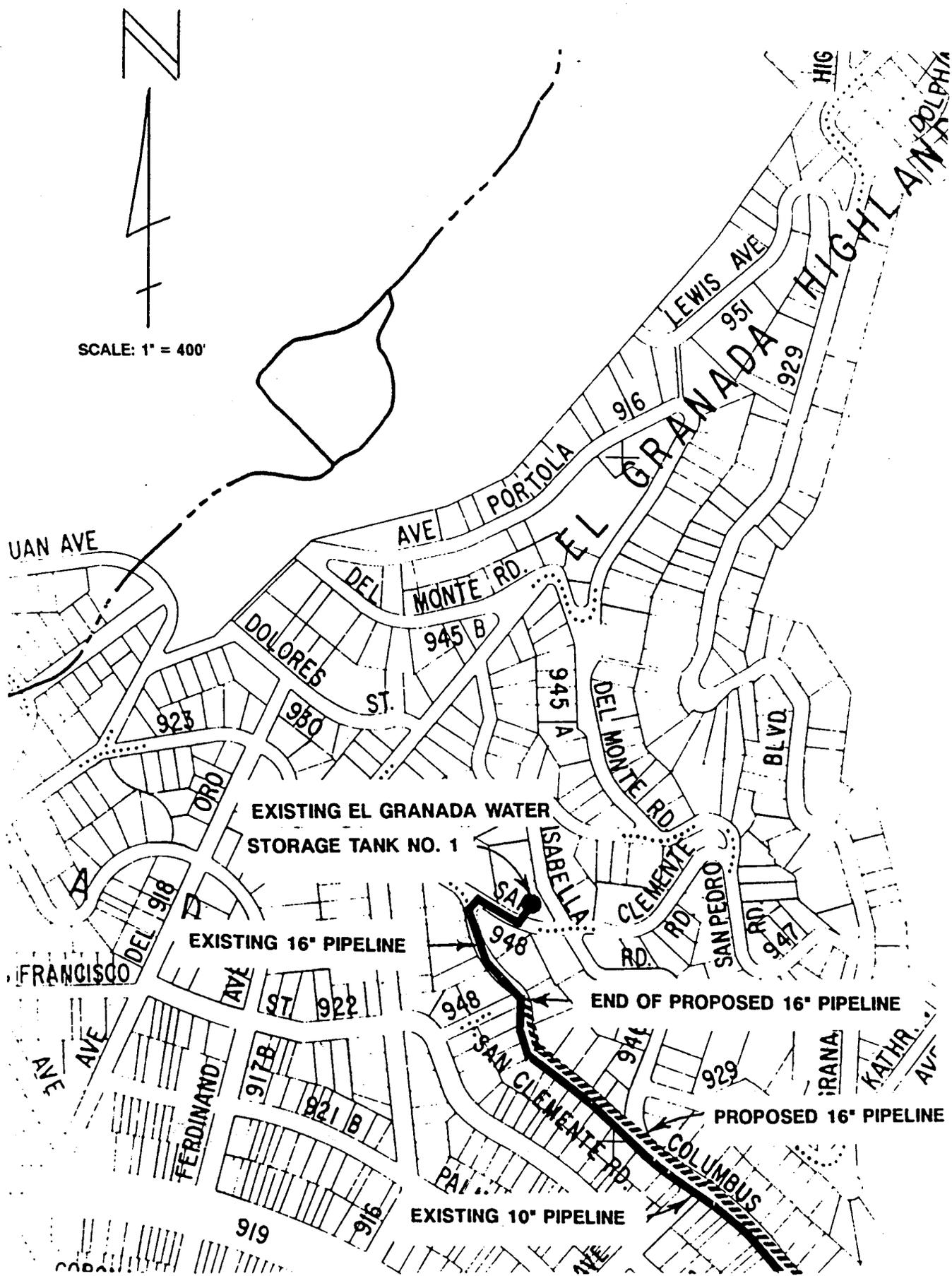


SCALE: 1" = 400'

SEE FIGURE 2C FOR CONTINUATION

ANMENT OF EXISTING AND PROPOSED EL GRANADA TRANSMISSION PIPELINES

FIGURE 2D



SCALE: 1" = 400'

EXISTING EL GRANADA WATER STORAGE TANK NO. 1

EXISTING 16" PIPELINE

END OF PROPOSED 16" PIPELINE

PROPOSED 16" PIPELINE

EXISTING 10" PIPELINE

SEE FIGURE 2D FOR CONTINUATION

ALIGNMENT OF EXISTING AND PROPOSED EL GRANADA TRANSMISSION PIPELINES

FIGURE 2E

at the intersection of Columbus Street and San Clemente Road. The total length of the pipeline is approximately 19,000 feet (3.5 miles). A booster pump station was constructed on the pipeline in 1972 at Frenchmans Creek (see Figure 2B) to increase the flow capability of the pipeline. This pump station has a capability of pumping 250 gpm (gallons per minute) southward and 350 gpm northward.

The El Granada Transmission Pipeline functions in various operating modes depending on the water supply quantity available from the District's various supply sources:

1. **Normal Operation.** During the majority of the year, the water supply available from the Denniston Project (located northeasterly of Clipper Ridge) is sufficient to meet the requirements of Clipper Ridge, Princeton, El Granada and the Granada Highlands. Under this condition, the flow in the northern portion of the El Granada Transmission Pipeline is from north to south (conveying Denniston water to the southern El Granada area) and the flow in the southern portion of the pipeline is from south to north (conveying water from the Carter Hill storage tanks in Half Moon Bay to the northern Half Moon Bay area and Miramar). Sometimes operation of the Frenchmans Creek Booster Pump Station is required to convey water from the Carter Hill storage tanks to the Miramar storage tank which provides service to the Miramar area.
2. **Winter Surplus Denniston Project Water Operation.** During some winter periods, the available supply of Denniston Project water exceeds the usage requirements of the Clipper Ridge, Princeton, El Granada, and the Granada Highlands areas. Under this condition the portion of the El Granada Transmission Pipeline in which flow occurs from north to south extends southward to Miramar and sometimes beyond. During these periods the Frenchmans Creek Booster Pump Station is operated to convey Denniston Project water southward towards Half Moon Bay at rates of flow varying from 50 to 250 gpm.
3. **Drought Period Operation.** During droughts, the supply of Denniston Project water is greatly reduced and is sometimes insufficient to meet even the total requirements of Clipper Ridge, Princeton, El Granada and the Granada Highlands. During these periods the Frenchmans Creek Booster Pump Station is operated to convey water from the Carter Hill storage tanks in Half Moon Bay northward through the El Granada Transmission Pipeline to provide water service to the El Granada area and fill Granada Tank No. 1 which provides water service to the Granada Highlands area.
4. **Denniston Project Not Operable.** If the Denniston Project is inoperable because of water quality problems, equipment malfunctions, power failure, etc., all of the water requirements of the northern service area must be met using water from the Carter Hill storage tanks in Half Moon Bay. During these periods flow in the El Granada Transmission Pipeline is totally northward, and the Frenchmans Creek Pump Station is used to maximize this flow to 350 gpm. This 350 gpm is

insufficient to meet the water requirements of the northern service area, and the District is currently proposing to increase the pumping capability of the Frenchmans Creek Pump Station for northward flow to 700 gpm.

Water usage during mid-1996 for each of the geographical areas within the potential water service areas of the existing pipeline (see Figure 1) as recorded in the water meter books is listed below. The District records residential water usage and commercial water usage in different water meter books. The residential water usage tabulated below is contained in separate water meter books identified by the geographical areas as described. Commercial water usage for all of the area north of Highway No. 92 is contained in one water meter book.

Table 1: Project Area Water Usage During Mid-1996

| <u>Geographical Area</u> | <u>Ave. Daily Water Usage</u> | <u>Peak Day Water Usage*</u> |
|--------------------------|-------------------------------|------------------------------|
| Grand Blvd. | 12.1 gpm | 18.2 gpm |
| Terrace Ave. | 44.2 | 66.3 |
| Casa Del Mar/Kehoe | 58.5 | 87.8 |
| Grand View Blvd. | 35.1 | 52.6 |
| Frenchmans Creek | 42.1 | 63.1 |
| Naples Beach | 31.7 | 47.6 |
| Miramar | 30.6 | 45.9 |
| El Granada | 138.2 | 207.3 |
| Granada Highlands | 41.3 | 61.9 |
| Princeton | 41.2 | 61.8 |
| Clipper Ridge | <u>47.3</u> | <u>71.0</u> |
| Residential Subtotal | 522.3 gpm | 783.5 gpm |
| Commercial | <u>237.9</u> | <u>359.8</u> |
| Project Area Total | 760.2 gpm | 1,143.3 gpm |

* Estimated at 150% of average day usage during mid-1996.

The geographical areas listed above which are provided water service by the El Granada Transmission Pipeline include areas within the City of Half Moon Bay and areas within the County of San Mateo. Using the data from the table above, the proportion within each governmental planning area is as follows:

| <u>Governmental Planning Area</u> | <u>Ave. Day Water Usage</u> | <u>Percent of Total</u> |
|-----------------------------------|-----------------------------|-------------------------|
| City of Half Moon Bay | 192.0 gpm | 37% |
| County of San Mateo | <u>330.3</u> | <u>63</u> |
| Project Area Total | 522.3 gpm | 100% |

For engineering planning purposes, it may be assumed that the proportions of commercial water usage within the City of Half Moon Bay and the County of San Mateo governmental planning areas are approximately the same as those for residential water

usage: 37% City and 63% County. Within the City of Half Moon Bay area, the entire Strawflower Shopping Center receives its water from the El Granada Transmission Pipeline. Within the County of San Mateo area, major commercial users include Nurserymans Exchange (Miramar area) and Pillar Point Harbor (Princeton area). While it would be possible to determine the exact current commercial usage within each governmental planning area by tabulating each page of the commercial water meter book, this effort would not be of any practical value since the purpose of this engineering master plan is to size the proposed replacement El Granada Transmission Pipeline for future water usage, not current water usage. No data is available regarding projected commercial water usage for the project area.

Planning Criteria for Sizing of the Replacement El Granada Transmission Pipeline

The project area is within the Coastal Zone, and public works projects classified as developments such as the proposed pipeline project require a Coastal Development Permit (CDP). For a CDP to be issued, the development must comply with the policies of the Local Coastal Program (LCP) and those ordinances adopted to implement the LCP. The proposed El Granada Transmission Replacement Project is located partially within the County of San Mateo LCP area and partially within the City of Half Moon Bay LCP area, and therefore the criteria for sizing of the proposed pipeline must conform to each of the LCP documents. Each LCP contains requirements for 2 levels of population growth: the Phase I level and the Buildout level. Since the Phase I level will be reached in the near future, the District's criteria for the proposed replacement pipeline is to size it for conformance with the LCP Buildout population water usage level.

County of San Mateo Criteria:

Criteria for sizing the portion of the El Granada Transmission Pipeline Replacement Project pipeline within the San Mateo County portion of the project area is contained in the document entitled *Local Coastal Program Policies, August 1992*, Environmental Services Agency, Planning and Building Division, San Mateo County. Table 2.10: Estimate of Water Consumption Demand from Buildout of Land Use Plan Coastside County Water District Within County Jurisdiction estimates this future average day water usage at 1.31 to 1.66 mgd (million gallons per day) including both residential and commercial water usage. A copy of Table 2.10 is attached as Appendix A. Peak day water usage is estimated at 180% of average day water usage (2.36 to 2.99 mgd).

City of Half Moon Bay Criteria:

Criteria for sizing the portion of the El Granada Transmission Pipeline Replacement Project within the City of Half Moon Bay portion of the project area is contained in the document entitled *City of Half Moon Bay, Local Coastal Program, Land Use Plan, Amended 1993*. While this document does not discuss water usage as such, it does discuss proposed future development in the project area. Chapter 9 of the Land Use

Plan discusses the general topic of "Development", and contains the policies and conditions for development at Buildout of the Local Coastal Program. Table 9.1 entitled "Categories of Undeveloped Lands in Half Moon Bay" provides the maximum potential for new residential units under the Land Use Plan. A copy of Table 9.1 is attached as Appendix B. Table 2 below lists the maximum potential for new residential units within the pipeline project service area and provides an updated CCWD estimate of current maximum residential unit potential. The updated estimate reduces the maximum number of units shown in the LUP because of subsequent changes in the LUP and for units constructed since preparation of the LUP in 1993. As summarized in the Table, CCWD estimates that the maximum number of future residential units that could be constructed within the Buildout provisions of the LCP is 1,836 units.

Table 2
Maximum Potential for New Residential Units Within Pipeline Project Area

| <u>Geographical Area</u> | <u>Maximum Units Under LUP</u> | <u>Current Estimated Maximum Units</u> |
|---|--------------------------------|--|
| <u>Category 1:</u> | | |
| Miramar | 75 | 75 |
| City of Naples | 71 | 71 |
| Grandview Terrace | 66 | 66 |
| Newport Terrace | 25 | 25 |
| Casa del Mar | 40 | 0 |
| Frenchmans Creek | 5 | 0 |
| Seahaven | 0 | 0 |
| <u>Category 2:</u> | | |
| Surf Beach | 100 | 100 |
| Venice Beach | 60 | 60 |
| Highland Park | 95 | 5 |
| <u>Category 3:</u> | | |
| Lands between Casa del Mar and Venice Beach | 15 | 15 |
| Lands between Grandview Terrace and Newport Terrace | 150 | 150 |
| Guerrero Ave. site between Miramar and City of Naples | 46 | 4 |
| Lands east of Frenchmans Creek Subdivision | 50 | 50 |
| Dykstra Ranch | 228 | 215 |
| Land north of greenhouses with driving range, Nurseryman's Exchange (Hester-Miguel) | 80 | 80 |
| <u>Category 4:</u> | 0 | 0 |

Category 5:

| | | |
|---|-----|-----|
| Land between Frenchmans Creek and Young Ave. | 50 | 50 |
| Land beteen Frenchmans Creek and Venice Beach | 60 | 60 |
| Land beteen Casa del Mar and Pilarcitos Creek | 0 | 0 |
| Podesta property west of High School | 110 | 110 |
| Lands surrounding Sea Haven | 650 | 650 |

Category 6:

| | | |
|---------------|-----------|-----------|
| Hester-Miguel | <u>50</u> | <u>50</u> |
|---------------|-----------|-----------|

| | | |
|--------------------------------|--------------|--------------|
| Total Residential Units | 2,026 | 1,836 |
|--------------------------------|--------------|--------------|

This estimated maximum number of future residential units may be converted into a number of persons by use of the factor of 2.61 persons per household contained in Table 1.1 of the City LUP. Using this conversion factor, the maximum number of future residents is estimated at 4,782 persons. The City LUP contains no criteria for per capita water usage. For purposes of calculating water usage by future City residents, this master plan report uses the same criteria as used by the County of San Mateo in calculating the estimated water usage for the County area of the proposed pipeline project: average day usage is estimated at 93 to 134 gallons per day per capita and peak day usage is estimated at 180% of average day usage. Using this criteria, average day water usage by the future City residents of the project area is calculated at 0.44 to 0.64 mgd (million gallons per day) and peak day usage at 0.79 to 1.15 mgd.

Project Water Usage Summary:

Both County of San Mateo and City of Half Moon Bay criteria for estimating water usage at LCP Buildout for the geographical area of the proposed El Granada Pipeline Replacement Project have been discussed above. The County LCP criteria includes both existing and proposed water usage. The City of Half Moon Bay LCP criteria includes only future water usage; current water usage has been tabulated earlier in the master plan report. Using this information, the estimated water usage within the service area of the proposed project at LCP Buildout is summarized as follows:

**Table 3
Estimated Water Usage in MGD Within Pipeline Service Area at Buildout**

| <u>Geographical Area</u> | <u>Average Day Usage</u> | <u>Peak Day Usage</u> |
|--------------------------------------|--------------------------|-----------------------|
| County of San Mateo | 1.31-1.66 mgd | 2.36-2.99 mgd |
| City of Half Moon Bay: | | |
| Current Usage | 0.28 | 0.52 |
| Future Usage | <u>0.44-0.64</u> | <u>0.79-1.15</u> |
| Total Water Usage at Buildout | 2.03-2.58 mgd | 3.67-4.66 mgd |

The water usage shown in the table above is that required for water service for the geographical water service area of the El Granada Replacement Transmission Pipeline for the maximum Buildout growth projections contained in both the County of San Mateo and City of Half Moon Bay Local Coastal Programs.

Engineering Criteria for Sizing of the Replacement El Granada Transmission Pipeline

The planning criteria for sizing of the replacement El Granada transmission pipeline provides sizing data for the maximum size pipeline permitted under the LCP's for the project area, but this maximum size is not necessarily the recommended size under other criteria. Engineering considerations related to the recommended size pipeline to be constructed are as follow:

- **Service Area and Water Service Capability.** A prior section of this report describes the various operating modes of the El Granada Transmission Pipeline depending on the water supply quantity available from the District's various supply sources. One of the operating modes is the "Denniston Project Not Operable" mode, during which the El Granada Transmission Pipeline must provide water service to the entire northern service area. There are a number of reasons that the Denniston Project could be inoperable including a water quality problem, treatment plant equipment malfunction, loss of electrical power, broken transmission pipeline, and damage following an earthquake. Clearly the proposed pipeline must have sufficient capacity to provide water service to meet this operating scenario. However, this operating mode is expected to occur infrequently, and therefore the service to be provided could be classified as emergency rather than normal. Emergency service would be described as a sufficient water supply to meet average day usage requirements and fire protection requirements, but not necessarily peak day usage requirements.
- **Electrical Energy vs. Pipeline Diameter.** The existing El Granada transmission pipeline includes a booster pump station (Frenchmans Creek Booster Pump Station) which functions during the various operating modes to convey water either northward or southward. The replacement pipeline can be sized sufficiently that no pumping is required (to meet the maximum estimated peak day demands for the Buildout LCP growth projections) or it can be sized somewhat smaller which may require pumping to meet future peak day demands.
- **Transmission Pipeline Redundancy.** Good waterworks engineering design practice recommends construction of more than one pipeline in order to provide system redundancy and emergency service capability. The construction of a single pipeline to meet the total future service requirements of the El Granada transmission pipeline would not be in conformance with good engineering practice.

- **Construction Cost.** While the proposed replacement pipeline could be sized to meet the entire water service requirements for the maximum growth permitted by the area LCP,s this would result in the requirement for current customers and water service connection applicants to pay the full cost of a transmission pipeline system which will also serve future customers. Also, the maximum growth permitted under the Buildout estimates of the LCP's may never occur or new land use plans could be prepared which would permit a lesser amount of future development. A replacement pipeline sized to meet the maximum currently projected growth as allowed for at Buildout of the LCP's may be larger than will be required in the future.

The recommended engineering criteria for pipeline sizing are as follow:

- **Service Area and Service Capability.** The replacement pipeline should be sized with sufficient capacity to provide service to the entire northern service area as required for the "Denniston Project Not Operable" operating mode. The minimum service level would be to provide the water required for average day requirements (and fire protection) at some future growth level not greater than that permitted by the LCP's.
- **Electrical Energy vs. Pipeline Diameter.** Since peak demand periods occur only for a few days each year, it is not necessary to size the proposed pipeline to meet future peak day demands solely by gravity flow. Use of the existing Frenchmans Creek Booster Pump Station or a replacement booster pump station to meet future estimated peak day demands is acceptable in that the resulting total electrical energy usage will be low. Use of a booster pump station to meet average daily demands is not recommended because of the resulting high energy usage and because of the inability to provide adequate water service if the pump station is inoperable.
- **Transmission Pipeline Redundancy.** Currently the El Granada Transmission Pipeline is the sole transmission pipeline conveying water between Half Moon Bay and El Granada, and this condition will remain following construction of the replacement pipeline. However, good engineering practice requires the construction of parallel pipelines as growth occurs. It is recommended that a parallel 12 inch diameter transmission pipeline be constructed easterly of the proposed El Granada transmission pipeline. The beginning of this project would be to provide a 12 inch pipeline to serve the proposed Dykstra Ranch development from the Carter Hill West transmission pipeline. Similarly, a 10 inch diameter transmission pipeline should be constructed westerly of the proposed El Granada transmission pipeline (Note: this 10 inch pipeline exists through existing developments, but it is currently incomplete and therefore serves as a distribution system pipeline but not as a transmission system pipeline).

- **Construction Cost.** It is not recommended that the replacement pipeline be sized to meet the entire water service area peak day demands for the maximum growth permitted by the area LCP's in order to minimize construction cost to currently known water supply requirements. A smaller diameter pipeline is recommended with sufficient capacity to meet at a minimum current peak day requirements together with some future growth capability. If future demands occur which exceed the transmission capacity of the replacement pipeline, they can be met by construction of a larger booster pump station or preferably parallel transmission pipelines which are constructed within new developments and are paid for by the developers.

Recommended Sizing and Alignment of El Granada Replacement Transmission Pipeline

Prior sections of this master plan report have discussed the various operating modes of the existing and proposed El Granada transmission pipeline, planning criteria which describe maximum permitted growth under existing land use plans, and engineering criteria for sizing of the proposed replacement pipeline. There is no obviously "correct" size for the replacement pipeline since the major issue is future growth within the pipeline project service area and the exact amount of future development that will occur or the exact locations where the growth will occur cannot be determined at this time. Therefore, the decision on selecting the size of the replacement pipeline is dependent on evaluation of the following known information: (1) existing water requirements of the pipeline project service area, (2) projected water requirements for the maximum Buildout development permitted by the LCP's, (3) nominal diameters in which water pipeline is manufactured, (4) project cost considerations, and (5) knowledge that future additional transmission capacity can be provided by increased booster pump station capacity and/or parallel transmission pipelines.

The proposed replacement El Granada transmission pipeline must function in the same four operating modes as the existing transmission pipeline as described earlier in this report. For pipeline sizing purposes, the most critical operating mode is the "Denniston Project Not Operable Mode" under which the pipeline must serve the water requirements of the entire northern service zone as shown in Figure 2.

It would be technically feasible to develop a computer program (hydraulic network analysis) for sizing of the proposed replacement pipeline. However, this program would require currently unavailable definitive data on amount and location of future water usage, and therefore the usefulness of the results produced by the computer analysis would be somewhat limited. Also, preparation of a computer hydraulic network analysis would be time consuming and expensive.

Instead, it was decided to utilize a simplified hand calculation method as the approach to sizing of the replacement pipeline. Basically, this approach consisted of reducing the number of water usage locations into fewer ones in order to make hand calculations practical. It was decided to apportion the total water usage for the proposed pipeline into 3 primary service distribution points: Half Moon Bay, Miramar and El Granada, and then to evaluate proposed pipeline sizes for 4 water usage conditions (1) existing average day usage, (2) existing peak day usage, (3) future Buildout average day usage, and (4) future Buildout peak day usage. The detailed methodology used for the calculations is included as Appendix C: Calculations for Sizing of Replacement Pipeline. The first set of calculations was performed for a 16 inch diameter pipeline, the size that was proposed for construction in the Concept Design Report for the Crystal Springs Project. The 16 inch pipeline was determined to have a transmission capacity equal to future average day water requirements at Buildout but insufficient capacity to meet future peak day water requirements at Buildout. Peak day usage is estimated at 180% of average day usage. Therefore the proposed 16 inch pipeline has 55% of the required capacity to meet future Buildout peak day requirements. An evaluation of a 16 inch pipeline with the project criteria follows:

- **Planning Criteria.** The maximum capacity of a 16 inch diameter is only 55% of the capacity allowed at LCP Buildout development level. Therefore it is in conformance with the planning criteria.
- **Engineering Criteria.** The 16 inch diameter pipeline conforms to all of the recommended engineering criteria (1) the capacity is sufficient for the average and peak day water requirements of existing customers and the average day requirements of future development at Buildout growth which is sufficient for emergency service, (2) construction of a new booster pump station will not be required initially, if ever, (3) transmission pipeline redundancy can be constructed in the future as part of future development projects without providing more capacity than allowed by the LCP's, and (4) the construction cost is the minimum project required by current customers and water service applicants.

Since a 16 inch diameter meets all of the project design criteria, it is selected as the size for construction.

As shown on Figure 2, the recommended alignment for the replacement pipeline is the same as for the existing pipeline except for 2 small changes at crossing locations of State Highway Route 1 as shown on Figures 2A and 2D. Locating the new pipeline along the same alignment as the existing pipeline is important from a cost standpoint in that it facilitates the reconnection of all of the existing water distribution pipelines and the total abandonment of the old, leaky pipeline. Selection of a new alignment would result in the requirement for additional construction of distribution system pipelines for connection to the new transmission pipeline or the continued use of portions of the existing transmission pipeline to serve as a connector between the new transmission pipeline and the existing distribution system pipelines.

The existing pipeline crosses under existing creeks in some locations. The new transmission pipeline will cross over all creeks both for the purpose of not causing

environmental damage to the stream channel and to facilitate pipeline leak detection and repair.

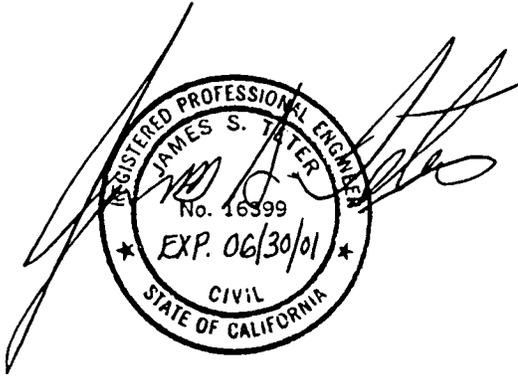
It will probably be necessary to construct the proposed 16 inch El Granada Transmission Replacement Project in sections because of lack of available construction financing to construct the entire project a one time. The section identified for earliest construction is the replacement of the existing pipeline between Grand View Avenue and Wave Avenue in Half Moon Bay, a distance of approximately 2,000 feet. This section has been determined to have the highest priority for replacement because of the frequent number of pipeline leaks in the existing pipeline. No other pipeline sections are identified for early replacement because of leakage, but the entire pipeline replacement project should be completed at the earliest practicable date to provide additional transmission capacity to meet peak demand periods and to maximize usage of water from the Denniston Project during winter periods when streamflow is available.

Summary and Recommendations

1. The overall Crystal Springs Water Supply Project includes the replacement of certain existing water transmission pipelines, termed infrastructure pipeline replacement projects, which have been identified to have insufficient capacity for the additional water service connections provided by the project. One of these identified infrastructure pipeline projects is the El Granada Transmission Pipeline Replacement Project which proposes the replacement of approximately 3.5 miles of existing 10 inch diameter pipe.
2. The El Granada Transmission Pipeline, which begins in central Half Moon Bay and ends in El Granada provides water service to the entire north one-half of the District's service area. The flow direction within the pipeline varies, depending upon the available water supply from the Denniston Project which is located northeasterly from the northern end of the pipeline. There are 4 operating modes for the pipeline under which water flows from south to north, north to south, or partially north to south and partially south to north. There is an existing booster pump station (located at Frenchmans Creek) which has bi-directional flow capability.
3. The maximum capacity of the proposed replacement pipeline is limited by the water usage requirements of the pipeline service area at the Buildout development level as described in the Local Coastal Programs prepared by the County of San Mateo and the City of Half Moon Bay. This water usage at LCP Buildout has been determined to be an average day usage of 2.03 to 2.58 million gallons per day and a peak day usage of 3.67 to 4.66 million gallons per day.

4. The engineering criteria for sizing of the proposed pipeline recommends that it be sized with less capacity than permitted at Buildout of the Local Coastal Programs in order that in the future parallel transmission pipelines can be constructed in order to provide water service redundancy capability.
5. The recommended size of the replacement pipeline is 16 inch diameter which provides a capacity of 55% of the maximum permitted at Buildout of the Local Coastal Programs. This size pipeline provides compliance with all of the recommended project engineering criteria:
 - A. Capacity. The proposed 16 inch diameter pipeline will provide sufficient capacity for existing average day and peak day water usage requirements. The proposed 16 inch diameter pipeline will provide sufficient capacity for average day water usage requirements at Buildout of the LCP's, but not peak day water requirements at Buildout. The capacity provided is sufficient for emergency service at LCP Buildout.
 - B. Electrical Energy. The proposed 16 inch diameter pipeline will eliminate the need for use of the existing Frenchmans Creek Booster Pump Station once the entire pipeline project is completed, and therefore reduce use of electrical energy (Note: at some time in the future a new, larger booster pump station may be required if construction of parallel transmission pipelines is not accomplished as described below).
 - C. Transmission Pipeline Redundancy. The proposed 16 inch diameter pipeline has sufficient capacity for only 55% of the peak day water requirement at LCP Buildout, thereby reserving capacity for future construction of parallel transmission pipelines. It is recommended that a parallel transmission pipeline system be constructed as part of future developments at cost to the developers.
 - D. Construction Cost. The proposed 16 inch diameter pipeline has sufficient capacity for the water requirements of existing customers and future Crystal Springs Project customers, but not all future developments at Buildout. This sizing keeps project costs to a minimum and results in financial equity in that future customers will be required to finance additional transmission pipeline capacity.
6. It is probable that the project will need to be constructed in sections because of the unavailability of financing of the entire pipeline as one project. The section of the existing pipeline with the highest priority for construction is the approximate 2,000 foot section between Grand View Avenue and Wave Avenue in Half Moon Bay. Pipeline leaks have been occurring in this section of pipeline frequently in recent years.
7. Replacement of the entire existing pipeline is recommended as early as is practicable because (1) existing water usage during peak day periods is at or close to the capacity of the existing pipeline, and (2) additional available streamflow from the Denniston Project could be transmitted southward to Half

Moon Bay, and (3) the number of leaks in the existing pipeline will increase as the pipeline becomes older.



Appendix A

Table 2.10 San Mateo County Local Coastal Program

TABLE 2.10

ESTIMATE OF WATER CONSUMPTION DEMAND FROM BUILDOUT OF LAND USE PLAN
COASTSIDE COUNTY WATER DISTRICT WITHIN COUNTY JURISDICTION

| Land Use | Number
Of Acres | Number
Of People | Water Generation
Factor | Water
Generation
(GPD) |
|----------------------------------|--------------------|---------------------|----------------------------|------------------------------|
| EL GRANADA-PRINCETON | | | | |
| RESIDENTIAL | | | | |
| Developed | -- | 3,400 | 93-134 g/d/c | 316,200-
455,600 |
| Single-Family | -- | -- | | -- |
| Multi-Family | -- | -- | | -- |
| Undeveloped | -- | 5,193 | 93-134 g/d/c | 482,900-
695,900 |
| Single-Family* | -- | (4,042) | | |
| Multi-Family | -- | (1,151) | | |
| COMMERCIAL^{1, 2} | | | | |
| Developed | 6.90 | -- | | 14,600 |
| Retail | (4.25) | -- | 2,500 gal/acre | (10,600) |
| Recreation | (2.65) | -- | 1,500 gal/acre | (4,000) |
| Undeveloped | 57.20 | -- | | 148,850 |
| Retail | (14.70) | -- | 4,700 gal/acre | (68,100) |
| Recreation | (42.50) | -- | 1,900 gal/acre | (80,750) |
| INDUSTRIAL^{1, 2} | | | | |
| Developed | 11.00 | -- | | 27,500 |
| Marine Related | (11.00) | -- | 2,500 gal/acre | (27,500) |
| General | (0.00) | -- | | -- |
| Undeveloped | 29.29 | -- | | 73,225 |
| Marine Related | (29.29) | -- | 2,500 gal/acre | (73,225) |
| General | (0.00) | -- | | -- |
| ESSENTIAL PUBLIC SERVICES | | | | |
| Developed* | -- | -- | | 1,700 |
| Undeveloped | -- | -- | | 6,425 |

TABLE 2.10 (continued)

**ESTIMATE OF WATER CONSUMPTION DEMAND FROM BUILDOUT OF LAND USE PLAN
COASTSIDE COUNTY WATER DISTRICT WITHIN COUNTY JURISDICTION**

| Land Use | Number
Of Acres¹ | Number
Of People | Water Generation
Factor | Water
Generation
(GPD) |
|---|--|-----------------------------|------------------------------------|---------------------------------------|
| <u>PUBLIC RECREATION²</u> | | | | |
| Parks and Beaches | -- | 318 ³ | 11.5 gal/day/capita | 3,700 |
| <u>FLORICULTURAL⁴</u> | | | | |
| Developed | -- | -- | | 230,000 |
| Expansion | -- | -- | | (60,000) |
| | | | | (170,000) |
| TOTAL | | | | 1,306,100-1,658,500 |

NOTES:

1. Commercial and industrial acreages based on planimeter measurements of the LCP Land Use Plan. These figures, as revised in 1991, do not include roads.
2. Water generation factors for commercial, industrial and public recreation uses derived from estimates of sewage generation in the Sewer section of this component and the estimates of the relation between sewage generation and water consumption by Williams, Kuebelbeck and Associates, Inc., in the Pillar Point Harbor Project Environmental Impact Report. A 15% system loss is included.
3. Based on an estimate of average daily visitors to Fitzgerald Marine Reserve at buildout.
4. Floricultural water usage is estimated as follows:

| | | |
|------------------|---------------------------------------|---|
| <u>Developed</u> | (.2 mgd)
60,000 gpd
140,000 gpd | CCWD actual 1978 floricultural usage.
CCWD County areas (30% of actual).
Half Moon Bay (70% of actual). |
| <u>Expansion</u> | 50,000 gpd

120,000 gpd | Water usage by existing Pilarcitos Valley floriculturalists now relying on creek and well water.

100% expansion of existing floricultural use at buildout. |

Appendix B

Table 9.1
City of Half Moon Bay Local Coastal Program and Land Use Plan

TABLE 9.1

CATEGORIES OF UNDEVELOPED LANDS IN HALF MOON BAY

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 |

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

| <u>CATEGORY 5:</u> Unsubdivided Lands Contiguous With Existing Development and Having Agricultural, 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 | 0 | 200(3) | 35 |
| 8. | South Main Street/Cassinelli Lands surrounding Sea Haven | 4 | 360(3) | 650 |
| Category 5 Subtotal: | | 30 | 2,195-2,650 | 1,077 |

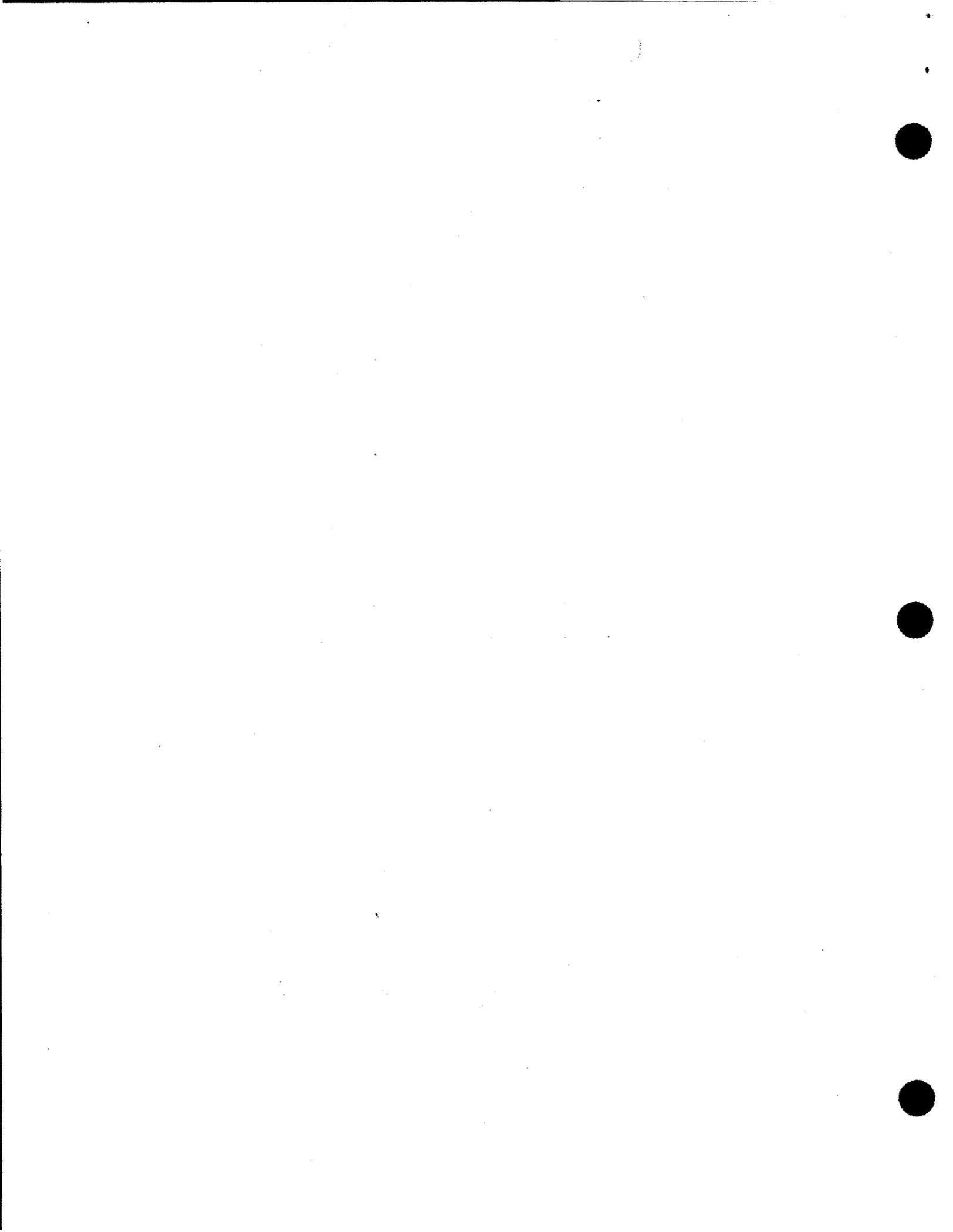
TABLE 9.1

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 |
| TOTAL, ALL CATEGORIES: | 2,726(4) | 7,983-8,838 | 5,265-5,345 |

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.)



Appendix C

Calculations for Sizing of Replacement Pipeline

APPENDIX C

CALCULATIONS FOR SIZING OF REPLACEMENT PIPELINE

Step 1:

In order to simplify the calculations, assign all of the water usage for the project to 3 primary distribution points (1) Half Moon Bay, (2) Miramar, and (3) El Granada and northward including Granada Highlands, Clipper Ridge and Princeton.

Step 2:

Assign the existing water usage shown in Table 1 on report page 4 to its respective primary distribution point. Divide the commercial usage equally between the distribution points:

| <u>Primary Distribution Point</u> | <u>Ave. Day Usage</u> | <u>Peak Day Usage</u> |
|-----------------------------------|-----------------------|-----------------------|
| <u>Half Moon Bay:</u> | | |
| Grand Blvd. | 12.1 gpm | 18.2 gpm |
| Terrace Ave. | 44.2 | 66.3 |
| Casa Del Mar/Kehoe | 58.5 | 87.8 |
| Grand View Blvd. | 35.1 | 52.6 |
| Frenchmans Creek | 42.1 | 63.1 |
| Commercial | <u>79.3</u> | <u>119.9</u> |
| Distribution Point Total | 271.3 gpm | 407.9 gpm |
|
 | | |
| <u>Miramar:</u> | | |
| Naples Beach | 31.7 | 47.6 |
| Miramar | 30.6 | 45.9 |
| Commercial | <u>79.3</u> | <u>119.9</u> |
| Distribution Point Total | 141.6 gpm | 213.4 gpm |
|
 | | |
| <u>El Granada:</u> | | |
| El Granada | 138.3 | 207.3 |
| Granada Highlands | 41.3 | 61.9 |
| Princeton | 41.2 | 61.8 |
| Clipper Ridge | 47.3 | 71.0 |
| Commercial | <u>79.3</u> | <u>119.9</u> |
| Distribution Point Total | 347.3 gpm | 521.9 gpm |
| | ===== | ===== |
| Project Area Total | 760.2 gpm | 1,143.2 gpm |

Step 3:

Assign the "Current Estimated Maximum Units" data shown in Table 2 on report page 6 for the City of Half Moon Bay planning area to the respective primary distribution point:

| <u>City Planning Area</u> | <u>Half Moon Bay
Distribution Pt.</u> | <u>Miramar Dist-
ribution Pt.</u> |
|---|---|---------------------------------------|
| Miramar | 0 units | 75 units |
| City of Naples | 0 | 71 |
| Grandview Terrace | 66 | 0 |
| Newport Terrace | 25 | 0 |
| Casa del Mar | 0 | 0 |
| Frenchmans Creek | 0 | 0 |
| Seahaven | 0 | 0 |
| Surf Beach | 0 | 100 |
| Venice Beach | 60 | 0 |
| Highland Park | 5 | 0 |
| Lands between Casa del Mar and
Venice Beach | 15 | 0 |
| Lands between Grandview Terrace
and Newport Terrace | 150 | 0 |
| Guerrero Ave. site between Miramar
and City of Naples | 0 | 4 |
| Lands east of Frenchmans Creek
Subdivision | 50 | 0 |
| Dykstra Ranch | 215 | 0 |
| Lands north of geenhouses with
driving range, Nurseryman's Ex-
change (Hester-Miguel) | 0 | 80 |
| Lands between Frenchmans Creek
and Young Ave. | 0 | 50 |
| Lands between Frenchmans Creek
and Venice Beach | 60 | 0 |
| Lands between Casa del Mar and
Pilarcitos Creek | 0 | 0 |
| Podesta property west of High School | 110 | 0 |
| Lands surrounding Sea Haven | 650 | 0 |
| Hester-Miguel | <u>0</u> | <u>50</u> |
| Total Residential Units per
Distribution Point | 1,406 units | 430 units |
| Total Residential Units | | 1,836 units |

Step 4:

For the City planning area, calculate the water usage requirements for the number of future residential units shown for each primary distribution point in Step 3:

The criteria from the City LCP for number of persons per residence is 2.61 persons per household. The criteria for average daily water usage (from the County LCP) is 93 to 134 gpd. The criteria for peak day water usage is 180% of average day water usage:

| <u>Description</u> | <u>Half Moon Bay
Distribution Pt.</u> | <u>Miramar
Distribution Pt.</u> |
|--------------------------|---|-------------------------------------|
| No. of Residential Units | 1,406 units | 430 units |
| No. of Persons | 3,670 | 1,122 |
| Ave. Day Water Usage | 0.34 - 0.49 mgd
(236 - 340 gpm) | 0.10 - 0.15 mgd
(69 - 104 gpm) |
| Peak Day Water Usage | 0.61 - 0.88 mgd
(424 - 611 gpm) | 0.18 - 0.27 mgd
(125 - 188 gpm) |

Step 5:

Calculate the water usage at Buildout for the City planning area of the proposed pipeline project. This is accomplished by adding the existing water usage requirements from Step 2 to the future water requirements from Step 4.

| <u>Water Usage Parameter</u> | <u>Half Moon Bay
Distribution Pt.</u> | <u>Miramar
Distribution Pt.</u> |
|---|---|-------------------------------------|
| Existing ave. day usage, gpm | 271 | 32* |
| Future ave. day usage, gpm | <u>236 - 340</u> | <u>69 - 104</u> |
| Total ave. day usage @ Buildout,
gpm | 507 - 611 | 101 - 136 |
| Exist. peak day usage, gpm | 408 | 48* |
| Future peak day usage, gpm | <u>424 - 611</u> | <u>125 - 188</u> |
| Total peak day usage @ Buildout,
gpm | 823 - 1,019 | 173 - 236 |

*Naples Beach area

Step 6:

For the County of San Mateo planning area, apportion the Buildout water usage data (from County LCP Table 10.2) between the Miramar and El Granada northward distribution points. Proportion the total usage between these two areas using the same percentages of total usage as currently exist as shown in the Table on page 1 of Appendix C.

| | |
|--|----------------|
| Miramar Mid-1996 residential and commercial
ave. day usage: 30.6 gpm + 79.3 gpm | = 109.9 gpm |
| El Granada northward residential and commercial
ave. day usage | = <u>347.3</u> |
| Total County planning area ave. day use | = 457.2 gpm |
| Miramar percentage of planning area total | = 24% |
| El Granada northward percentage of planning area total | = 76% |

From County LCP Table 10.2, the estimated total average day water usage at Buildout is 1.31 to 1.66 mgd. These usage amounts are then proportioned between the Miramar and the El Granada northward water distribution points using the percentages calculated above:

| | |
|--|----------------------|
| Miramar Buildout ave. day usage at 24% | = 0.31 - 0.40 mgd |
| El Granada Northward ave. day usage at 76% | = <u>1.00 - 1.26</u> |
| Total County ave. day usage at Buildout | = 1.31 - 1.66 mgd |
| Miramar peak day usage at 180% of ave. day | = 0.56 - 0.72 mgd |
| El Granada Northward peak day usage | = <u>1.80 - 2.27</u> |
| Total County peak day usage at Buildout | = 2.36 - 2.99 mgd |

EXIST. MIRAMAR WATER STORAGE TANK
CAPACITY = 1.0 MG

EXIST. CARTER HILL
WATER STORAGE TANKS,
CAPACITY = 2.5 MG

BASE EL. 335

EL GRANADA WATER
STORAGE TANK NO. 1
CAPACITY = 0.20 MG

BASE EL. 235

BASE EL. 310

EXIST. 8" PIPELINE

FUTURE PROPOSED
24" CARTER HILL
WEST PIPELINE

EXIST. 10" PIPELINE

PROPOSED EL GRANADA REPLACEMENT
TRANSMISSION PIPELINE

SECTION 3: 7,000 LF

SECTION 2: 7,000 LF

SECTION 1: 5,000 LF

EL GRANADA/NORTHWARD
WATER DISTRIBUTION AREA

MIRAMAR WATER
DISTRIBUTION AREA

HALF MOON BAY
WATER DISTRIBUTION AREA

EXIST. AVE. DAY USAGE = 347 GPM
EXIST. PEAK DAY USAGE = 522 GPM

EXIST. AVE. DAY USAGE = 142 GPM
EXIST. PEAK DAY USAGE = 213 GPM

EXIST. AVE. DAY USAGE = 271 GPM
EXIST. PEAK DAY USAGE = 408 GPM

BUILDOUT AVE. DAY USAGE = 875 GPM
BUILDOUT PEAK DAY USAGE = 1,576 GPM

BUILDOUT AVE. DAY USAGE = 414 GPM
BUILDOUT PEAK DAY USAGE = 736 GPM

BUILDOUT AVE. DAY USAGE = 611 GPM
BUILDOUT PEAK DAY USAGE = 1,019 GPM

HYDRAULIC PROFILE

SCHEMATIC DIAGRAM OF PROPOSED EL GRANADA REPLACEMENT TRANSMISSION PIPELINE

NO SCALE

Step 7:

Summarize the average day usage and peak day usage for each of the three distribution points (Note: to convert the data in Step 6 to gallons per minute, divide mgd by 1440 minutes per day to obtain gpm):

| <u>Water Usage Parameter</u> | <u>Half Moon
Bay Dis-
tribution Pt.</u> | <u>Miramar
Distribution
Pt.</u> | <u>El Granada
Distribution
Northward
Pt.</u> |
|--|---|--|--|
| Existing ave. day usage, gpm,
(from Step 2) | 271 | 142 | 347 |
| Existing peak day usage, gpm,
(from Step 2) | 408 | 213 | 522 |
| Buildout ave. day usage, gpm,
(from Steps 5 & 6) | 507 - 611 | 101 - 136
<u>215 - 278</u>
316 - 414 | 694 - 875 |
| Buildout peak day usage, gpm
mgd (from Steps 5 & 6) | 823 - 1019 | 173 - 236
<u>389 - 500</u>
562 - 736 | 1250 - 1576 |

Step 8:

Prepare a hydraulic profile schematic diagram of the proposed pipeline indicating the water storage tanks and their elevations, primary water distribution points and flow quantities (from Step 7), and pipeline lengths.

Step 9:

Prepare criteria to be used for the pipeline sizing calculations. These criteria are as follow:

1. The proposed 24 inch diameter Carter Hill West Pipeline is completed. This proposed pipeline conveys water from the Carter Hill water storage tanks to the beginning point of the El Granada transmission pipeline at the intersection of Main Street and Lewis Foster Drive in Half Moon Bay.

2. Assume use of ductile iron pipeline, and a pipeline friction factor of $C = 120$. This friction factor is one normally adopted for old pipeline. The proposed pipeline will have a life expectancy in excess of 50 years, and therefore the calculations should consider the entire lifetime of the pipeline, not just when it is new. Also the calculations will be made utilizing pipeline length only without regard to fittings, valves and other appurtenances which create additional friction losses. The adoption of a relatively conservative friction factor such as 120 allows for the additional friction created by fittings, valves and other pipeline appurtenances.
3. Assume that the proposed transmission pipeline is required to meet average and peak day water usage requirements but not peak hour usage requirements. Assume that peak hour requirements will be met from water storage tanks (the water level in the storage tanks drops during peak hour usage periods and refills during low usage periods such as during the nighttime hours).

Step 10:

Perform the detailed hydraulic calculations for the sizing of the replacement pipeline. For the first set of calculations assume a 16 inch diameter pipeline since that is the diameter shown in the Conceptual Design Report for the Crystal Springs Water Supply Project.

A. 16 inch Pipeline at Existing Average Day Water Usage:

| <u>Pipeline Section</u> | <u>Friction Loss</u> |
|-------------------------------|----------------------|
| Carter Hill West Pipeline | = 1 ft. |
| Section 1: 5,000 LF @ 760 gpm | = 2.5 |
| Section 2: 7,000 LF @ 489 gpm | = 1.4 |
| Subtotal to Miramar | = 4.9 ft. |
| Section 3: 7,000 LF @ 347 gpm | = 0.7 |
| Total friction loss | = 5.6 ft. |

Conclusions:

1. The friction loss from the Carter Hill tanks to Miramar is less than the difference in elevation between the Carter Hill tanks and the Miramar tank. Therefore the tank will stay full and the proposed pipeline size is adequate to meet the flow criteria without use of the Frenchmans Creek pump station.

2. The friction loss from the Carter Hill tanks to El Granada Tank No. 1 is less than the difference in elevation between the tanks, and the hydraulic grade line at El Granada Tank No. 1 is 106 ft. (46psi). This hydraulic grade line represents the water pressure in the area of El Granada Tank No. 1. The 46 psi water pressure is sufficient to provide adequate service to the customers in the El Granada area without the need to operate the Frenchmans Creek pump station.

B. 16 inch Pipeline at Existing Peak Day Water Usage:

| <u>Pipeline Section</u> | = | <u>Friction Loss</u> |
|--------------------------------------|---|----------------------|
| Carter Hill West Pipeline | = | 2 ft. |
| Section 1: 5,000 LF @ 1,143 gpm | = | 6 |
| <u>Section 2: 7,000 LF @ 735 gpm</u> | = | <u>3.2</u> |
| Subtotal to Miramar | = | 11.2 ft. |
| <u>Section 3: 7,000 LF @ 522 gpm</u> | = | <u>1.7</u> |
| Total friction loss | = | 12.9 ft. |

Conclusions:

1. The friction loss from the Carter Hill tanks to Miramar is less than the difference in elevation between the Carter Hill tanks and the Miramar tank. Therefore the tank will stay full and the proposed pipeline size is adequate to meet the flow criteria without use of the Frenchmans Creek pump station.
2. The friction loss from the Carter Hill tanks to El Granada Tank No. 1 is less than the difference in elevation between the tanks, and the hydraulic grade line at El Granada Tank No. 1 is 87 ft. (37psi). The 37 psi is sufficient to provide adequate service to the customers in the El Granada area without the need to operate the Frenchmans Creek pump station.

C. 16 inch Pipeline at Buildout Average Day Water Usage:

| <u>Pipeline Section</u> | = | <u>Friction Loss</u> |
|--|---|----------------------|
| Carter Hill West Pipeline | = | 5 ft. |
| Section 1: 5,000 LF @ 1,900 gpm | = | 12.5 |
| <u>Section 2: 7,000 LF @ 1,289 gpm</u> | = | <u>7.7</u> |
| Subtotal to Miramar | = | 25.2 ft. |
| <u>Section 3: 7,000 LF at 875 gpm</u> | = | <u>4.2</u> |
| Total friction loss | = | 29.4 ft. |

Conclusions:

1. The friction loss from the Carter Hill tanks to Miramar is equal to the difference in elevation between the Carter Hill tanks and the Miramar tank. Therefore the Miramar tank will stay full and the proposed pipeline size is marginally adequate to meet the flow criteria.
2. The friction loss from the Carter Hill tanks to El Granada Tank No. 1 is less than the difference in elevation between the tanks, and the hydraulic grade line at El Granada Tank No. 1 is 71 ft. (30 psi). The 30 psi is marginally sufficient to provide adequate service to the customers in the El Granada area.
3. At customer usage rates above average day requirements, the 16 inch pipeline conveyance capacity is insufficient to keep the Miramar tank full or provide adequate water service to the El Granada area. At flow rates above average day requirements, additional transmission capacity is required from either a parallel transmission pipeline system or a new Frenchmans Creek booster pump station.

D. 16 inch Pipeline at Buildout Peak Day Usage:

| <u>Pipeline Section</u> | <u>Friction Loss</u> |
|---------------------------------|----------------------|
| Carter Hill West Pipeline | = 16 ft. |
| Section 1: 5,000 LF @ 3,331 gpm | = 35 |
| Section 2: 7,000 LF @ 2,312 gpm | = 24.5 |
| Subtotal to Miramar | = 75.5 ft. |
| Section 3: 7,000 LF @ 1,596 gpm | = 11.9 |
| Total friction loss | = 87.4 ft. |

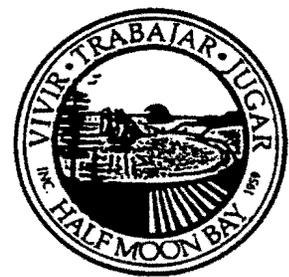
Conclusions:

1. The friction loss from the Carter Hill storage tanks to Miramar is greater than the difference in elevation between the Carter Hill tanks and the Miramar tank. Therefore, the water level in the Miramar tank cannot be maintained (will drain totally).
2. The friction loss from the Carter Hill tanks to El Granada Tank No. 1 is less than the difference in elevation between the tanks, and the hydraulic grade line at El Granada Tank No. 1 is 13 ft. (6 psi). The 6 psi is insufficient to provide adequate service to the customers in the El Granada area.

3. At customer usage rates at Buildout peak day rate, the 16 inch pipeline conveyance transmission capacity is insufficient to keep the Miramar tank full or provide adequate water service to the El Granada area. To meet this peak day usage criteria, additional transmission capacity is required from either a parallel transmission pipeline system or a new Frenchmans Creek booster pump station.

Step 11:

In Step 10 hydraulic calculation were performed for a 16 inch diameter pipeline. This diameter was found to meet the project engineering criteria of providing sufficient water capacity for the near future and also reserving some capacity at LCP Buildout for a parallel pipeline transmission system for redundancy purposes. Since the proposed 16 inch pipeline meets project engineering criteria and has a lower (and therefore acceptable) transmission capacity than permitted for LCP Buildout population, the 16 inch diameter pipeline is selected as the size recommended for construction and no additional calculations for other pipeline diameters are required.



CITY OF HALF MOON BAY

City Hall, 501 Main Street
Half Moon Bay, CA 94019

August 6, 1998

Coastside County Water District
766 Main Street
Half Moon Bay, CA 94019

Subject: ~~RD 77498~~ Status of the Application for Replacement of
Approximately 2,200 Lineal Feet of 10-inch Diameter Welded Steel
Pipeline with 16-inch Diameter Ductile Iron Pipe

Dear Mr. Rathborne:

The Half Moon Bay Planning Department received the application referenced above on July 28, 1998. The purpose of this letter is to inform you of the additional submittals that are needed before the application can be deemed complete.

Additional Submittals

Please augment the submitted materials with answers to the following questions.

- The peak day usage of the service area for the whole pipeline is 1,140 gpm, and the average day usage is 760 gpm. Do these calculations include the amount of reserve capacity that is needed for fire flow in hydrants that are directly connected to the transmission pipe within the Casa del Mar project? Or is all fire fighting reserve capacity handled in the reservoirs? If possible, please submit a breakdown of the usage in gpm for fire flow, existing services, and future services with current rights to connect. If applicable, also identify future services that may be facilitated by this pipeline extension. Please base the calculation on the required fire flow for the Fire District in gallons per minute.
- Please also provide additional discussion regarding the need for additional gpm capacity to provide adequate transfer capability to the northern storage tanks to maintain adequate fire fighting reserves.

ATTACHMENT THREE

Mr. Bob Rathborne
PDP-44-98
August 6, 1998
Page 2

- Is it conceivable that an increase in the pumping capacity of the Frenchmans Creek pump station would be needed in the future?
- Can it be unequivocally said that this project is not growth inducing? The following statements from various documents suggest that the question is somewhat complex. The "Casa del Mar Replacement Project, Narrative in Support of a Coastal Development Application" document submitted with the CDP application states that the transmission line is sized for the "entire northern service area" under the "Denniston Project not Operable" mode (p. 16). In the "Revised Initial Study" the response to comments regarding growth that could be supported by the pipeline states that it is sized to handle up to 55% of the buildout envisioned by the County LCP and Half Moon Bay LUP (RC-23). You also state that this pipeline is necessary to provide adequate service to existing customers as well as an unknown number of customers with a current right to connect (RC-13). You assert that this pipeline will not facilitate growth because the Crystal Springs project CDP limits the number of possible connections. From these statements, it appears that the line is being sized larger than would be needed to handle existing demand, additional permits that could be issued under the CDP and fire flows. Is the relationship between buildout and the number of potential customers with current right to connect really unknown? Please explain how to reconcile the statement in the Initial Study that this project will not add to population growth with the engineer's assumption that the pipe should be sized to accommodate 55% of the potential growth envisioned in the County LCP and the City LUP.

Additional Processing Fee Deposit

Thank you for your cover letter to the application stating your knowledge that an additional deposit to be applied toward the application fee is required. The following breakdown is an estimate of the hours and the additional deposit (at \$54/hour plus administration) that is required, consistent with the Half Moon Bay fee ordinance.

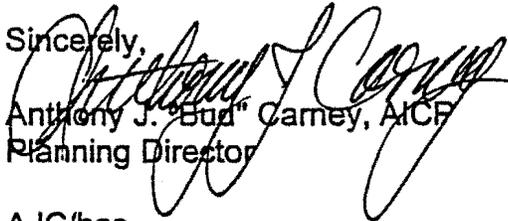
| Task | Hours | Cost |
|--|--------------|----------------|
| Documentation/field work/consultation | | |
| Public contact | 25 | \$1,350 |
| Staff Report Preparation/Public Hearings | 10 | 540 |
| 20% Administrative Cost | | <u>378</u> |
| Total Deposit Required | | 3,618 |
| <u>Less Deposit submitted</u> | | <u>(205)</u> |
| Total Deposit Due | | <u>\$3,413</u> |

Mr. Bob Rathborne
PDP-44-98
August 6, 1998
Page 3

Upon satisfactory submittal of the requested additional information and the additional application fee deposit, your application will be deemed complete.

If you have any questions, please feel free to call at 726-8250.

Sincerely,



Anthony J. "Bud" Carney, AICP
Planning Director

AJC/bas

Cc: Finance Department
Bill Ambrosi Smith, Planning

August 31, 1998

Mr. Anthony J. "Bud" Carney
Planning Director
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019



Re: Casa Del Mar Pipeline Replacement Project, CDP Application 44-98

Dear Mr. Carney:

Answers to the questions in your August 6 letter follow:

Bullet No. 1

Question:

The peak day usage of the service area for the whole pipeline is 1,140 gpm, and the average day usage is 760 gpm. Do these calculations include the amount of reserve capacity that is needed for fire flow in hydrants that are directly connected to the transmission pipe within the Casa del Mar Project?

Response:

The referenced peak day and average day usage figures are water usage amounts as described on page 4 of the Engineering Master Plan, El Granada Transmission Pipeline Replacement Project which is included as Appendix A of the Revised Environmental Initial Study document. The calculations are based on actual water usage amounts shown in the water meter books for residential and commercial usage during the referenced time period, and they do not include any reserve capacity for fire flow in hydrants. Representatives of the Half Moon Bay Fire Protection District have stated that the flow requirement of the fire hydrants directly connected to the transmission pipeline within the Casa del Mar subdivision is 1,000 gpm and that the fire flow requirement for fire hydrants located near large residences within the Casa del Mar subdivision is 1,200 to 1,500 gpm.

Question:

Or is fire fighting reserve capacity handled in the reservoirs?

Response:

Water for fire fighting is stored in the water storage tanks. It flows from the tanks to the fire hydrants being used to fight the fire through the existing network of transmission and distribution system pipelines. For instance, for a fire within the Casa del Mar subdivision, it is probable that approximately 2/3 of the flow to the hydrants would be from the storage tanks located on Carter Hill (a south to north flow in the El Granada Pipeline) and 1/3 of the flow would be from the

Mr. Anthony J. "Bud" Carney
August 31, 1998
Page 2

storage tank located in Miramar (a north to south flow in the El Granada Pipeline). Actual flow amounts would depend on system usage and actual water pressures within the various pipelines of the network at the time of the fire.

Question:

If possible, please submit a breakdown of the usage in gpm for fire flow, existing services, and future services with current rights to connect. If applicable, also identify future services that may be facilitated by this pipeline extension. Please base the calculation on the required fire flow for the Fire District in gallons per minute.

Response:

This question is not possible to answer with detailed numbers for the following reasons:

1. The required fire flow is not one definite number because it depends on the CCWD facilities that are in operation at the time of the fire. For instance, with all CCWD facilities in operation, the required fire flow in the Casa del Mar section of the pipeline is 1,500 gpm. However, when the Miramar water storage tank is taken out of service for maintenance reasons, the required fire flow in the Casa del Mar section of the pipeline is much higher, approximately 2,500 gpm, in order to provide sufficient flow to fight a fire in a commercial building in Miramar such as a hotel. Also, the required flow in the proposed replacement pipeline is dependent on what type of structures are constructed in the future within the pipeline service area. Large structures require larger flows for fire protection purposes than do small structures.
2. The exact number of future service with current rights to connect in the area served by the El Granada Pipeline is not known, but is approximately 400.
3. An identification of future services that may be facilitated by this pipeline is not possible. The CCWD is not a planning agency. The CCWD provides water service connections to applicants that have obtained prior project approval from the planning agency in the geographical area in which the connection is to be installed.

However, in response to the question, estimated values of the requested information for the Casa del Mar section of the proposed El Granada Transmission Pipeline Replacement Project are as follow:

| | |
|---|-------------|
| Fire fighting flow requirement | = 1,500 gpm |
| Existing services, peak day usage during 1996 from
Engineering Master Plan (213 gpm + 522 gpm) | = 735 gpm |
| Future services with current rights to connect: assume
400 services with a peak day usage of 450 gpd
(180% of the average day usage of 250 gpd) | = 125 gpm |

Bullet No. 2

Question:

Mr. Anthony J. "Bud" Carney
August 31, 1998
Page 3

Please also provide additional discussion regarding the need for additional gpm capacity to provide adequate transfer capability to the northern storage tanks to maintain adequate fire fighting reserves.

Response:

Please refer to the second paragraph of Response 10 in the Revised Environmental Initial Study document. The need is for the El Granada Transmission Pipeline to meet peak day flow requirements in order that the volume of water in the storage tanks is not drawn down below the amount required to be kept in reserve for fire protection purposes. There is no need for additional gpm capacity (over and above the ability to meet peak day usage requirements) to provide adequate transfer capability to the northern storage tanks to maintain adequate fire fighting reserves.

Bullet No. 3

Question:

Is it conceivable that an increase in the pumping capacity of the Frenchmans Creek pump station would be needed in the future?

Response:

Yes, it is conceivable but not recommended. As discussed in the project Engineering Master Plan, the proposed 16 inch diameter El Granada Transmission Pipeline will provide 55% of the required capacity to meet future Buildout peak day requirements. If the future peak day usage exceeds the pipeline transmission capacity, additional capacity will need to be provided by either construction of a parallel pipeline or a pump station. The Engineering Master Plan recommends the parallel pipeline alternative —because gravity flow is preferable to pumping.

Bullet No. 4:

Questions:

Can it be unequivocally said that this Project is not growth inducing?

Response:

Yes, for at least three reasons. First, the replacement pipeline, while larger in capacity than the old pipeline it replaces, still provides significantly less capacity than that which would be needed to meet peak day demand at Buildout. By definition, facilities whose capacity is less than Buildout cannot be growth inducing.

Second, pipeline transmission capacity is not equivalent to additional water supply. Supply, treatment capacity and transmission capacity are all necessary components of expanded water system capacity.

Mr. Anthony J. "Bud" Carney
August 31, 1998
Page 4

Third, "Induce" means to "bring about, effect or cause". Water pipes do not induce growth. City and County land use plans allow for, foster, encourage and/or limit growth. Market forces induce it.

Question:

Is the relationship between Buildout and the number of potential customers with current rights to connect really unknown?

Response:

The District estimates the number of customers with current rights to connect in the northern half of its service area as approximately 400. (see above). The methodology by which the District Engineer estimated demand at Buildout in this area is explained in the Engineering Master Plan. The location and scale of residential development at Buildout can be determined fairly specifically for the City. However, this is not possible for the County, whose LCP is much less precise. Also, the location and scale of commercial growth is very difficult to forecast with confidence in either jurisdiction.

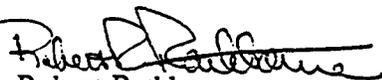
Question:

Please explain how to reconcile the statement in the Initial Study that this project will not add to population growth with the Engineer's assumption that the pipe should be sized to accommodate 55% of the potential growth envisioned in the County LCP and the City LCP.

Response:

The statements do not need to be "reconciled" because they are not contradictory. A larger diameter transmission pipeline in this area will not in itself provide additional water supply. And, even with such supply the pipeline capacity is below that needed for Buildout. The Engineer recommended the pipeline be undersized in order to allow for a future parallel pipeline which would add desirable redundancy and safety to the system without at the same time providing capacity which might, at that time, be viewed as excessive when measured against Buildout demand.

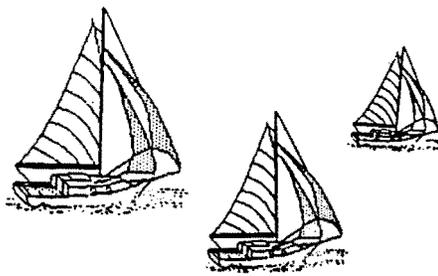
Very truly yours,


Robert Rathborne
General Manager

REM:rmf

cc: Blair King, City Manager

CITY OF HALF MOON BAY



Local Coastal Program Land Use Plan

Amended 1993

ATTACHMENT FOUR

The number of decision-makers complicates the development of a unified approach to public works expansion. Each decision-maker has its own criteria for public works decisions and certain sources and availability of revenues. One purpose of the LCP is to attempt to establish a common framework for such decisions; however, this will not eliminate all uncertainty about future agency decisions or potential conflicts among them.

Although the City does not have regulatory control through its zoning ordinance over projects of special districts or State agencies, Coastal Act policies, as applied through adoption and certification of the Local Coastal Program, will apply to such projects. As a result, in implementation of the Land Use Plan, the City (and the County) will be able to regulate the capacity, location, and timing of public works in order to ensure consistency with the LCP.

Allocation of Public Works Capacity

During periods when the capacity of public works is not adequate to serve all development allowed by the Land Use Plan, Section 30254 of the Coastal Act requires that certain priority land uses not be precluded from public services by other development. These Coastal Act priority land uses are: coastal-dependent land uses, essential public services, basic industries, and recreation and visitor-serving facilities.

One approach, in order to assure that all available public works capacity is not consumed by non-priority land uses, is to reserve a certain minimum capacity for priority land uses. The amount of capacity reserved would vary for each public work, but the basic intent of all the reservations would be to protect some public works capacity for these priority land uses.

Phasing Capacity Increases

The demand for public works over a long time-period cannot be known with great certainty. The theoretical build-out potential of the Land Use Plan may not occur until at least 2020. During this period, some changes in the factors influencing demand for services could occur, including household size, work hours, energy costs, and consumption patterns. The high degree of certainty regarding this prediction is due to the fact that the Land Use Plan only provides for a portion of the growth projected for the City by the Association of Bay Area Governments, based on regional population and housing projections. Once an adequate water supply is made available, it is anticipated that growth will proceed fairly rapidly to absorb land allocated for new development under the Plan. Policies in Section 9 provide for both phasing growth and monitoring annual growth to ensure that it is in line with available services. Policies in this section are intended to

assure availability in accordance with estimated needs as projected.

While it is not desirable to construct more public works capacity than required, it is also not cost-effective to underestimate potential demand by such an amount that subsequent costly expansions will be needed within a short time-period. Construction of excessive capacity poses problems of excessive financial burden and pressure for growth in excess of that proposed to be accommodated. On the other hand, provision of inadequate capacity to accommodate expected needs within a reasonable time horizon related to the useful life of the facilities can result in overburdened facilities and "stop" and "start" development practices resulting from unexpected service moratoria which are detrimental to orderly growth. Of even greater importance is coordinated phasing of public works capacity increases so that expansion of one service does not result in growth which cannot be accommodated by another. This is also essential in order to provide for reasonable, orderly growth in increments which the City and special service districts can monitor and handle without a burden on other services, such as fire and police services. The necessary response to this problem is coordination of facility expansions and management of new development on an incremental basis.

The Plan proposes to phase both public works capacity increases and new development in order to maintain balance between them. The phasing of development over time is incorporated in the policies of Section 9, Development. The policies in this section are intended to support and reinforce this phased development plan. However, it is neither desirable nor feasible to phase or limit all early capacity expansions in line with a specific target period of growth, such as 10 years or 20 years. The appropriate amount of capacity to be provided depends on the relative costs and financial impacts associated with construction of varying levels of capacity in relation to future potential demand. In the case of water supply improvements, major projects required to increase overall available supply cannot be undertaken in small increments, either technically or cost-effectively. However, some types of water delivery facilities can and may appropriately be phased in order to minimize additional cost and possible growth-inducing pressures. Road improvements are susceptible to a more refined phasing approach, within limits. There are a variety of potential improvements, and moderate increases in capacity can be achieved prior to commitments to significant changes in highway facilities, pending greater certainty about needs and possibly increased transit patronage. Generally, sewage treatment plant capacities can be expanded in increments, although detailed cost analysis is necessary to determine the relative benefits of commitments to specific capacities.

The Plan contemplates phased expansion of public works capacities to meet foreseeable needs through buildout. Since the Plan proposes to accommodate less than the potential demand for development

during this period, there is virtual certainty that project development will occur at the rates indicated in Section 9, if adequate public works capacity is available.' Thus, the Plan proposes that the City engage in those projects under its control and support those under the control of others which will accommodate but not exceed the amount of growth proposed through buildout, except where there is a documented showing of significant cost efficiencies.

Boundaries of Special Districts and Assessment Districts

The Coastal Act requires that special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with the Land Use Plan. At present, the Water District's boundaries include a substantial amount of rural land outside the City. The County LCP discusses the practical problems for floriculturists in reducing the district's boundaries and is not primarily concerned with their extent outside the City. Within the City, most of the land use will be urban. Therefore, it would not be desirable or feasible to exclude any area within the City from the Water District. On the contrary, adequate water supplies must be guaranteed to flower growers. Floriculturists and greenhouse operators have even indicated a desire to pay a standby fee to assure an adequate supply during droughts. They also must be charged fair rates for water use.

The City itself is the primary sewage service agency in the City. Detachment of areas from the City service raises issues other than those pertaining to sewage services. Detachment would only be appropriate for land which is to remain in open uses (excluding greenhouses), if any. In reality, as a result of Proposition 13, no substantial benefits for such land would result from exclusion from the City. Other methods can be used to assure that such lands are not assessed for urban services until ready for development. It is not desirable to remove greenhouses from the jurisdiction of the City or from its tax base and they generally require sewage services when located in the City.

An issue does exist with respect to the overlapping of the Granada Sanitary District and the City. It would be desirable to consolidate the City's position as sole sewer service agency for the entire City. This would require detachment of northern Half Moon Bay from the Granada Sanitary District and a transfer of sewer lines and ancillary facilities to the City. A corresponding shift

'As indicated in Section 9, regional projections indicate a potential demand for 3,700 new dwelling units by 1990 and an additional 2,000 in the City by the year 2000. The Plan's phasing proposes to accommodate 2,500 by 1992 and an additional 2,927 - 3,073 by the year 2000. It is anticipated that growth will not exceed 5,427 - 5,573 new units by 2000.

Water Facts

City of Santa Barbara -- Public Works Department -- Water Hotline: (805) 564-5460

1 "unit" = one hundred cubic feet (hcf) = 748 gallons

1 acre foot = 435.6 hcf = 326,000 gallons

Water Consumption Data By Calendar Year (potable water, except as noted)

| | Pre-Drought | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|---|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Total Potable Production (AF): | 16,300* | 9,443 | 9,196 | 10,154 | 10,766 | 11,384 | 12,069 | 12,488 | 13,690 | 12,362 |
| (hcf): | 7,100,000 | 4,113,371 | 4,005,778 | 4,423,082 | 4,689,670 | 4,958,870 | 5,257,256 | 5,439,773 | 5,963,364 | 5,384,887 |
| Total Potable Metered Sales (hcf): | 6,532,000 | 3,835,548 | 3,651,480 | 4,262,013 | 4,387,246 | 4,629,031 | 4,659,308 | 4,930,703 | 5,407,610 | 4,938,031 |
| Metered Sales Ratio: | 92.0% | 93.2% | 91.2% | 96.4% | 93.6% | 93.3% | 88.6% | 90.6% | 90.7% | 91.7% |
| Estimated Service Area Population: | 89,249 | 89,249 | 90,241 | 90,935 | 91,047 | 91,332 | 92,114 | 93,144 | 93,746 | 95,064 |
| Gross Per Capita Consumption (gal/day): | 163 | 94 | 91 | 100 | 106 | 111 | 117 | 120 | 130 | 116 |
| Residential Metered Sales (hcf): | 5,226,000 | 2,584,448 | 2,481,761 | 2,949,814 | 3,138,420 | 3,319,895 | 3,352,451 | 3,543,771 | 3,924,900 | 3,559,015 |
| Resid. Per Capita Consump. (gal/day): | 120 | 59 | 56 | 66 | 71 | 74 | 75 | 78 | 86 | 77 |
| Average Use per Dwelling Unit (hcf/mth): | | | | | | | | | | |
| Single Family Residences: | 17 | 7 | 7 | 9 | 10 | 10 | 10 | 11 | 12 | 11 |
| Multi-Family Residences: | 8 | 5 | 4 | 5 | 5 | 5 | 5 | 5 | 6 | 6 |
| Median Use per S.F. Residence (hcf/mth): | 10 | 5 | 5 | 6 | 7 | 8 | 8 | 8 | 9 | 8 |
| Percent of Potable Sales By Class: | | | | | | | | | | |
| Single Family Residential: | 52% | 40% | 43% | 43% | 44% | 45% | 45% | 45% | 46% | 44% |
| Multi-Family Residential: | 26% | 27% | 25% | 26% | 27% | 27% | 27% | 27% | 27% | 28% |
| Commercial/Industrial: | 16% | 27% | 25% | 24% | 24% | 23% | 23% | 23% | 22% | 23% |
| Irrigation (Resid/Ag/Recr/Com): | 6% | 6% | 7% | 7% | 5% | 5% | 5% | 5% | 5% | 5% |
| Net Recycled Water Consumption (AF): | — | 406 | 363 | 353 | 604 | 695 | 647 | 728 | 856 | 608 |
| Total System Production, potable+recycled (AF): | 16,300 | 9,849 | 9,559 | 10,507 | 11,370 | 12,079 | 12,716 | 13,216 | 14,546 | 12,970 |
| Total System Metered Sales (hcf): | 6,532,000 | 4,016,998 | 3,826,299 | 4,401,600 | 4,653,086 | 4,929,323 | 4,940,934 | 5,240,183 | 5,778,775 | 5,194,836 |

* Pre-Drought "Total Potable Production" includes an estimated 900 AFY of demand now served by the Water Reclamation Project.

Top of
Page 1

| |
|---|
| EXHIBIT NO. 12 |
| APPLICATION NO.
A-1-HMB-99-20 (CCWD) |
| Santa Barbara |
| "Water Facts" |

DID YOU KNOW THAT ... ? WATER USAGE FACTS

How much water is used to supply the following activities?

This information is derived from *Introduction to Environmental Engineering and Science, Gilbert Masters, 1991 Prentice Hall. The book in turn derived the data from 1984 U.S. Geological Survey info.*

Personal, irrigation, and industrial water usage

| | liters of water used | gallons of water used |
|--|----------------------|-----------------------|
| total average home use per person per day | 340 liters | 90 gallons |
| drinking water per person per day | 2 liters | 0.5 gallons |
| cooking per person per day | 23 | 6 |
| watering lawn (per minute) | 38 | 10 |
| toilet, per flush | 19 | 5 |
| taking a shower (per minute) | 8 | 2 |
| taking a bath | 135 | 35 |
| washing machine per load | 230 | 60) |
| total irrigation per person per day | 2,540 liters | 670 gallons |
| to produce one egg | 150 liters | 40 gallons |
| one glass of milk | 380 liters | 100 gallons |
| one pound of flour | 285 | 75 |
| one pound of rice | 2,120 liters | 560 gallons |
| one pound of grain-fed beef | 3,030 liters | 800 gallons |
| one pound of cotton | 7,730 | 2,040) |
| total industrial and commercial water use, per person per day | 4,520 liters | 1,190 gallons |
| cooling water (industrial) per person per day | 3,710 liters | 980 gallons |
| refine one gallon of gasoline from crude oil | 38 liters | 10 gallons |
| to produce one Sunday newspaper | 1,060 liters | 280 gallons |
| one pound of aluminum | 3,790 | 1,000 |
| one automobile | 380,000 liters | 100,000 gallons) |



[Return to Home Page](#)

| |
|---|
| EXHIBIT NO. 13 |
| APPLICATION NO.
A-1-HMB-99-20 (CCWD) |
| "Water Usage Facts" |
| |

RAY MCDEVITT
ATTORNEY AT LAW
DIRECT DIAL 415 995 5010

May 28, 1999

RECEIVED
JUN 01 1999
CALIFORNIA
COASTAL COMMISSION

HANSON
BRIDGETT
MARCUS
VLACHOS
RUDY-LLP

Bill Van Beckum
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

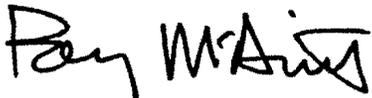
Re: *Coastside County Water District*
A-1-HMB-99-020

Dear Mr. Van Beckum:

Coastside County Water District received the staff report today. In view of the report's length (27 pages), the extremely limited time within which the District would have to submit comments (*i.e.*, two working days), and the inconvenient venue the District requests, pursuant to 14 CCR Section 13085(a), that the Commission's consideration of the "substantial issue" question be postponed. While the Commission regulations require the District to waive time limits for action on the appeal, the District would request that the matter be calendared for the next hearings scheduled to be heard in the San Francisco Bay Area.

Thank you.

Very truly yours,



Ray McDevitt

REM:dee

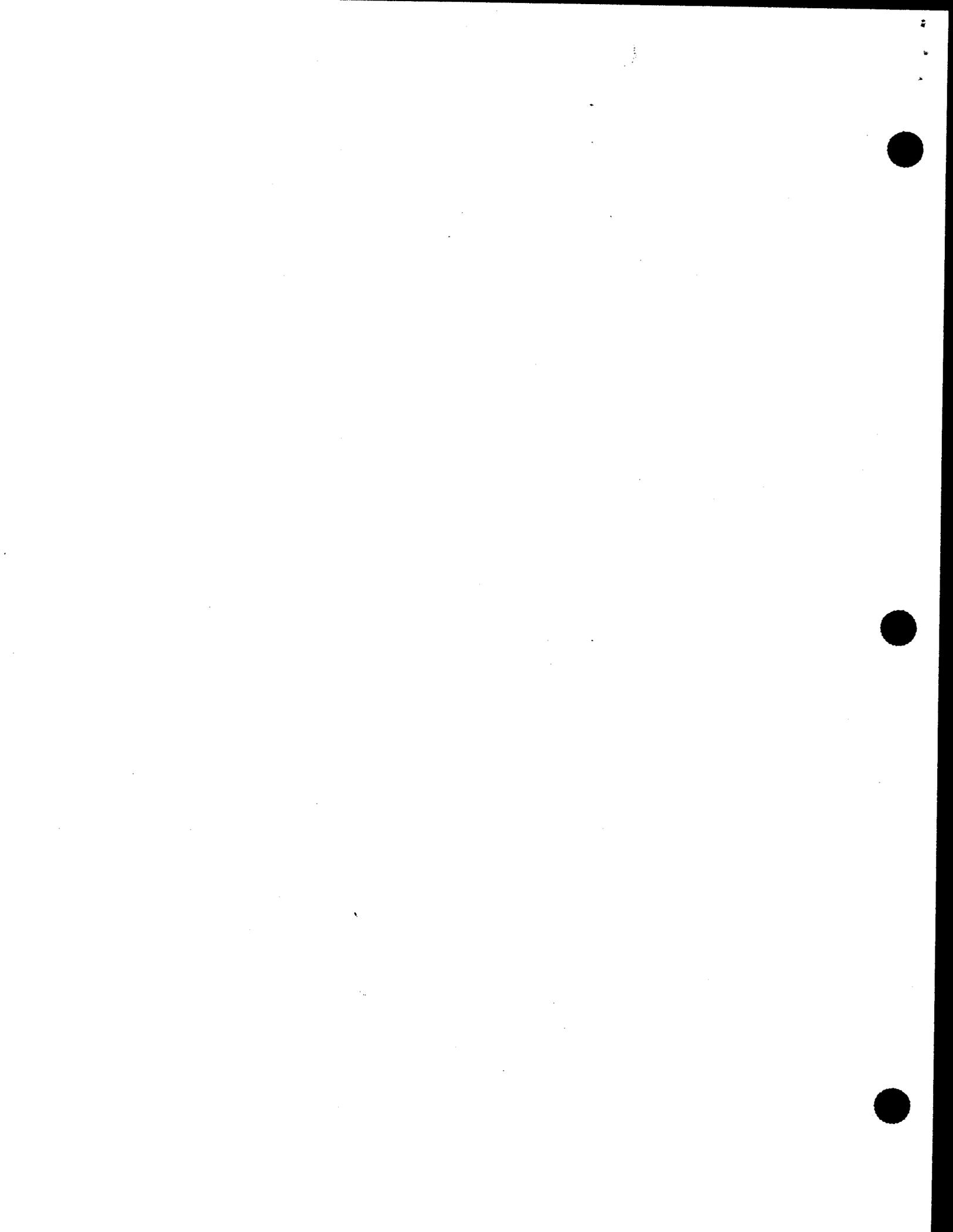
cc: Peter Douglas, Executive Director
Robert Rathborne, General Manager, CCWD

OFFICES

SAN FRANCISCO
333 MARKET STREET · 23RD FLOOR
SAN FRANCISCO · CA 94105-2173
TELEPHONE 415-777-3200
FACSIMILE 415-541-9366
email: sf@hansonbridgett.com

MARIN
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LARKSPUR · CA 94939
TELEPHONE 415-925-8400
FACSIMILE 415-925-8409
marin@hansonbridgett.com

| |
|-------------------------------------|
| EXHIBIT NO. 14 |
| APPLICATION NO. |
| A-1-HMB-99-20 (CCWD) |
| APPLICANT'S
POSTPONEMENT REQUEST |



RAY MCDEVITT
ATTORNEY AT LAW
DIRECT DIAL 415 995 5010

June 23, 1999

RECEIVED
JUN 23 1999
CALIFORNIA
COASTAL COMMISSION

HANSON
BRIDGETT
MARCUS
VLACHOS
RUDY-LLP

Mr. Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, 20th Floor
San Francisco, CA 94105

By Hand Delivery

**Re: Coastside County Water District
Appeal No. A-1-HMB-99-20**

Dear Peter:

Thank you for taking time earlier this week to discuss my concerns with the May 26 staff report on this project. So that you will have an accurate record of these points, I am following up with this letter.

Misleading Per Capita Water Use Data

The staff report raises "issues" which were not raised by the appellant (or anyone else) at the City of Half Moon Bay Planning Commission, the City Council or in the appeal itself. A prominent example is the staff's speculation that per capita water use in the area served by the pipeline may have decreased below the 93-134 gallons per capita per day (gpcpd) which is specified in the certified San Mateo County LCP. The basis for this speculation is a chart obtained from the City of Santa Barbara, which shows historical use in that city. (A copy is enclosed.) The staff report observes that water use in 1997 and 1998 in Santa Barbara is lower than it was prior to the drought and lower than the quantities specified in the San Mateo County LCP. The lower per capita figure for Santa Barbara is said to "suggest" that the proposed 16" pipeline is too large.

It is disturbing to have Commission staff on the one hand chide the City for not making "findings" about an issue that was never raised by project opponents, while at the same time reaching beyond the record to find new "evidence" that is used to undermine, rather than support, the City's decision.

It is also disturbing that Commission staff would rely on data from some other water agency, rather than contacting the District staff to get information about actual water use trends in the area to be served by the pipeline that is the subject of the appeal.

OFFICES

SAN FRANCISCO

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MARIN

80 E. SIR FRANCIS DRAKE BLVD · SUITE 3E
LARKSPUR · CA 94939
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| |
|----------------------------------|
| EXHIBIT NO. 15 |
| APPLICATION NO.
(Page 1 of 5) |
| A-1-HMB-99-20 (CCWD) |
| APPLICANT'S 6/23/99
COMMENTS |

Mr. Peter Douglas
June 23, 1999
Page 2

Finally, it is disturbing that this particular staff report misrepresents the significance of the Santa Barbara data. The table is said to show a drop in water use since the drought, which it of course does. But the staff report does not point out that the trend in residential usage is up, with customers resuming more typical usage patterns as the impact of the drought recedes. (The only departure from this trend is 1998, which was the wettest year in over a century.) More troublesome is the staff use of 77 gallons per capita per day (gpcpd) in a direct comparison to the per capita figures used by the District Engineer. The 77 gpcpd is an overall average and includes a significant amount of multi-family dwellings, per capita use for which is about half that of single family homes, as can be clearly seen from the table itself. Santa Barbara is a typical city, much more densely populated than northern Half Moon Bay. Per capita use is, unsurprisingly, lower in such an urbanized setting. To compare the data meaningfully, it is necessary to determine what the per capita usage for single family homes is, since almost all of the area to be served by the El Granada pipeline is, and will continue to be, single family homes on separate lots. Doing this requires only a phone call to Santa Barbara. Using the residential occupancy figures for the City from the 1990 Census, the Santa Barbara staff person was able to calculate the per capita water usage in single family homes, which was:

| | |
|-------|---------------------|
| 1997: | 120 gallons per day |
| 1998: | 110 gallons per day |

These figures tell a very different story from that presented in the staff report. They are in the middle of the range specified by the San Mateo County LCP; i.e., 94-134 gallons. They provide no support for the inference drawn by the staff report.

Unreasonable Exclusion of Safety and Drought Factors

The staff report observes that the pipeline is sized to meet demand in the northernmost portion of the District, which normally receives water from the Denniston Project (which consists of a wellfield, a surface diversion from Denniston Creek, and a small water treatment plant). The report quotes from a District Engineering report discussion of the contingencies which could cause the Denniston Project to be inoperable. While conceding that "there is merit to such engineering contingency planning" it concludes that providing for such contingencies may nevertheless violate the LCP. This conclusion appears to rest on the assumption that the water supply capacity necessary to support buildout of the LCP must have no backup, no safety factor and no redundancy even though these are attributes of well-designed water systems. It is not a sensible interpretation of the City and County LCPs that they would allow for the water system to be expanded sufficiently to meet buildout population but require it to

Mr. Peter Douglas
June 23, 1999
Page 3

be increasingly fragile and subject to failure. Moreover, the staff report entirely omits the discussion in the District Engineer's report of a second reason to provide capacity to move water north: the Denniston Project is not merely susceptible to catastrophic or sudden failure, its yield drops dramatically during dry years, to the point where it is not sufficient to meet even the demand from the northern area experienced several years ago. The staff report's finding of a substantial issue rests on an incomplete description of the risks and an implausible reading of the LCP.

Amateur Engineering

Finally, the staff report's discussion of the interrelationship between pipeline size and pumping is truly perverse. The District sized the pipeline smaller than the diameter that would be necessary to meet peak day demand without pumping, but large enough so that average day demand could be met by gravity flow. The reasons of economy, safety and energy efficiency (and the tradeoffs) were fully disclosed in the District's engineering report and are alluded to in the staff report. But the staff report then conjures up a phantom possibility: "Although the 16" diameter pipeline is designed to only require pumping to meet future peak day demands, it follows that if the system's pump were for some reason utilized on an "average day," more water could be delivered through the pipeline on an average day than is required for LUP buildout." (Emphasis added.)

What might be a reason that would induce the District to turn on a pump on an average day and what would happen if it did? The answers are that (1) there is no reason it would do so, and (2) if it did, the water would spill out of any uncovered storage tank or would cause the pipeline to rupture.

Speculation of this sort by staff untrained in civil engineering or hydraulics is a disservice to the Commission, to the applicant and the public.

No Discussion of Appellant's Failure to Comply with Commission Rules

The appellant ignored the Commission's requirement to provide a copy of its appeal to the City and to the District. This is grounds for dismissal of the appeal. 14 CCR §13111(c). The District requested that the appeal be dismissed for this reason. The 27-page staff report, however, didn't even mention the issue. Why have a rule if it can be violated with impunity?

Conclusion and Suggestion

Now that this report has been released, I imagine that it is unrealistic to expect that it could be withdrawn and reconsidered in light of information in this letter which the District Engineer could readily substantiate. Moreover, there will almost certainly be an appeal taken from the San Mateo County Board of Supervisors' decision on the District's pending application for the northernmost

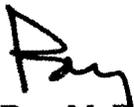
Mr. Peter Douglas
June 23, 1999
Page 4

segment of this pipeline. Steven Scholl suggested that it would make sense to consolidate the Commission's consideration of both of these interrelated permits in one proceeding. The suggestion is a very sensible one from a number of perspectives, including the time and energy of Commission members and staff, District staff and consultants, and the public.

The District would support simply postponing Commission action on this staff report until the second appeal has been filed. Commission staff could then decide on the most efficient and appropriate procedure to present the overall project to the Commission.

I hope that the District's engineer and environmental consultant will have an opportunity to meet with Commission staff before a final recommendation is forwarded to the Commission. Particularly since the applicant here is a local governmental agency, with an elected Board of Directors, it seems appropriate for Commission staff to take advantage of the Water District's familiarity with local conditions and in depth knowledge about water system design and operation.

Very truly yours,



Ray McDevitt

REM:ld

cc: Steven Scholl
Bill Van Beckum
Robert Rathborne, General Manager, Coastside County Water District
James Teter, P.E., District Engineer

Water Facts

City of Santa Barbara -- Public Works Department -- Water Hotline: (805) 564-5460

1 "unit" = one hundred cubic feet (hcf) = 748 gallons

1 acre foot = 435.6 hcf = 326,000 gallons

Water Consumption Data By Calendar Year (potable water, except as noted)

| | Pre-Drought | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|---|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Total Potable Production (AF): | 16,300* | 9,443 | 9,196 | 10,154 | 10,766 | 11,384 | 12,069 | 12,488 | 13,660 | 12,362 |
| (hcf): | 7,100,000 | 4,113,371 | 4,005,778 | 4,423,082 | 4,699,670 | 4,958,870 | 5,257,256 | 5,439,773 | 5,963,364 | 5,384,887 |
| Total Potable Metered Sales (hcf): | 6,532,000 | 3,835,548 | 3,651,480 | 4,262,013 | 4,387,246 | 4,629,031 | 4,659,308 | 4,930,703 | 5,407,610 | 4,938,031 |
| Metered Sales Ratio: | 92.0% | 93.2% | 91.2% | 96.4% | 93.6% | 93.3% | 88.6% | 90.6% | 90.7% | 91.7% |
| Estimated Service Area Population: | 89,249 | 89,249 | 90,241 | 90,935 | 91,047 | 91,332 | 92,114 | 93,144 | 93,746 | 95,064 |
| Gross Per Capita Consumption (gal/day): | 163 | 94 | 91 | 100 | 106 | 111 | 117 | 120 | 130 | 116 |
| Residential Metered Sales (hcf): | 5,226,000 | 2,584,448 | 2,481,761 | 2,949,814 | 3,138,420 | 3,319,895 | 3,352,451 | 3,543,771 | 3,924,900 | 3,559,015 |
| Resid. Per Capita Consump. (gal/day): | 120 | 59 | 56 | 66 | 71 | 74 | 75 | 78 | 86 | 77 |
| Average Use per Dwelling Unit (hcf/mth): | | | | | | | | | | |
| Single Family Residences: | 17 | 7 | 7 | 9 | 10 | 10 | 10 | 11 | 12 | 11 |
| Multi-Family Residences: | 8 | 5 | 4 | 5 | 5 | 5 | 5 | 5 | 6 | 6 |
| Median Use per S.F. Residence (hcf/mth): | 10 | 5 | 5 | 6 | 7 | 8 | 8 | 8 | 9 | 8 |
| Percent of Potable Sales By Class: | | | | | | | | | | |
| Single Family Residential: | 52% | 40% | 43% | 43% | 44% | 45% | 45% | 45% | 46% | 44% |
| Multi-Family Residential: | 26% | 27% | 25% | 26% | 27% | 27% | 27% | 27% | 27% | 28% |
| Commercial/Industrial: | 16% | 27% | 25% | 24% | 24% | 23% | 23% | 23% | 22% | 23% |
| Irrigation (Resid/Ag/Recr/Com): | 6% | 6% | 7% | 7% | 5% | 5% | 5% | 5% | 5% | 5% |
| Net Recycled Water Consumption (AF): | — | 406 | 363 | 363 | 604 | 695 | 547 | 728 | 856 | 608 |
| Total System Production, potable+recycled (AF): | 16,300 | 9,849 | 9,559 | 10,507 | 11,370 | 12,079 | 12,716 | 13,216 | 14,546 | 12,970 |
| Total System Metered Sales (hcf): | 6,532,000 | 4,016,998 | 3,826,299 | 4,401,600 | 4,653,086 | 4,929,323 | 4,940,934 | 5,240,183 | 5,778,775 | 5,194,836 |

* Pre-Drought "Total Potable Production" includes an estimated 900 AFY of demand now served by the Water Reclamation Project.

EXHIBIT NO. 12

APPLICATION NO.
A-1-HMB-99-20 (CCWD)

Santa Barbara

"Water Facts"

this is a fax first sheet; 7 pages including this page.

Larry M. Kay

Residence at: 12 Sunset Terrace, Half Moon Bay, 94019

United States Postal Mail to: Post Office Box 394

Montara, California

94037

TELEPHONE & FAX (650) 712-9554

June 03, 1999

RECEIVED

JUN 04 1999

CALIFORNIA
COASTAL COMMISSION

| |
|-----------------------------------|
| EXHIBIT NO.16 |
| APPLICATION NO.
(Page 1 of 14) |
| A-1-HMB-99-20 (CCWD) |
| CORRESPONDENCE SINCE
5/26/99 |

FAXLTR TO: California Coastal Commission @415-904-5400,
North Coast Area Office

ATTN: Each Member of the Commission, and Planner Bill Van
Beckum

SUBJECT: The Matter of Substantial Issue Raised by Appeal #
A-1-HMB-99-020; Coastside County Water district, applicant
/ Cupp, Appellant

FROM: The Undersigned, Kay, a member of the public, as
Friend to the Commission

The Commission Staff has found substantial issue within this
appeal. I respectfully ask all members of the Commission to
not delay consideration beyond June 07, 1999 regarding
(only) whether there is such substantial issue, and to,
please, find that there is such issue.

Some of what follows is meant to show that there are
related issues that in the near future should be
presented to the Commissioners regarding the CCWD plan to
build every square foot of this protected area with what
ever high density "developers" choose to build.

Included (again) is the 3 page November 03, 1972 Appeals
Court order accepting stipulations in which CCWD agreed to
perform full EIR if they engaged in further expansion of any
type or amount what-so-ever. However, not previously
disclosed to the Commissioners is the following which makes
us reflect upon trust-worthiness and information provided by
agencies to the Commission:

CCWD appealed their own pledge, their own stipulation in this case,
to the Supreme Court of the State of California. The
Supreme Court, of course, refused to hear such a thing.
The legal appeal cost more than a full EIR would have. Yet,
that did happen in 1973 because "developers" of ranch/farm
land felt threatened by full EIR being required.

June 03, 1999 Page (2)

~~~~~  
On January 28, 1999, a friendly, trusting Planning Commission of the City of Half Moon Bay conditioned approval of 2,200 lineal feet of Water System Transmission pipe replacement as follows:

This is PDP-44-98 and is the Planning Commission document which CCWD claims allows them to build water transmission beyond that allowed in the earlier referred to Appeals Court Order:

*"This Coastal Development Permit authorizes only the replacement of a portion of a water transmission pipeline as described herein. It does not authorize any development which would expand or enlarge the applicant's sources of water supply, or create a new source of water supply. Before conducting any development which would enlarge or expand its sources of water supply or create any new sources of water supply, the applicant shall secure a Coastal Development Permit for such development, and, if requested to do so by the Agency issuing such Coastal Development Permit, shall prepare an Environmental Impact Report on such Development."*

So, what happened next concerning CCWD and EIR? The San Mateo County Planning Commission asked CCWD to provide an EIR for the CCWD "phase II" as they like to call it; As though it was foregone fact (It's not). Please see the attached PUBLIC NOTICE from the Wednesday, May 19, 1999 Half Moon Review. You'll notice that the SAN MATEO COUNTY Planning Commission is asked to allow the replacement of a 10" system pipe. The actual request was for "replace with 16" pipe", but that didn't make it to the newspaper.

A brave SM County Planning Commission told CCWD there would be no approval for such a thing with no EIR. A belligerent CCWD said they would never "submit" to an EIR. The San Mateo County Planning Commission denied the CCWD application for this huge project. It's the same project as the "only" 2,200 lineal feet in HMB at Casa Del Mar. It's all the same water company, the same engineering scheme.

~~~~~

June 03, 1999 Page (3)

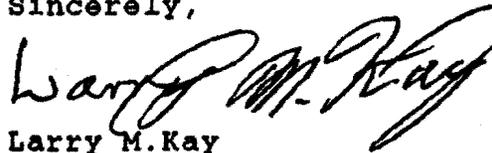
The pattern has been the same now for more than a generation. CCWD will not yield to an EIR on the San Mateo Coastside. There are Billions of \$ involved for wealthy intruders who are friends of CCWD.

There are things to be told to the California Coastal Commissioners and their Staff regarding why the City of Half Moon Bay *never heard* the HMB PDP-44-98 which is the subject of this letter.

The Special Police Powers given to the California Coastal Commission are quite adequate to deal with the planned crush by over-development (utilizing illegally excessive infrastructure capacity) on the Half Moon Bay (and surrounding) Coastside.

Please On June 07, 1999 make a finding of substantial issue re: A-1-HMB-99-020.

Sincerely,



Larry M. Kay

enc: 4 pages

PUBLIC NOTICE

PUBLIC NOTICE

**SAN MATEO COUNTY PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

This is to inform you that the San Mateo County Planning Commission will hold a PUBLIC HEARING to consider the matters listed on the following agenda at the date, time, and location shown.

MEETING NO. 1317

Wednesday, May 26, 1999
9:00 a.m.

Board of Supervisors Chambers
400 County Center, Redwood City

Speaking At The Public Hearing:

All parties wishing to speak will have an opportunity to do so after filling out a speaker's slip and depositing it in the speaker's slip box. The Commission has established time limits for speakers, allowing 15 minutes for the applicant and appellant, if any, and 5 minutes for all others. These time limits may be modified by the Commission's Chairperson in order to accommodate all speakers.

Correspondence To The Commission:

Letters to the Commission should be addressed: Planning Commission, County Government Center, 455 County Center, 2nd Floor, Mail Drop PLN122, Redwood City, CA 94063. The Commission Secretary can be reached at (650) 363-1859, Facsimile (650) 363-4849. It is preferred that your letters be received at least 5 days prior to the scheduled hearing to allow sufficient time for your comments and concerns to be considered by the Commission.

Decisions And Appeals Process:

Decisions made by the Planning Commission are appealable to the Board of Supervisors, with the exception of Variances within the Coastal Zone. A zoning amendment to allow appeals of variance decisions in the Coastal Zone has been submitted to the California Coastal Commission and is awaiting certification. The appeal fee is \$169. Appeals must be filed no later than 10 business days following the hearing at the San Mateo County Planning Counter located at 455 County Center, 2nd Floor, Redwood City.

For further information on any item listed below, please phone the Project Planner indicated.

AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL: Commissioners: Kennedy, Holober, Nobles, Silver,
Bomberger

Advisory Members: Koenig, Burnes, Raftery, Bentley

1. **ORAL COMMUNICATIONS.** To allow the public to address the Commission on any matter not on the agenda.
2. **CONSIDERATION OF THE MINUTES** of the Planning Commission meeting of April 28, 1999.

REGULAR AGENDA - 9:00 a.m.

3. **Owner:** Helmut Frank
Applicant: Jack McCarthy
Request for: PLN 1999-00180
Location: 49 Botany Ct., Redwood City
APN: 057-332-130

Consideration of an appeal of the Design Review Committee's decision to grant design review approval pursuant to Section 6565.3 of the County Zoning Regulations for the construction of a new 3,020 single-family home on a 12,139 sq. ft. parcel at 49 Botany Court in unincorporated Redwood City. (Emerald Lake Hills). Application filed April 14, 1999. PROJECT PLANNER: Lisa Aozasa. Telephone: (650) 363-4852.

9:45 a.m.

4. **Owner:** Coastside County Water District
Applicant: Same
Request for: PLN 1999-00192.
Location: Eastern Half of El Granada
APN: none

Consideration of a Coastal Development Permit pursuant to Sections 6328.4 of the County Zoning Regulations to replace an existing 10 inch water transmission pipeline. This project is appealable to the California Coastal Commission. Application filed December 8, 1998. PROJECT PLANNER: Michael Schaller. Telephone: (650) 363-1848.

5. **Correspondence And Other Matters**
6. **Consideration Of Study Session For Next Meeting**
7. **Director's Report**
8. **Adjournment**

AC • Wednesday, May 19, 1999 • HALF MOON BAY REVIEW

(Cite as: 28 Cal.App.3d 512, 104 Cal.Rptr. 714)

View California Official Reports version

ENVIRONMENTAL DEFENSE FUND, INC., et al., Plaintiffs and Appellants,
v.

COASTSIDE COUNTY WATER DISTRICT et al., Defendants and Respondents,
People of the State of California, Intervenor and Appellant.

Civ. 31455.

Court of Appeal, First District, Division 4, California.

Nov. 3, 1972.

Appeal from an order of the Superior Court, San Mateo County, Louis B. Dematteis, J., dissolving a preliminary injunction

which prevented further construction of water supply and storage system until environmental impact report was submitted to

the County Planning Commission. The Court of Appeal ordered the water district to file a supplemental report, 27 Cal.App.3d

695, 104 Cal.Rptr. 197. In a supplemental opinion, the Court of Appeal, Devine P.J., held that environmental impact report

which was filed in response to order of the court was adequate under statute, where it covered those matters which the court

deemed to have been inadequately reported, and where it also pledged that the water district would prepare an additional

detailed report before making any decision to proceed with the alternatives described, and that the district would further

conduct studies as to the environmental impact associated with any water system expansion beyond that presently to be

undertaken.

Stay order recalled, appeal from order dissolving injunction dismissed as moot.

Environmental Defense Fund, Inc. v. Coastside County Water Dist.

KeyCite this headnote

199 HEALTH AND ENVIRONMENT

199II Regulations and Offenses

199k25.5 Environmental Protection in General

199k25.10 Environmental Impact Statement

199k25.10(6) Content, Sufficiency, and Accuracy

199k25.10(6.5) k. Dams, waterways, and water projects, generally.

Formerly 199k25.10(6), 199k25.10

Cal.App. 1972.

Environmental impact report which was filed in response to order of the court was adequate under statute, where it covered the matters which the court deemed to have been inadequately reported previously, and where it also pledged that the water district would prepare an additional detailed report before making any decision to proceed with the alternatives described, and that the district would further conduct studies as to the environmental impact associated with any water system expansion beyond that presently to be undertaken. West's Ann.Public Resources Code, § 21000 et seq.

**714

(Cite as: 28 Cal.App.3d 512, 104 Cal.Rptr. 714, **714)

*512

(Cite as: 28 Cal.App.3d 512, *512, 104 Cal.Rptr. 714, **714)

Thomas J. Graff, Berkeley, for appellants Environmental Defense Fund et al.
 Evelle J. Younger, Atty. Gen., E. Clement Shute, Jr., Donates Januta, Deputy Attys. Gen.,
 San Francisco, for appellant
 People of the State.

Hanson, Bridgett, Marcus & Jenkins, David J. Miller, San Francisco, for respondents.

*513

(Cite as: 28 Cal.App.3d 512, *513, 104 Cal.Rptr. 714, **714)

DEVINE, Presiding Justice.

On September 12, 1972 this court decided that it is a judicial function to consider the adequacy of an Environmental Impact Report which has been filed under the Environmental Quality Act of 1970 (Pub. Resources Code, s 21000 et seq.) and that the Environmental Impact Report theretofore filed was inadequate in certain respects. The court ordered the filing of a supplemental report. (Environmental Defense Fund, Inc. v. Coastside County Water District, 27 Cal.App.3d 695, 104 Cal.Rptr. 197.) A comprehensive report has been filed, which covers those matters which the court deemed to have been inadequately reported and also pledges the district to prepare an additional detailed Environmental Impact Report (EIR) before making any decision to proceed with the alternative described under the handling Denniston Creek II and further to conduct studies as to the environmental impacts associated with any water system expansion beyond that presently to be

undertaken. The district states its expectation that if the project be built, the district will be required to perform an on-going surveillance program to monitor groundwater conditions. Counsel for plaintiff Environmental Defense Fund, as well as the Attorney General appearing **715

(Cite as: 28 Cal.App.3d 512, *513, 104 Cal.Rptr. 714, **715)

for the People as intervenor, have stated to the court that they do not now object to the lifting of the supersedeas (although they do not thereby commit themselves to approval of the entire report). The court finds that the Environmental Impact Report which was filed in response to its order is an adequate report under the statute. Accordingly, the stay order is recalled, the appeal from the order dissolving the injunction is dismissed as now moot, and costs on appeal are awarded to appellants.

RATTIGAN and BRAY, [FN*] JJ., concur.

FN* Assigned by Chairman of Judicial Council.

END OF DOCUMENT

Copr. (C) West 1999 No Claim to Orig. U.S. Govt. Works

June 2, 1999

BILL Van Beckum, Coastal Planner
California Coastal Commission

Re: A-1-HMB-99-020 (Phase I - El Granada Pipeline Expansion Project)

Dear Mr. Van Beckum:

This is to voice my concern that the Coastal Commission determine Substantial Issue with regard to the above named Appeal by appellant Carol Cupp.

CCWD is attempting to do piecemeal expansion involving many projects (Carter Hill, Phase I Casa del Mar, Phase 2 County El Granada Pipeline, Denniston Dam, Princeton/Half Moon Bay Airport pipeline and a disguised attempt to place 2 overhead pipes that could facilitate massive development of Moss Beach/Montara under the excuse that it would facilitate a questionable project called Moss Beach Highlands which happens to be located on wetlands).

CCWD has pursued the above mentioned Phase 1 & 2 expansion purporting various reasons which are lies including:

- (1) Leak problems which a March 1998 CCWD Supply Evaluation Report states that there is no such significant leak problem.
- (2) Fire flow problem which was denied by Fire Chief Del Gado at a Mid-Coast Community Council meeting.
- (3) Operational flexibility where it is a fact that a 15" diameter pipe would not move water up and down the coast any better.
- (4) The proposed project is covered by the CDP used for the Crystal Springs project -- if this were true CCWD would not be requesting two (2) additional CDPs.
- (5) MTBE emergency -- The day after the HMB City Council did not approve a CDP for Phase 1, CCWD held a press conference stating that there was a MTBE emergency in 2 Montara wells which has since been determined that no such emergency exists.

Please do not delay determination of Substantial Issue. The residents of the Coastal Zone are depending on the Coastal Commission to expose and reject CCWD's fraud and protect our coastal resources from the massive overdevelopment that this growth inducing piecemeal expansion would create. Please also be advised that the first of three Real Estate/Developer organization meetings requested by Mr. Rathborne of CCWD will be tomorrow where he will solicit support via letters. Sincerely,
to the Coastal Commission.

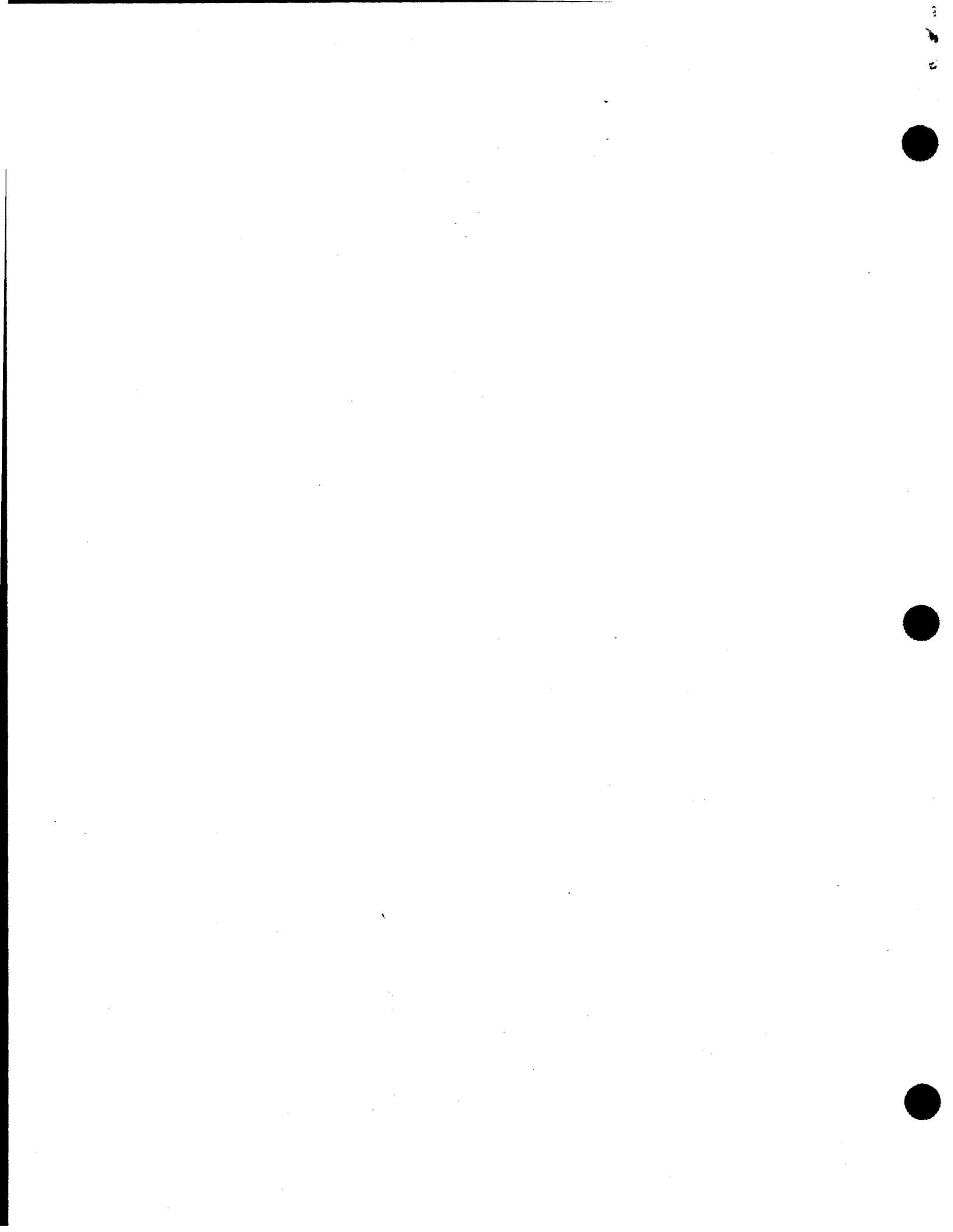
Barbara K. Mauz

Barbara K. Mauz

P.O. Box 1284

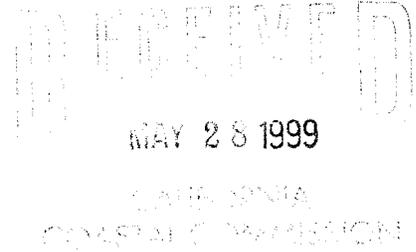
El Granada, CA 94018 (650) 726-4013

cc: Robert Merrill, District Manager
Jack Liebster, Staff Analyst
Richard Gordon, Supervisor - San Mateo County



Eva Raczkowski Coleman
231 Spruce Street
Half Moon Bay, CA 94019-1834
eva@hax.com
650/726-0204

27 May 1999



Mr. Bill Van Beckum, Coastal Planner
and
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-5200

Subject: Appeal of Permit Number A-1-HMB-99-020

Dear Mr. Van Beckum and Commissioners:

I respectfully request that you require the Coastside County Water District (CCWD) to fully comply with the letter and intent of the law by rejecting their attempt to acquire a Coastal Development Permit to permit them to fulfill their desire to significantly expand capacity on the San Mateo County coastside. CCWD has called the project a "replacement" project, but it is, in reality, an incremental portion of a major expansion effort.

CCWD's desire is to expand water service to Half Moon Bay and the San Mateo County coastside beyond buildout requirements, and to do so without providing an adequate Environmental Impact Report (EIR) for either the entire project or this particular portion of the project. CCWD is apparently attempting to subvert the important public purposes of CEQA and the local coastal programs by urging that the Coastal Commission issue a coastal development permit (CDP) on the basis that CCWD has the desire to expand their capacity. CCWD apparently does not want to meet the requirements of CEQA and refuses to comply with the LCPs of the local areas affected. As you know, CCWD's desires should be irrelevant to issuance of a CDP for a greatly expanded pipeline. If CCWD needs to fix existing pipes, that is, to replace them (see the title of their project), then CCWD needs to create a true replacement project, not an expansion project. CCWD should not be permitted to expand the water capacity of the San Mateo County coastside at the ratepayers' expense simply because of their desire to expand their kingdom.

Specifically:

1. You will hear from CCWD that they should be given the CDP for a capacity 2.6 times greater than the current pipe because they are simply trying to meet buildout requirements. First, the City of Half Moon Bay has been working on a revision of its General Plan for eighteen months, to be finished within six months, with the result of significant reduction in buildout targets. Second, the Half Moon Bay City Council has already directed staff to reduce immediately buildout by 2,500 houses, out of the current 4,000 houses. Third, CCWD, based on the LCP, is expected and required to coordinate its expansion plans with the affected jurisdiction, in this case the City of Half Moon Bay. CCWD has been aware, for the entire period of its project planning effort, and continues to be fully aware of the actions by the City and CCWD's own responsibilities regarding the CDP. CCWD has chosen to ignore its responsibilities, to ignore

the City's actions, and to violate the LCP by actively avoiding coordinating its expansion plans with the City of Half Moon Bay. To verify these points, please see 1. the minutes and tapes of Half Moon Bay City Council meetings on January 20, 1998 and October 6, 1998 where CCWD met with the Half Moon Bay City Council and did not respond to its information requests, 2. the February 2, 1999 minutes and tape of the Half Moon Bay City Council meeting where the City Council directed staff to reduce the build out by 2,500 houses, 3. the minutes and tape of the Half Moon Bay City Council meeting of March 2, 1999 when the City Council voted 2 to 2 regarding CCWD's CDP request, 4. the letter dated July 9, 1998 that the City of Half Moon Bay sent to CCWD regarding CCWD's refusal to comply with the EIR request by the City, and 5. CCWD's letter responding to their two prior meetings with the Half Moon Bay City Council in which CCWD documented its new requirements to ever meet with the City of Half Moon Bay again, contained in CCWD's Agenda Packet dated October 13, 1998. The documentation shows CCWD to be a public agency that is out of control and arrogantly riding roughshod over the public's concerns and its own legal responsibilities.

2. You will hear from CCWD that they require the 2.6 times greater capacity to fix leaks in the current pipes. It is beyond reason to believe that a 2.6 expansion is needed to simply fix leaks. Fixes require replacements or patches. While it is true that engineers tend to fix existing problems with patches or with expansions, an expansion of this magnitude is simply throwing away ratepayers' money. If the pipes do indeed leak, which is highly questionable based on CCWD's own 1997 Water Supply Evaluation Report dated March, 1998, then a 12-inch pipe should be adequate to meet the needs for a fix, or a simple 10-inch replacement should be used.
3. You will hear from CCWD that they require 2.6 times greater capacity because of a sudden "emergency" created by another water provider's discovery of MTBE in two wells which that provider has since shut down. First, this supposed "emergency" played no role in the project plans as submitted, so it is spurious, deceptive and an after-the-fact scare tactic to justify the project. Second, the project, as planned, will take years to complete and thus cannot reasonably be considered to be a response to an immediate "emergency." If there is indeed an emergency, then immediate corrections are needed by the utility in question. Citizens' Utilities, the utility in question, took immediate action by shutting down the offending wells and finding replacement water supply. Thus, no actual "emergency" exists for CCWD to correct. In addition, the Montara Sanitary District is capable of dealing with the current emergency without resorting to CCWD's tactics or "help."
4. You will hear from CCWD that this 2.6 times expansion project is not part of, nor an increment of, a larger expansion effort involving new or expanded dams, new wells, and a new, expanded treatment plant. This is a bold-faced lie, revealed by examining CCWD's own reports that were transmitted to the City of Half Moon Bay on March 26, 1998 by Robert Rathborne, CCWD's General Manager. The reports include CCWD's resolution number 853, a report entitled Phase II of Lower Pilarcitos Creek Groundwater Investigation, Half Moon Bay, California by Eugene A. Nelson, Engineering Geologist, and a report titled Offstream Reservoir Siting and Conceptual Design Study by Eugene A. Nelson, Engineering Geologist, dated October 8, 1997. As you know, it is at best disingenuous for a public agency to disclaim any knowledge of the information it itself has prepared with ratepayers' money.
5. You will hear from CCWD that they require 2.6 times greater capacity but that the expanded pipe will not be filled with water. The question that raises is why the pipe needs to be 2.6 times greater if its capacity is not going to be used. Why on earth would CCWD use ratepayers' monies to not service ratepayers?
6. You will hear from CCWD, albeit in an almost indecipherable way, that the portion of pipe in Half Moon Bay that is the subject of this appeal is not an increment of a larger project to expand

- the entire water capacity of their service area by 2.6 times, but is an independent project. But, CCWD itself is concurrently attempting to get a CDP from the San Mateo County Board of Supervisors (likely to be appealed from a denial by the San Mateo County Planning Commission on May 26, 1997) for yet another portion of the same expanded pipeline that lies outside the City of Half Moon Bay and is in the adjacent unincorporated portion of the coastside. Why should CCWD be awarded CDPs for pieces of a single project whose entire scope CCWD has not yet revealed to the public, and whose impact has not been adequately studied?
7. You will hear from CCWD that there is no impact on current ratepayers of this 2.6 expansion of the water pipeline because CCWD's capital budget is large enough to avoid an increase in rates. This point raises the obvious question of where the money for the capital budget came from if not from the ratepayers? If CCWD is overcharging ratepayers to meet its own desires for expansion of its kingdom, then those charges should be reduced or the money should be used for proper maintenance, not for unneeded, unwarranted and destructive expansion efforts.
 8. You will hear indirectly from CCWD that the 2.6 times expansion of the water pipeline is necessary to meet fire safety requirements of the San Mateo County coastside. The Fire Chief, Ron Delgado, has stated clearly and on the record at a public meeting of the Midcoast Community Council, that, from a water perspective, the Fire District meets the fire safety codes. He iterated this statement to the San Mateo County Grand Jury when he testified to them in 1998. There is no record anywhere of violations of the fire safety code and there is no record by CCWD of fire safety requirements spurring their desired expansion. Instead, CCWD makes only insinuations. Again, CCWD is apparently attempting to use after-the-fact scare tactics that are demonstrably untrue to justify its ill-considered plans.
 9. You will hear from CCWD that the Half Moon Bay City Council approved the CDP for this 2.6 times expansion. The fact is that the City Council voted "de novo" 2 to 2 regarding the award of a Coastal Development Permit to CCWD. The decision to interpret this vote as an award of a CDP to CCWD was made by the City's legal counsel, not by the City Council itself. Legal counsel made this questionable "legal" judgment with the apparent purpose of deflecting lawsuits away from the City toward you, the California Coastal Commission, because the City of Half Moon Bay, as a very small city, cannot afford to defend lawsuits.
 10. You will hear from CCWD that the San Mateo County Board of Supervisors is likely to approve the 2.6 times expansion for the portion of the pipeline planned for the unincorporated area adjacent to Half Moon Bay and that, therefore, the Coastal Commission should approve a CDP for the Half Moon Bay portion of the pipeline. This again is a spurious claim for two reasons. One is because CCWD is using the reverse of the selfsame argument with the San Mateo County Board of Supervisor by saying that the County should grant them a CDP for the portion in the unincorporated areas on the basis that the Coastal Commission is likely to grant CCWD a CDP for the Half Moon Bay portion of the pipeline. Second, this argument directly contradicts CCWD's own statements that each portion of the pipeline is not an incremental portion of a larger project.
 11. You will hear from CCWD that the 2.6 times expansion project can get an EIR, after the fact, when additional water is added to the expanded pipe at some unknown time in the future. As far as the City, County and Coastal Commission can be certain, the instant CDP is the last chance that will arise for review of the environmental consequences of this major infrastructure expansion project. Relative to LCP requirements, CCWD's "initial study" was cursory and focused on CCWD's agenda, not the Coastal Act, LCP requirements, or CEQA.

Why should CCWD, a public agency, be supported in its attempts at kingdom-building by being granted unjustified expansion at the public's expense measured both in ratepayers' dollars and in

further degradation and destruction of the coastal zone in San Mateo County? As you know, conformance of a project with the Coastal Act necessarily implies understanding what the project consists of in its entirety. Because CCWD called this project a "replacement" instead of an expansion, CCWD is attempting to lull the Commission into approving the project under false pretenses. This expansion is not justified by CCWD's inadequate studies in which they knowingly and repeatedly use unimaginable and misleading buildout numbers.

I respectfully request that you deny CCWD this Coastal Development Permit and recommend to CCWD that it resubmit a permit application for a 10-inch pipeline maintenance replacement project and, as an alternative, a 12-inch pipeline expansion and replacement project, if indeed maintenance of the pipeline is required. Should you want to discuss this issue further, please feel free to contact me.

Sincerely yours,

Don R. Coleman

LAURA STEIN
MEMBER, BOARD OF DIRECTORS
MIDCOAST COMMUNITY COUNCIL
P.O. BOX 246
EL GRANADA, CA 94018

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CALIFORNIA
COASTAL COMMISSION

June 2, 1999

Bill Van Beckum
Coastal Planner
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, Ca 94105-2219

Re: Permit Number A-1-HMB-99-020
Coastside County Water District/Carol Cupp
Hearing Date: June 7, 1999
Item No: M 18a

Dear Mr. Van Beckum:

The neighbors to the north of Half Moon Bay, known as the Midcoast Community, do not live under the LCP governing the current deliberations regarding the above named appeal. We must abide by the San Mateo County LCP. However, both Half Moon Bay's LCP and San Mateo County's LCP are relevant to the proposed CCWD project/pipeline since it will be extending from Half Moon Bay through the Midcoast.

I would like to inform the Coastal Commission that on May 26, 1999, the San Mateo County Planning Commission denied Coastside County Water District's request for a Coastal Development Permit for a portion of this same project which would extend into the eastern half of El Granada. (See attachment)

For clarification, the Midcoast Community Council is an elected advisory body, to the San Mateo County Board of Supervisors, representing the coastal zone.

Sincerely,



Laura Stein
Member, Board of Directors
Midcoast Community Council

Environmental Services Agency



Planning and Building Division

County of San Mateo

Mail Drop PLN122 · 455 County Center · 2nd Floor · Redwood City
California 94063 · Telephone 650/363-4161 · Fax 650/363-4849

Board of Supervisors

Rose Jacobs Gibson
Richard S. Gordon
Mary Griffin
Jerry Hill
Michael D. Nevin

**Director of
Environmental Services**
Paul M. Koenig

Planning Administrator
Terry L. Burnes

Please reply to:

**Michael Schaller
(650) 363-1849**

May 27, 1999

Mr. Robert Rathborne
Coastside County Water District
766 Main Street
Half Moon Bay, CA 94019

**Subject: Request For: PLN 1999-00192.
Eastern Half of El Granada**

On May 26, 1999, the San Mateo County Planning Commission considered your request of a Coastal Development Permit pursuant to Sections 6328.4 of the County Zoning Regulations to replace an existing 10 inch water transmission pipeline. This project is appealable to the California Coastal Commission.

Absent three votes to approve the application, this project is deemed denied.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on June 9, 1999.**

This item is also appealable to the California Coastal Commission. An additional Coastal Commission ten (10) working day appeal period will begin after the County appeal period ends. The County and Coastal Commission appeal periods run consecutively, not concurrently, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

Very truly yours,

Tiare Pena
Planning Commission Secretary
pcd0526j.5tp