

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904-5400

RECORD PACKET COPY**F 4a**

Filed:	<i>ck</i> November 10, 1999
Opened & Continued:	December 10, 1999
49 th Day:	December 29, 1999
Staff:	Jack Liebster
Staff Report:	January 26, 2000
Hearing Date:	February 18, 2000
Commission Action:	

STAFF REPORT: APPEAL**SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT:	County of San Mateo
LOCAL DECISION:	Approved with conditions
APPEAL NUMBER:	A-2-SMC-99-63
APPLICANT:	COASTSIDE COUNTY WATER DISTRICT
PROJECT LOCATION:	Unincorporated El Granada, San Mateo County, from San Clemente Road south along Columbus Street, Moro Ave., Ventura Ave., and terminating at Santiago Ave.
PROJECT DESCRIPTION:	Replacement of 3,200 lineal feet of an existing 10-inch welded steel water transmission line with a 16-inch ductile iron water line (El Granada Pipeline Replacement Project), to be constructed predominantly in County street right-of-ways between San Clemente Road and Santiago Ave.
APPELLANTS:	Coastal Commissioners Mike Reilly and Christina Dessler; Ric Lohman
SUBSTANTIVE FILE DOCUMENTS:	San Mateo County CDP PLN1999-192; San Mateo County 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 February meeting that a substantial issue exists regarding project conformance with policies of the County of San Mateo 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 appellants contend the project as approved raises issues concerning the LCP's provisions:

- (a) for determining the capacity of the pipeline, for selecting the water usage data and other engineering assumptions used in the pipeline's design, and for complying with the LCP's monitoring requirements (Land Use Plan (LUP) Policies 2.6, 2.7, 2.9, 2.11, 2.12, 2.25, 2.26, 2.27, and 2.36)),
- (b) requiring that expansion of the pipeline be phased in accordance with highway capacity or other public works considerations (Policies 2.12(c)(2) and 2.27(c)(2)),
- (c) for coordination with the City of Half Moon Bay's certified Local Coastal Program (LUP Policy 2.13),
- (d) requiring coordinated review of public works (Policy 2.5),
- (e) and (f) limiting inappropriate extension of public services or inappropriately burdening land with indebtedness for such services (Policies 2.37 and 2.27).

Additionally, the Lohman appeal contends the County's approval fails to reserve capacity in the project for the Citizens Utility Company service area (section D2).

The Commission staff analysis indicates that the project, as approved by the County, raises a substantial issue with respect to appellant contentions (a) through (f) above.

Staff suggests that a de novo hearing for the project be scheduled to coincide with the de novo Commission hearing conducted for a related Coastside County Water District (CCWD) pipeline repair project in the City of Half Moon Bay, A-1-HMB-99-20, for a section of the same water transmission system. The Half Moon Bay component was appealed to the Commission, and on July 15, 1999, the Commission determined that the project raised a substantial issue.

In correspondence submitted by CCWD (**Exhibit 5**), the applicant asks the Commission to find substantial issue with the subject CDP, and to subsequently work with the District to resolve the issues involved.

The **motion** to adopt the Staff Recommendation of Substantial Issue is found on **page 4**.

STAFF NOTES:

1. Appeal Process.

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

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

The 3,200-foot portion of the project now before the Commission as well as the entire 3.5 mile-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 approximately \$560,000 (CCWD G.M., pers. comm.).

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.

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

2. Filing of Appeal.

The appellants filed an appeal to the Commission in a timely manner on November 10, 1999, within ten working days of receipt by the Commission of a complete notice of final local action on October 27, 1999. On November 12, 1999, the Commission sent notice of the appeal to the Coastsides County Water District and to the County of San Mateo. 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 November 12, 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 December 10, 1999 meeting the Commission opened and continued the hearing. Subsequently, all of the remaining file materials were transmitted to the Commission.

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:

MOTION: I move that the Commission determine that Appeal No. A-2-SMC-99-63 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

STAFF RECOMMENDATION:

Staff recommends a NO vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-2-SMC-99-63 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. APPELLANT'S CONTENTIONS.

The Commission received appeals by Commissioners Mike Reilly and Christina Desser, and from Ric Lohman of the County of San Mateo decision to approve the Coastsides County Water District (CCWD) water transmission line project with conditions. The project as approved consists of the replacement of 3,200 lineal feet of an existing 10-inch welded steel water line with a 16-inch ductile iron water line to be constructed in the unincorporated area of El Granada, San Mateo County, from San Clemente Road south along Columbus Street, Moro Ave., Ventura Ave., and terminating at Santiago Ave.

The appellants' contentions are summarized below, and the full texts of the contentions are included as Exhibits 8 and 9. The appellants contend that the development as approved by the County is inconsistent with the certified LCP. The contentions involve inconsistencies with LUP Public Works policies contained in LUP Chapter 2.

The appellants contend the project as approved raises issues concerning the following LUP policies:

- (a) Policies 2.6, 2.7, 2.9, 2.11, 2.12, 2.25, 2.26, 2.27, and 2.36 which prescribe how the capacity of the pipeline shall be determined, define the water usage data and other engineering assumptions to be used in the pipeline's design, and specify monitoring that was to be done prior to proposed major water supply expansions,
- (b) Policies 2.12(c)(2) and 2.27(c)(2), requiring that expansion of the pipeline be phased in accordance with highway capacity or other public works considerations
- (c) Policy 2.13 for coordination with the City of Half Moon Bay's certified LCP,
- (d) Policy 2.5 requiring coordinated review of public works,
- (e) and (f) Policies 2.37 and 2.27 limiting inappropriate extension of public services or inappropriately burdening land with indebtedness for such services.

B. LOCAL GOVERNMENT ACTION

On May 26, 1999, the County of San Mateo Planning Commission on a 2 to 1 vote denied Coastal Development Permit PLN 1999-00192 for the proposed CCWD pipeline project in El Granada. The project consists of replacement of 3,200 lineal feet of an existing 10-inch welded steel water line with a 16-inch ductile iron water line to be constructed in the unincorporated area of El Granada, from San Clemente Road south along Columbus Street, Moro Ave., and Ventura Ave., and terminating at Santiago Ave.

The Planning Commission denial was appealed to the Board of Supervisors by CCWD, and was brought

before the Board on August 3, 1999. At that hearing, the Board decided to have an independent engineering review of the sizing and other calculations for the project performed prior to a decision. The analysis, prepared by the firm of Brian, Kangas, Foulk (BKF) was presented to the Board, which then approved the CDP for the project at its October 19, 1999 hearing.

The County's Notice of Final Action was received by the Commission on October 27, 1999. The appellants then filed appeals to the Commission in a timely manner, on November 10, 1999, within the ten-working day appeal period.

C. PROJECT SETTING AND DESCRIPTION.

1. Site Description.

The Coastside County Water District (CCWD) project that is the subject of Appeal A-2-SMC-99-63 extends from Santiago Street just north of the "Mirada Surf" proposed development site, and extends 3,200 feet north along the existing pipeline alignment through El Granada within street rights of way. It terminates at the existing El Granada Storage Tank No.1 off San Clemente Road approximately 1.3 miles north of the Half Moon Bay city limits (Please see **Exhibit 2.**) The project area is predominantly characterized by single-family homes and several vacant lots. Where the pipeline turns from Moro Ave. onto Columbus Street, it crosses an open grassy area known as Plaza Cabrillo. This area contains several Eucalyptus trees and some footpaths.

2. Project Description.

According to the County's approval, CCWD proposes to replace 3,200 lineal feet of an existing 10-inch welded steel water transmission line with a 16-inch ductile iron water line. The new pipeline would be installed in a 3-foot-deep trench next to the old pipeline. When the new pipeline is tested and sanitized, and the existing distribution pipeline connections and individual connections are connected to it, the old pipeline would be taken out of service, sealed and abandoned in place.

The project is one 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.** Presumably, a future segment of the replacement piping would connect to the south end of the current project to the proposed Casa del Mar Replacement Project, which, after a finding of Substantial Issue, is awaiting a de novo hearing before the Commission. Another segment of new pipeline would in the future run south to terminate approximately 900 feet northeast of the Highway One and Highway 92 intersection in the City of Half Moon Bay. The specific sequence or timetable of phasing for the other replacement sections was not discussed in the County's approval and is not known.

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 the west. The service area boundaries for the less extensive service area of the El Granada Pipeline are shown in **Exhibit 3** (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.

CCWD's appeal to the Board of Supervisors summarizes their purpose for the project:

The Project is important because the transmission water pipeline is 50 years old and is approaching the end of its useful life. Furthermore, the existing 10-inch pipeline is at or near its maximum transmission capacity during peak periods and there is a need to replace the existing pipeline with one with more capacity in order to meet peak day demand of existing customers, customers who hold Phase I non-priority connections that are not hooked up to the system, and future Phase I priority connections that have yet to be distributed (there are approximately 800 non-priority water service connections assigned to undeveloped properties throughout the District; approximately 400 are in the Miramar and El Granada area). Because the El Granada Pipeline is the sole transmission pipeline that provides water from the Nunes Water Treatment Plant to the northern portion of the District, it is essential for the health and safety of the District's customers that the new pipeline has the capacity (1) to meet existing demand and increased demand authorized by the County LCP, (2) to maintain the District's water storage tanks at a sufficient level, and (3) to provide an adequate water supply for fire fighting purposes. The proposed 16-inch pipeline meets, but does not exceed, these objectives.

The appealed replacement of the El Grenada segment of the pipeline by itself would not accomplish the described project purposes because the proposed segment would still be constricted by the other parts of the existing pipeline. The enlarged segment as approved, however, would 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 Chapter 2 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 (D.1.a-f below) a substantial issue exists with regard to the project's conformance with the certified San Mateo County LCP. As further discussed below, the Commission finds that certain other allegations (D.2 below) are not valid grounds for appeal.

Allegations Raising Substantial Issue.

a. Capacity, Phasing and Monitoring of Public Works Facilities

The appellants contend that the County's approval did not demonstrate that the approval meets provisions relating to increases in water supply and public facilities capacity contained in LUP Policies 2.6, 2.7, 2.9, 2.11, 2.12, 2.25, 2.27, and 2.36.

Linking the expansion and phasing of public works to the permitted land uses is a crucial underlying principal of the San Mateo County LCP. The LUP's background text (pg. 2.1) succinctly states the issue: "...excessive public works capacities can encourage the urbanization of rural areas, undermining the Coastal Act's protection of coastal resources."

The LCP contains several policies to correlate public facilities to land use, including the following cited by the appellants.

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.

2.7 Phased Development of Public Works Facilities

Require the phased development of public works facilities in order to insure that permitted public works capacities are limited to serving needs generated by development which is consistent with the Local Coastal Program policies.

2.9 Phase I Capacity Limits

Base the first phase capacity of public works facilities on documentable and short-term need (approximately 20 years or less) consistent with the Local Coastal Program. Monitor the needs of existing land uses and use these results and the existing and probable future capacity of related public works and services to document the need.

2.11 Monitoring of Phase I

- a. *Require that public agencies, utilities or special districts monitor the needs of land uses for public works capacity during Phase I.*

2.12 (and 2.27) Timing and Capacity of Later Phases

- a. *Use the results of Phase I monitoring to determine the timing and capacity of later phase(s)...*

2.25 Phase I Capacity Limits

Require that Phase I capacity not exceed the water supply which: (1) serves the development which can be sewered by the Phase 1 2.0 mgd adwf sewer capacity allocated for Mid-Coast areas within the urban boundary and (2) meets the documented needs of floriculturalists within the existing Coastside County Water District Service Area. Use recent data on the amount of water consumed by land use to determine the actual water supply capacity allowed.*

[*Adwf: average dry weather flow]

2.26 Monitoring of Phase I

Require that the water service providers, presently Coastsides County Water District (CCWD) and the Citizens Utilities Company (CUC), monitor: (1) the actual amount of water consumption by land use, and (2) the rate of growth of new development. Require them to submit an annual data report to the County summarizing the results of this monitoring.

2.36 Findings

Require, as a condition of permit approval for any facilities to increase water supply, that the following findings are made: (1) the addition of this water supply facility is consistent with the Capacity Limits and Allocations of this Component, (2) storage is adequate to insure that sufficient emergency supply is available and any additional development allowed because of this increase in water supply will be served during dry summer months, (3) the development of this facility minimizes energy consumption and (4) the siting of this facility is consistent with LCP policies.

LUP policies 2.6, 2.7, 2.12, and 2.36(1) limit the expansion of facility capacity to phases that are not to exceed needs generated by LCP-permitted land use, and require that phased expansion be limited based upon monitoring of demand during Phase 1. The appellants contend that the project as approved raises issues with regard to these policies. The Lohman appeal states:

In CCWD's calculations for sizing of the replacement pipeline (Appendix C of the Revised Environmental Study), the number used for peak day usage at buildout for Half Moon Bay and the MidCoast is 3,331 gallons per minute (gpm). However in the latest CCWD Water Supply Evaluation Report (March, 1998: PG. 11-3) the current overall system transmission capability, even in drought conditions, is 3,383 gpm...

The Crystal Springs Pipeline Project, 1982, fEIR [final Environmental Impact Report] in its discussion of pipe sizes and relative capacities, with "friction losses" considered, gives the following pipe sizes and maximum capacities:

10"	pipe yields	4.8 mgd (3,333 gpm)
12"	" "	7.1 mgd (4,930 gpm)
14"	" "	9.5 mgd (6,597 gpm)

What is the actual full potential capacity of this 16-inch pipeline--not only with gravity flow but with pumps? Neither the negative declaration nor the engineering review required by the County gave this figure. The County placed no restrictions or conditions on CCWD with regard to future infrastructure limitations on this expansion...

Appellant Lohman also contends the expanded facility could be operated to deliver a greater amount of water than that represented in the materials supporting the project as approved:

An important consideration is that the replacement of the Frenchmans Creek pump with a newer, higher capacity unit at a later date would allow greater amounts of water to be moved through the system if the 16-inch pipeline is installed....

Mr. Lohman questions other factors related to determining the actual capacity of the approved project:

Further, CCWD cites a very low leakage rate (about 6%) in its latest Water Supply Evaluation report (March, 1998). This would be expected to improve considerably if the existing pipe were replaced. The County LCP allows for a 15% leakage loss in its numbers for Phase 1 (see LCP table 2.10) and buildout capacity: the numbers used by CCWD are already over-factoring supply by about 10%.

Mr. Lohman also questions whether the water service demands utilized in the project as approved are still appropriate:

Additionally, the LCP tables used by CCWD have not changed since the adoption of the LCP in 1980, yet the LCP requires annual monitoring of current public works needs and projection of future service demands (Policy 2.9). Since the LCP was adopted, water conserving appliances, fixtures, and irrigation systems have become the norm in new construction and remodels. How has this affected water service demand? Are the old capacity calculations still valid?

The appellants additionally question whether the LCP's explicit requirements to monitor use during Phase 1 (Policies 2.9, 2.11a, 2.12a), and apply that updated data to the design of new facilities (Policies 2.25: *...Use recent data on the amount of water consumed by land use to determine the actual water supply capacity allowed*) were complied with. With regard to Policy 2.9's requirement to *"monitor the needs of existing land uses and use these results and the existing and probable future capacity of related public works and services to document the need,"* Mr. Lohman states, for example:

CCWD determined that meeting these requirements is not necessary: "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 areas are approximately the same as those for residential usage: 37% City and 63% County ... 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. " (El Granada Transmission Pipeline Replacement Study, Engineering Master Plan. p.4-5)

San Mateo County did not question CCWD's determination of its need to adhere to this policy or its basic commercial assumptions.

Analysis

The assumptions and usage projections used to size the pipeline are critical factors for determining whether the capacity of the proposed waterline would exceed that needed under Phase 1 and buildout of the LUP. As discussed below, the Commission finds that questions concerning the capacity of the pipeline as approved, the appropriateness of the water usage data and other engineering assumptions used in its design, and compliance with the LCP's monitoring requirements raise a substantial issue regarding the project's conformance with LUP Policies 2.6, 2.7, 2.9, 2.11, 2.12, 2.25, 2.26, 2.27, and 2.36.

Policy 2.7 requires development of public works facilities be phased in order to insure that capacities are limited to serving needs generated by development which is consistent with the Local Coastal Program policies. Policy 2.6 caps that ultimate capacity at that needed to serve build out of the LCP. Policy 2.36 requires a specific finding that any facility to increase water supply is consistent with the LCP's capacity limits and allocations. Determining how large a diameter of pipeline may be installed to insure that capacity is consistent with these LCP policies is a complicated process involving the consideration of a number of different factors, particularly the amount of water needed by each different type of land use. As the LUP Background study notes (pg.2.8): "changes in household size, work hours, water consumption all could influence demand..." That is why LUP Policy 2.11(a) requires special districts such as CCWD to monitor the needs of land uses, and Policy 2.12(a) requires the use of the results in the design of new facilities.

In this case, there is a question about whether these policies were complied with in the County's approval. The County's approval addressed the question of the 16-inch size of the pipeline by obtaining an independent engineering analysis conducted by the Brian Kangas Foulk engineering firm. Table 1 (Exhibit 6) of that study however, does not present data from the monitoring required by Policies 2.11 and 2.12, but instead relies upon data from the "1990" County LCP. In reality the "1990" data is simply a re-issue of the information in the original LCP that was developed prior to 1979. The notes to Table 1 do show some new information: while the number of connections in CCWD increased 22% from 1990 to 1996, the total water usage increased only 16%, indicating that water use per unit may be declining, rather than the steady increase assumed in the original LCP water projections. This underscores the importance of complying with policies 2.11 and 2.12 prior to designing the capacity of the facility.

Moreover, the Commission in its substantial issue determination on the Half Moon Bay part of the CCWD pipeline project (A-1-HMB-99-20), found that the "93 to 134 gallons per day per capita" water usage figure used to size the pipe as approved (a figure derived from the original San Mateo County LCP) "could be out-of-date and not representative of current usage patterns."

Other points raised by the appellants also raise significant questions about capacity calculations consistent with the certified LCP. The LCP's original water projections assume 15% of capacity will be lost to leakage. The District reports actual leakage is less, approximately 6%, and may be reduced further. If that water is actually being used for service, then a greater amount of water is being made available for development than contemplated by the LCP. The potential ability to add capacity to the water distribution system by increased pumping also raises a question of whether the project as approved complies with the LCP's capacity limit policies. (The Commission also found this to be an issue in its action on the Half Moon Bay part of the CCWD pipeline (A-1-HMB-99-20).

One other element of the County's approval raises a question of consistency with the LCP's capacity limits. The County staff report recommending approval of the project states that the County's independent analysis:

“concluded that, for the section the current application covers, a 12-inch diameter line would be adequate for local distribution purposes under normal operating conditions, however, a 16-inch diameter line is recommended as prudent engineering practice to provide operational flexibility for the system as a whole.”

However, in approving a 16-inch diameter pipeline to provide such flexibility, the resultant capacity may exceed the capacity limits required by LUP Policies 2.6, 2.9 and 2.36. A substantial issue is raised because the County's approval of the project did not include findings to support how the decisions made about the amount of additional capacity needed for contingency purposes result in a design capacity for the pipeline that is consistent with the limits prescribed by LUP Policies 2.6, 2.9 and 2.36. The Commission finds that a de novo review of the project is the appropriate mechanism for the Commission to consider the appropriate means to accommodate flexibility and contingencies consistent with the policies of the LCP.

As discussed above, questions concerning the capacity of the pipeline as approved, the appropriateness of the water usage data and other engineering assumptions used in its design, and compliance with the LCP's monitoring requirements raise a substantial issue regarding the project's conformance with LUP Policies 2.6, 2.7, 2.9, 2.11, 2.12, 2.25, 2.26, 2.27, and 2.36.

b. Timing of Public Works Projects

The appellants contend that the County's approval included no evidence that the approval meets LUP Policies 2.12(c)(2) and 2.27(c)(2) (an identical policy specifically applied to Mid-Coast water supply) which require proposed capacity expansions to consider “whether capacity increases would overburden the existing and probable future capacity of other public works” of other public works facilities and services.

The text of the two identical LUP Policies follows in its entirety, with the pertinent section highlighted:

2.12 and 2.27 Timing and Capacity of Later Phases

- a. *Use the results of Phase I monitoring to determine the timing and capacity of later phase(s).*
- b. *Guide timing by allowing later phase(s) to begin when Phase I capacity has been or will be consumed within the time period required to construct additional capacity.*
- 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. [emphasis added]*
- d. *Require every phase to go through the development review process.*

The appellants state that the County's approval included no evidence that approval of the expanded water supply pipeline meets LCP provisions that the County considered other public works capacities, which, according to the appellants, are already overburdened, and would be further burdened by the project as approved.

According to appellant Lohman, the proposed 16"-diameter pipeline raises an issue under LUP Policies' 2.12(c)(2) and 2.27(c)(2) 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 supported by other community infrastructure (Exhibit 8, pgs. 4, 5):

Currently other public works do not meet the community infrastructure requirements. The sewage transmission pipeline from El Granada north is undersized and cannot adequately transmit wet weather sewage flow to the new sewer plant. Solutions are being investigated, but no plan or timeline for improvements has been established. Highways 92 and 1 are at CalTrans level F service for peak commute hours in Half Moon Bay and Pacifica; additional commuters from the Midcoast will only make the problem worse. Please refer to the "Summary of Recent Countywide Traffic Analysis" submitted with the appeal of the southerly HMB section. Schools use portable classrooms and have insufficient area per student as determined by State requirements...

There is no discussion as to how this facility, which has the capacity to deliver 4.5 times the current water supply, is consistent with LCP Policy 2.27(c). This question has been repeatedly raised during public testimony at each CCWD, HMB and San Mateo County public hearing on either portion of this pipeline.

Analysis

The LCP Background text states the concerns behind LCP Policy 2.27(c) well:

Building public works and facilities to serve buildout estimates can be a problem. Public money could be wasted on public facilities which are larger than what is required by the Local Coastal Plan. There is then the danger of creating pressure to allow more growth than the LCP permits in order to use this oversized public works' capacity.

In the short run, the major problem is that one public work, such as sewers, would build a great deal of new capacity encouraging growth which other public services and facilities, schools and roads, are not capable of handling. These public services and facilities would then be over burdened. The likelihood of some public facilities being much slower in development than others is high because of the differences in funding. Presently, schools and transportation facilities like roads and transit have much more limited funds for expansion than sewers, for example. (pg. 2.8-9)

As the appellants contend, the County's approval did not include any discussion of whether the project meets LUP Policies 2.12(c)(2) and 2.27(c)(2) requirements that expansion of the pipeline be phased in accordance with highway capacity or other public works considerations. Without such an analysis a substantial issue is raised because there is no indication that the County reviewed the project against Policies 2.12(c)(2) and 2.27(c)(2) requirements that the potential for overburdening other public works, such as highways, be considered in establishing the project's capacity. (It should also be noted that the Commission found that the Half Moon Bay portion of the El Granada Pipeline (A-1-HMB-99-20) raised a substantial issue with a similar provision of the Half Moon Bay LCP).

c. Coordination with the City of Half Moon Bay

Appellants Desser and Reilly contend the approval raises the issue of conformity with the coordination requirements of LUP Policy 2.13, which requires consideration of the City of Half Moon Bay's LCP when determining public works capacity:

2.13 Coordination with the City of Half Moon Bay

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.

The appellants contend this portion of the CCWD pipeline project is intrinsically related to the portion of the CCWD pipeline proposed in the City of Half Moon Bay. The project is a major public works project affecting the ability of both the County and the City to carry out the policies of their

LCPs. They state the Commission determined the Half Moon Bay project raised substantial issue with the City's certified LCP.

Analysis

The portion of the proposed El Grenada Pipeline that is the subject of this appeal, and the portion in Half Moon Bay (known as Casa Del Mar project) that is the subject of Appeal A-1-HMB-99-20, are both part of one and the same pipeline project. The Initial Study that supported the County's approval describes the full project and states the project "will be completed in phases over the next 3 to 5 years. The first phase... is the Casa Del Mar Pipeline project." It goes on to describe seven sections, with the subject project identified as Section 7 (Exhibit 3). However, the County's approval does not address the coordination required by LUP Policy 2.13. Therefore the Commission finds a substantial issue exists with regard to the approved project's conformity with Policy 2.13. The Commission notes that this issue will be addressed when the Commission considers both pieces of the project, along with the other related elements, in a de novo hearing.

d. Review of Public Works Projects

Mr. Lohman contends that the project was considered in a piecemeal fashion, without addressing related developments by the District that could bear on service capacity and impact the implementation of the certified LCP:

This project was not presented to the County in its full relationship to other CCWD projects. There has been no comprehensive analysis including this and other projects in how they are related to growth patterns and infrastructure in the MidCoast and in Half Moon Bay.

The Moss Beach Highlands project EIR anticipates using a dual 12" water transmission pipeline from the north end of El Granada to the project site in Moss Beach. Review of the capability of this system by an engineer for the Montara Sanitary District demonstrated a potential of service to a population far in excess of the 400 or more people anticipated in it. Is the new transmission capacity of the 16" pipe related to the future service to the north of the existing district? There is no mention of this extended service in this project's application material.

The engineering review requested by the Board of Supervisors found "Should buildout occur as envisioned in the LCP, a parallel facility would be required" (Brian, Kangas, Falk (BFK): 10/4/99 p.1). The section under scrutiny for this CDP is only one part of the water system planned for buildout. The entire plan is not part of the record. Approval of a part of a plan without knowledge of the whole is piecemeal development. To be prudent decision makers the Board of Supervisors should have known the full plan before approving any one part of it. This CDP was granted in a piecemeal fashion contrary to the intent of the Coastal Act and the LCP. (Lohman Appeal, P.4-5)

Analysis

As discussed above, the San Mateo County LCP has many interrelated policies that attempt to assure that the planning and development of public works will serve the goals and objectives of the LCP. In support of those policies, Policy 2.5 gives the County a mechanism to be made aware of proposed public works projects in the early planning stages, and to review them for potential conformance to the LCP well before they are submitted as coastal development permit applications. Policy 2.5 provides:

2.5 Review of Public Works Projects

- a. *Require implementation in the Coastal Zone of Sections 65401, 65402 and 65403 of the Government Code which require all governmental bodies, including special districts, to submit to the Planning agency a list of the proposed public works recommended for planning or construction during the ensuing fiscal year. Require in the Coastal Zone that State agencies also fulfill this requirement. Require that the Planning Commission review these lists for conformance with the Local Coastal Program.*
- b. *Require that each governmental body in the Coastal Zone, including special districts and State agencies, prepare five (5) year Capital Improvement Programs as allowed by Section 65403 of the Government Code. Require that the Planning Commission review these Capital Improvement Programs for conformance with the Local Coastal Program.*

This process of reviewing Capital Improvement Programs and planned projects allows the County to take a comprehensive view of the interrelationship of planned public works and assess how cumulatively they may affect LCP objectives. In this way, Policy 2.5 parallels the Coastal Act's concern about piecemealing projects expressed in Section 30105.5:

"Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. [emphasis added]

There is a significant question about whether Policy 2.5's process for coordinating public works projects was followed in this case. Appellant Lohman states:

The County staff reports, May 26, 1999 and August 3, 1999, contain no copies of, excerpts from or even references to the existence of either of these required reports...According to oral testimony by Terry Burnes at the October 19, 1999 Board of Supervisors hearing, none have been filed since 1984!

The El Granada Pipeline Project is [also] not in compliance with LCP Policy 2.5(b) in three ways. First, the five-year capital improvement program for which this project was a part was never submitted by the District. Secondly, the budgets that were submitted were never reviewed as required by the policy. And third, if the budgets are viewed as a capital improvement program, they included only four years, rather than five as required, and did not identify this proposed project so there is no way to determine whether the project is indeed a capital improvement project or part of some other District program. Thus, the proposed project is not in compliance with Policy 2.5.b and should be denied a Coastal Development Permit on this basis alone.

The record of local action does indicate that the review by the Planning Commission did not occur as provided in Policy 2.5. In notes regarding this policy attached to the October 7, 1999 recommendation to the Board of Supervisors, the County Planning Administrator states:

On August 4 (the day after the BOS hearing), the CC WD submitted a copy of their Fiscal Year 2000 Capital Improvement Program and the 4-year Capital Improvement Program Outlook for Fiscal year 2001 through 2004. These are basically budgets. There is no explanation of what the projects are. The Planning Commission has historically reviewed capital improvements at the time construction is proposed through the Coastal Development Permit process or on appeal from the Zoning Hearing Officer. It should be noted that the LCP does not stipulate any consequences for failure to adhere to this policy, nor does it make a direct connection between this policy and the issuance of Coastal Development Permits.

Based upon the record, the County Planning Commission did not review the subject project along with other public works projects as part of an annual and 5-year Capital Improvement Plan for their conformance with the LCP. Therefore a substantial issue is raised with respect to Policy 2.5's requirements for coordinated review of public works.

e. Service Area Boundaries

Appellant Lohman contends the project as approved by the County was not consistent with Policy 2.37, which requires water service providers to delineate service areas and adjust fees to support implementation of the LCP's land use designations as a condition of expansion of water facilities. His appeal states:

No maps have been provided to evidence that this policy has ever been effected. San Mateo County replies that it cannot find the maps. CCWD maps do not reflect these changes.

Analysis

Policy 2.37 expresses another aspect of the LCP's strategy for assuring that public works be designed and managed to be coordinated, consistent with, and subservient to the goals of the Local Coastal Program. LCP Policy 2.37 provides:

2.37 Service Area Boundaries

As a condition of expansion of water facilities, require water service providers to:

- a. Revise district boundaries to include within those boundaries only those areas proposed for urban development by the LCP and rural areas within the existing Coastside County Water District Service Area which have existing water connections for floriculturalists.*
- b. Permit new connections to the water system only within district boundaries.*
- c. Divide the district into rural and urban zones.*
 - (1) Make the boundaries of the urban zone correspond to the urban boundary and the boundary of rural residential areas established by the LCP.*
 - (2) Allow water connections for all types of users within urban zone.*
 - (3) Designate the parts of the district outside the urban zone as the rural zone.*
 - (4) Permit new water connections to only floriculturalist and agriculture within the rural zone.*
 - (5) Establish user fees to cover the costs of water service in the rural zone. Relieve, where legally feasible, property owners within the rural zone who are not connected to the water system of indebtedness and transfer the debt to the urban zone and property owners provided with water service in the rural zone.*

Policy 2.37 is one of several policies in the LCP that are intended to assure that development inconsistent with the LCP is not facilitated by inappropriate extension of public services, or in fact induced by the burden of indebtedness related to such services. In reviewing the local record as submitted, there does not appear to be an evaluation by the County of the approved project's compliance with this policy, nor evidence that the District submitted materials to demonstrate how the project would conform to Policy 2.37. Therefore a substantial issue is raised regarding conformance with Policy 2.37 of the LCP.

f. Funding, Timing and Capacity of Later Phases

Mr. Lohman contends the County failed to comply with LCP Policy 2.12(c)(3) (repeated in 2.27(c)(3)) which requires that project capacity of later phases of a program consider availability of funds:

... there is a conspicuous absence of comments by the Planning Department regarding this policy vis a vis the proposed project. CCWD has been inconsistent regarding funding for this program by stating in the negative declaration that the project is part of capital improvement budgets but also stating to the Board of Supervisors during public meetings that the project would be funded with an assessment district. ...[The] program is impossible unless the expansion is paid for by providing entitlements for future development which would...further exacerbate the already serious capacity strain and health and safety problems on the San Mateo County coastside. The District has included the proposed project in its capital improvement budgets for the next four years which total \$18,000,000 The current number of residential units in the service area is approximately 6,000. This means that, to pay for the full program, each residential unit would need to pay \$3,000. The alternatives include either floating a bond or forming an assessment district. ... The assessment district would necessarily include parcels that are unbuildable for a variety of reasons and a bond issue would have no sound basis unless an excessive number of connections were promised and sold to generate future revenues. The Crystal Springs pipeline debt has not yet been fully retired and the current assessment district is also oversubscribed. Thus, again, the project is not in compliance with the LCP policies.

Another financial issue exists regarding the project relative to the amortization of the asset itself. On November 2, 1999, voters in Half Moon Bay approved by an overwhelming majority a measure to restrict the city's residential unit growth rate to 1% annually. The El Granada pipeline project is integrated with the Casa del Mar pipeline project which is inside the city limits of Half Moon Bay which has historically represented approximately 60% of the demand for CCWD's water. This reduction in Half Moon Bay's growth rate means that, even using the inflated buildout numbers provided by the District for Half Moon Bay, the Casa del Mar pipeline would not be fully utilized for at least 86 years. This means that the El Granada pipeline as proposed will also not be fully used for the same period of time. Therefore, the projects would require replacement of pipelines well before their benefits could be fully implemented. For these reasons, the proposed project does not satisfy LCP Policy 2.12.(c)(3) and, therefore, based on LCP Policy 2.4, the CDP for the project must be denied.

Analysis

Policies 2.4 and 2.27(c)(3) state:

2.4 Ordinance Conformity:

As a condition of permit approval, special districts, public utilities and other government agencies shall conform to the County's zoning ordinance and the policies of the Local Coastal Program.

2.27 Timing and Capacity of Later Phases

- 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.* [emphasis added]

Policy 2.27 is another of the many LCP policies, including those already discussed above, that must be taken together to assure the design and operation of public works facilities will not undermine the objectives of the certified LCP. As the appellants point out, costly public works have the potential for placing a financial burden on land, and creating pressure for development that may be more intense or rapid than it otherwise would. This concern also underlies LCP Policy 2.37 addressed above. Within the context of these other policies, the consideration of funding prescribed by Policy 2.27(c)(3) must take into account the burden project financing may impose on land, and the impact that may have on implementation of the LCP. There does not appear to be evidence in the record of factual support for the County's approval of the project as consistent with Policy 2.27(c)(3). Therefore a substantial issue is raised regarding conformance with Policy 2.27 of the certified 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 Lohman appeal (pgs. 2-3) contends that the County of San Mateo approval did not include conditions to reserve capacity in the approved pipeline for the area currently served by Citizen's Utility Company:

... The Midcoast Water Action Program report was issued in January, 1979. It analyzes the four most probable solutions to the then already apparent need for additional water for the increasing populations on the MidCoast and Half Moon Bay. In looking at the water needs and supplies is used the entire urban coastside including Montara and Moss Beach--then, as now, served by Citizens Utility Company (CUC). It concluded that the Crystal Springs pipeline project provided the most cost effective and reliable source of water for the entire MidCoast and HMB populations.

When growth inducing impacts were examined the report asserted: "An additional difficulty: the pipeline (14-inch) is sized to accommodate the CUC service area (Montara, Moss Beach) as well as CCWD. Yet until the two service areas are merged, CCWD has jurisdiction over all the water. If a portion is not reserved for Montara/Moss Beach, that water could be used to accommodate additional residential growth in the CCWD service area."

One of the preliminary policies for development review for the Crystal springs project was that "The pipeline be sized to accommodate the buildout population of the Mid-Coastside (sic), not to exceed a 14" diameter pipe." This was the pipeline that was built.

However, the next policy: "30% of pipeline capacity, about 2.2 mgd, be reserved for the CUC serv (sic) (i.e. Montara and Moss Beach)." I can find no record of this having been done.

CCWD EIR's contain a series of water use and population estimates. When graphed the water needs rise at a far greater rate than do the population estimates; the per capita water consumption is unchanged. When the Montara/Moss Beach population is added to the population the slopes become very similar. The conclusion is that CCWD followed the initial mandate to include Montara/Moss Beach consumption in its sizing matrix; the County neglected to include the capacity reservation in its conditions.

Discussion.

These contentions appear to relate to a question of whether or not certain permit conditions on a previous project have been complied with. However, they are not valid grounds for appeal under Section 30603 of the Coastal Act because they do not cite LCP policies to support the contention that the subject project is not consistent with the City's certified LCP or with the public access policies of the Coastal Act.

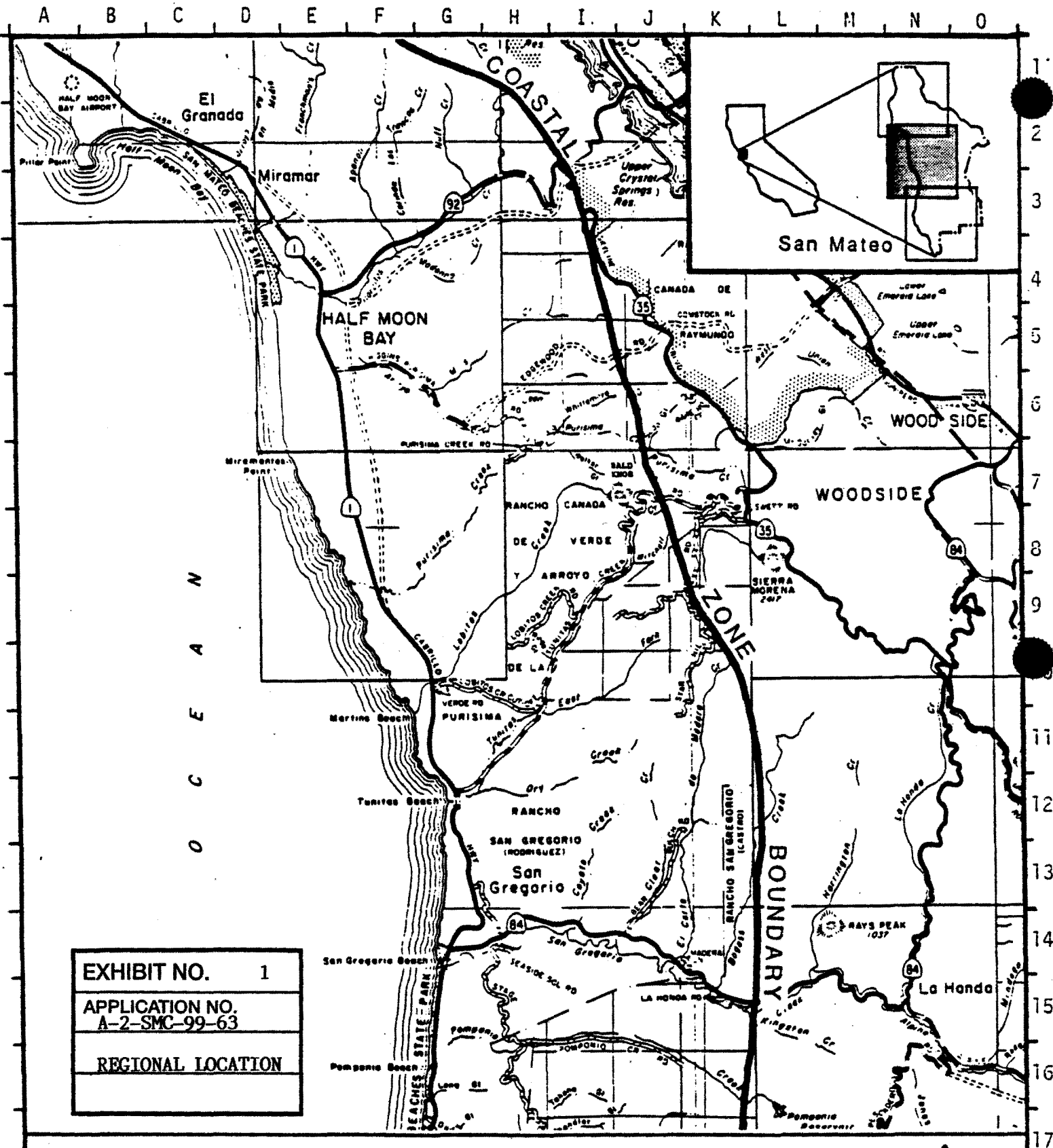
3. Conclusion

The Commission finds that, as discussed above, the appeal raises a substantial issue with respect to conformance of the approved project with the provisions of (a) LUP Policies 2.6, 2.7, 2.9, 2.11, 2.12, 2.25, 2.26, 2.27, and 2.36 regarding permitted capacity of the pipeline, water usage data and other engineering design assumptions, and monitoring to be done prior to supply expansions; (b) Policies 2.12(c)(2) and 2.27(c)(2), requiring phasing in accordance with other public works capacities; (c) Policy 2.13 for coordination with the City of Half Moon Bay's certified LCP; (d) Policy 2.5 requiring coordinated review of public works; and Policies 2.37 and 2.27 (e) limiting inappropriate extension of public services and (f) inappropriately burdening land with indebtedness for such services.

EXHIBITS

1. Regional Location
2. Project Site (El Granada Pipeline section 7)
3. El Granada Pipeline Replacement Project
4. CCWD Service Area
5. CCWD letter supporting Substantial Issue
6. Notice of Final Action
7. BKF Table 1
8. Appeal by Ric Lohman
9. Appeals by Commissioners Desser and Reilly

G:/North Coast/jack /A-2-SMC-99-63 (CCWD) c



LOCATION MAP



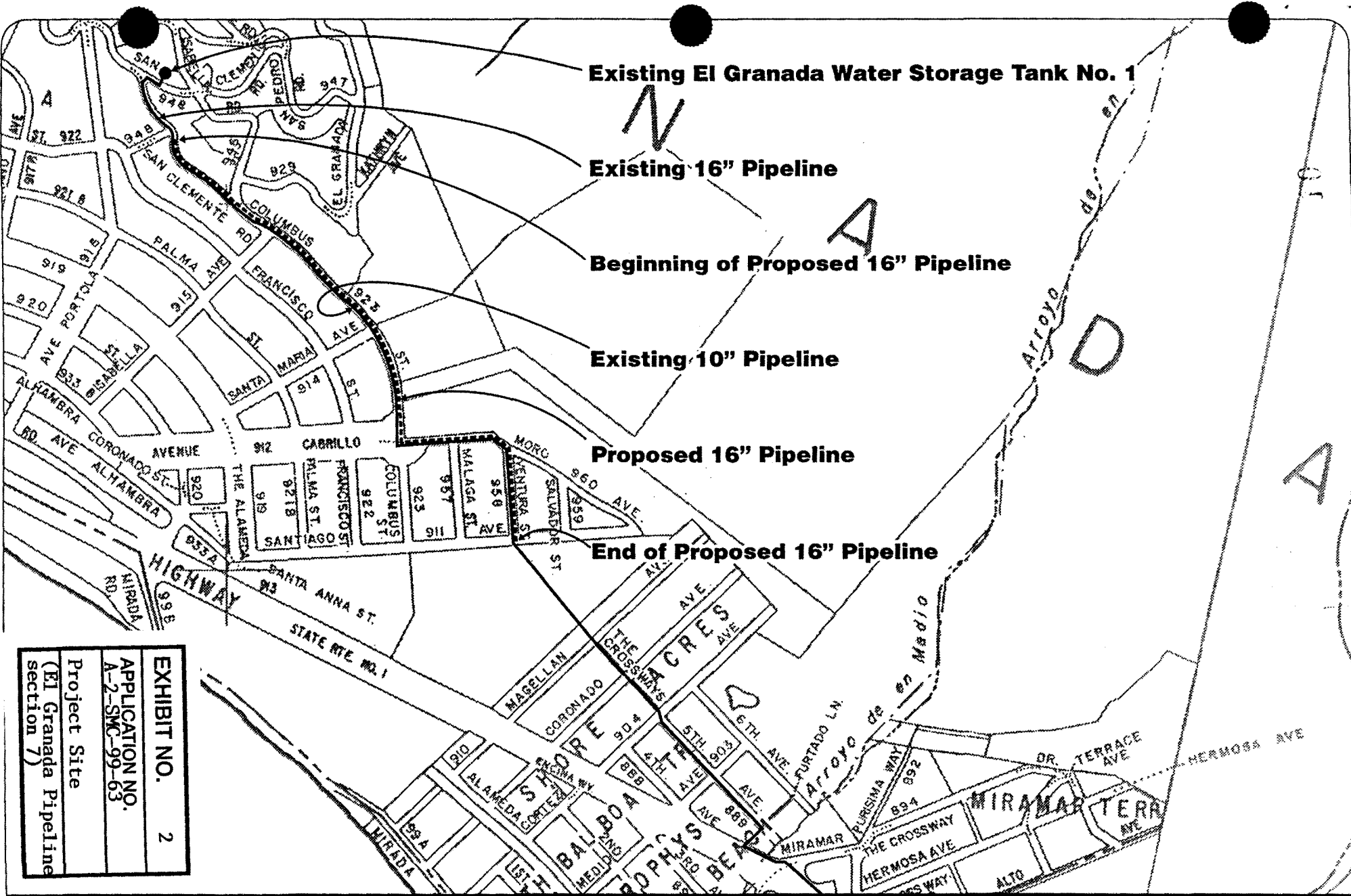


EXHIBIT NO.	2
APPLICATION NO.	A-2-SMC-99-03
Project Site	(El Granada Pipeline section 7)

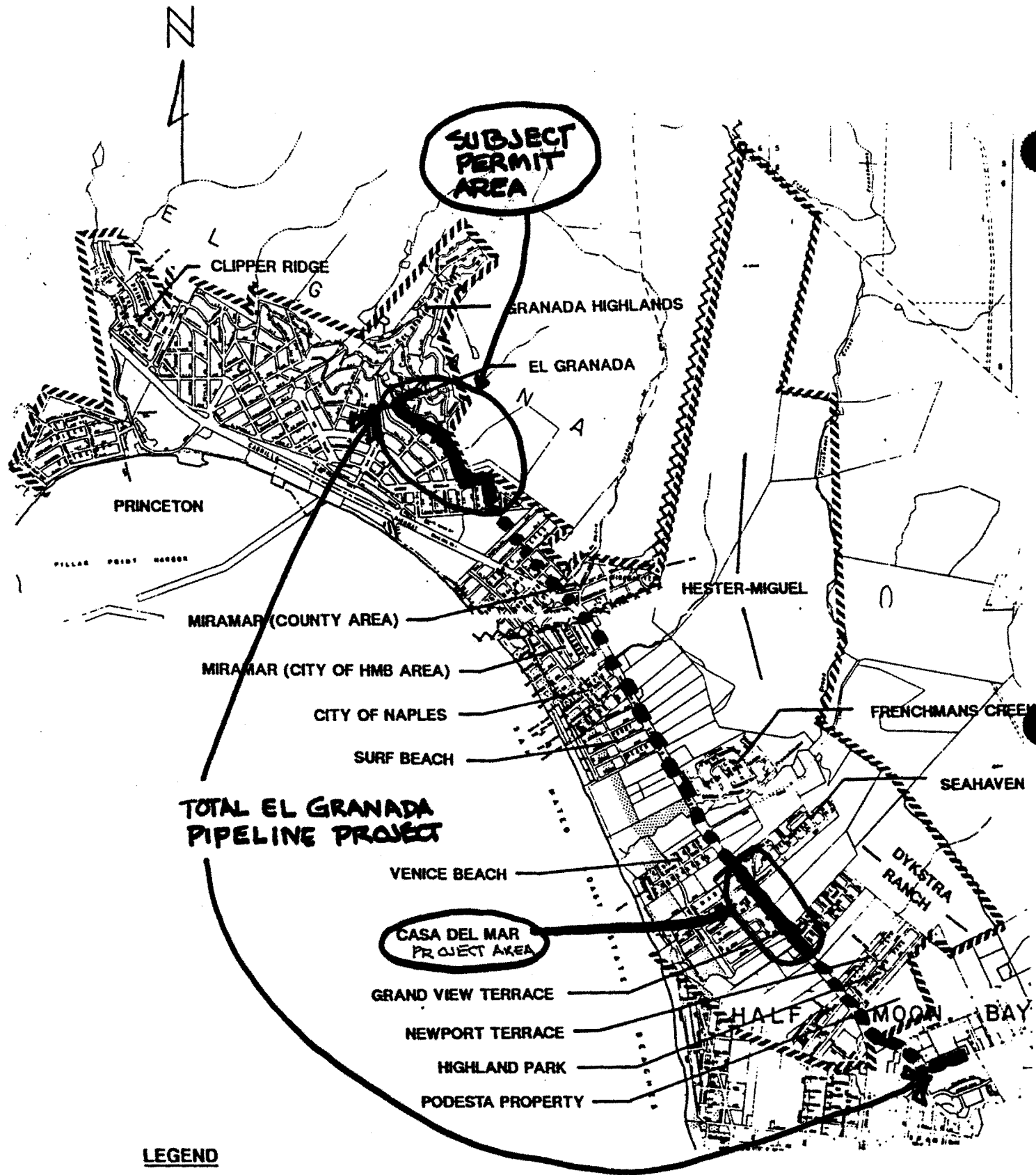
San Mateo County Planning Commission Meeting

Applicant:

File Numbers:

Attachment:





LEGEND

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

PROJECT AREA MAP

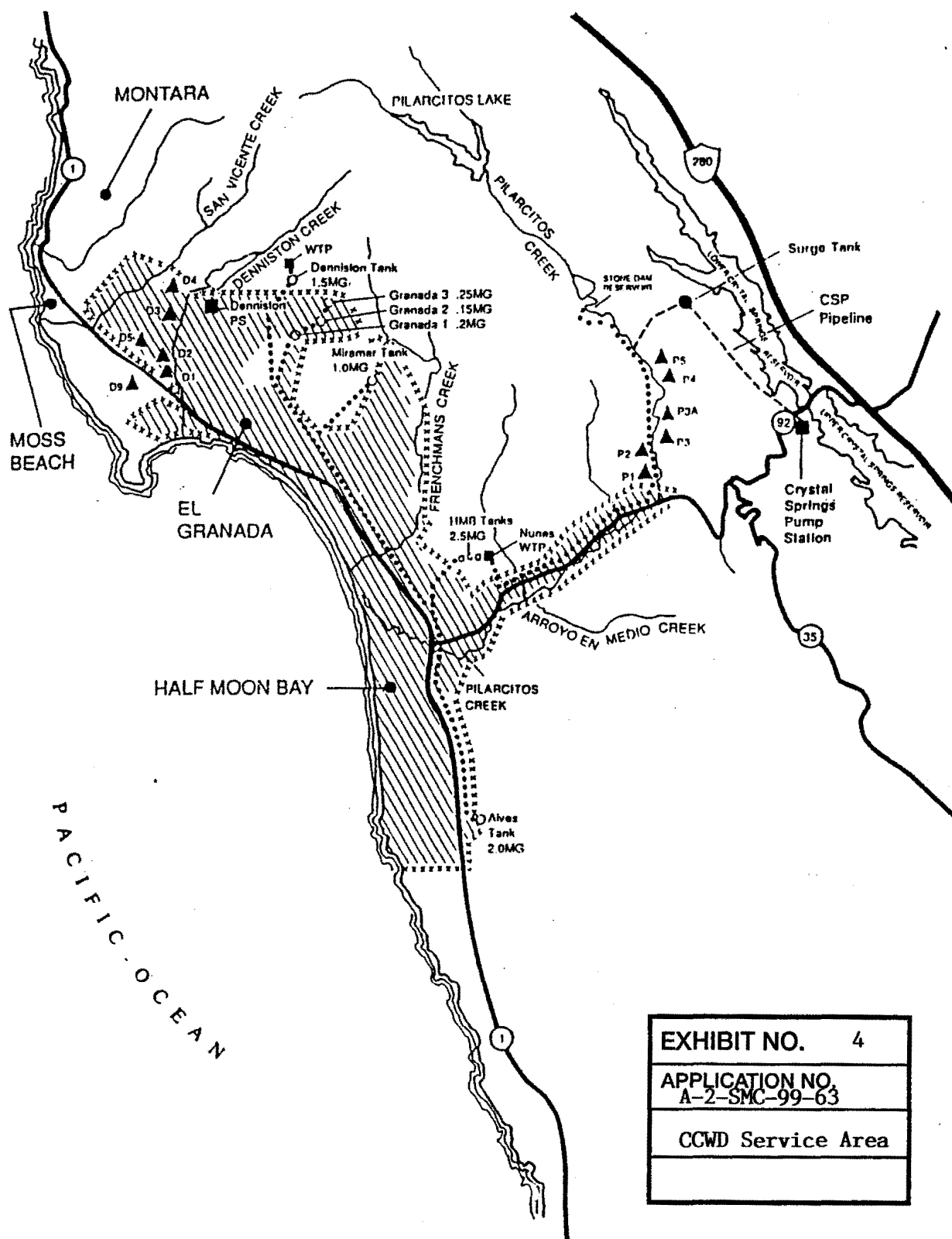
SCALE: 1" = APPROX. 1400 FT.

EXHIBIT NO.	3
APPLICATION NO.	A-2-SMC-99-63
El Granada Pipeline Replacement Project	

FIGURE 1

Coastside County Water District

Water Supply and Transmission System



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

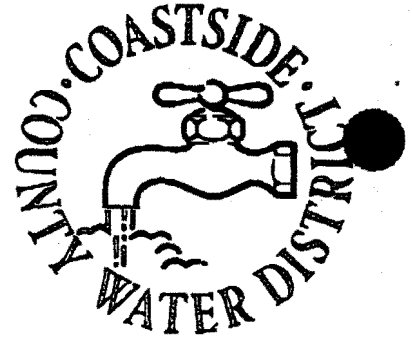
LEGEND

- District Boundary
- ... Existing Transmission Lines
- - - CSP Transmission Pipeline
- ▲ Wells

January 24, 2000

RECEIVED

JAN 26 2000

CALIFORNIA
COASTAL COMMISSION

Ms. Sara Wan, Chairperson
California Coastal Commission
North District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: Request that the California Coastal Commission find substantial issue with San Mateo County CDP (PLN 1999-00192) for the Coastside County Water District

Dear Ms. Wan:

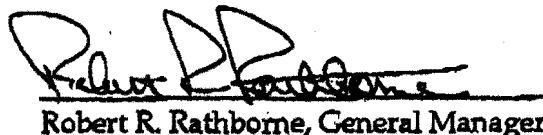
As the applicant for this CDP, the Coastside County Water District hereby requests that the California Coastal Commission find substantial issue with this CDP. We are making this request because we believe that there are indeed substantial issues with the proposed projects.

We appreciate your serious consideration of this option. If the Commission does find substantial issue with this project as we have requested, and as it did with the Half Moon Bay portion of the pipeline expansion, the District will then have the time needed to gain a better understanding of the District's options and to revise the overall improvement program in cooperation with Coastal Commission staff. Most importantly, the District will be able to gain final approval for agreed to projects directly from the Coastal Commission, when these and other issues affecting the projects have been resolved, instead of being forced to restart the entire permitting process.

We look forward to working in cooperation with the Coastal Commission to develop a comprehensive and acceptable system design and corresponding implementation plan that satisfy the LCP's and also meet the community's needs for water quality and availability.

Sincerely,


Carol L. Cupp, President


Robert R. Rathborne, General Manager

cc: Jack Liebster, California Coastal Commission
Board of Directors, Coastside County Water District

EXHIBIT NO.	5
APPLICATION NO.	A-2-SMC-99-63
CCWD letter supporting	Substantial Issue



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: Mike Schaller
(650) 363-1849

October 26, 1999

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

Subject: Corrected Notice of Final Local Decision
El Granada Water Transmission Line Replacement
County File Number: PLN1999-00192

RECEIVED
OCT 27 1999
CALIFORNIA
COASTAL COMMISSION

Dear Mr. Rathborne:

On October 19, 1999, the San Mateo County Board of Supervisors considered your appeal for a Coastal Development Permit to construct a 16-inch water transmission line to replace an existing 10-inch pipeline in the unincorporated area of El Granada.

Based on the information provided by staff and evidence presented at the hearing, the Board of Supervisors granted your appeal, by making the following findings and adopting the following conditions of approval:

FINDINGS

Regarding the Negative Declaration, found:

1. That the Board of Supervisors, acting as a responsible agency, has reviewed and considered the Revised Environmental Initial Study for the El Granada Transmission Pipeline Replacement Project, prepared by the Coastside County Water District as Lead Agency.

Regarding the Coastal Development Permit, found:

That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.

EXHIBIT NO.	6
APPLICATION NO.	A-2-SMC-99-63
Notice of Final Action	

2. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program.

CONDITIONS OF APPROVAL

- 1) The applicant shall submit an Erosion Control Plan to the Planning Division for review and approval, prior to the beginning of grading operations. Said Plans shall conform to the San Mateo County Wide Storm Water Pollution Prevention Program General Construction and Site Supervision Guidelines including:
 - a) Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
 - b) Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
 - c) Removing spoils promptly, and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - d) Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to a local storm drain system or water body.
 - e) Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.

The applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into local storm drain systems and water bodies and adhere to the above referenced Erosion Control Plan.

2. Noise levels produced by proposed construction activities shall not exceed the 80 dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
3. These permits shall be valid for one year. Any extension of these permits shall require submittal of an application for permit extension and payment of applicable permit extension fees.
4. The project shall be constructed pursuant to the plans approved by the Board of Supervisors; any deviation from the approved plans shall be reviewed and approved by the Planning Director.

5. Any public utilities requiring relocation as a result of the construction performed under this permit shall be relocated at the applicant's expense.
6. No construction work within the County right-of-way shall begin until Public Works requirements for the issuance of an encroachment permit, including review of construction drawings and plans, have been met and an encroachment permit issued By the County Public Works Dept.
7. Pursuant to Public Works requirements, a security in the amount of \$3,000.00 shall be deposited in a Department of Public Works Road Escrow Account. This deposit will be used to offset "Inspection costs" incurred by the County resulting from the water main replacement project. Any remaining unused balance of the security will be released only upon the satisfactory completion of the work and acceptance of the work by the Public Works Department.

This item is appealable to the California Coastal Commission. Any interested party may appeal the County's decision to the California Coastal Commission San Francisco office. They may be reached at (415) 904-5200. A project is considered approved when the appeal period has expired and no appeals have been filed.

Very truly yours,



Terry Burnes
Planning Administrator
dir/bosdec/1022j.kr

cc: Rich Gordon, Supervisor
Paul Koenig, Director, Environmental Services
Bill Rozar, Planning Department
California Coastal Commission
Other Interested Parties

TABLE 1
EL GRANADA PIPELINE REVIEW
Water Usage for El Granada - Princeton from the LCP

		LCP 1990 Developed		LCP Buildout	
		Low Range (gpd)	High Range (gpd)	Low Range (gpd)	High Range (gpd)
Residential	Existing	316,200	455,600	316,200	455,600
	Buildout			482,900	695,900
Commercial	Existing	14,600	14,600	14,600	14,600
	Buildout			148,850	148,850
Industrial	Existing	27,500	27,500	27,500	27,500
	Buildout			73,225	73,225
Essential Public Services	Existing	1,700	1,700	1,700	1,700
	Buildout			6,425	6,425
Public Recreation Floricultural	Existing	3,700	3,700	3,700	3,700
	Buildout			170,000	170,000
Average Day Usage, gpd		423,700	563,100	1,305,100	1,657,500
Average Day, gpm		294	391	906	1,151
Peak Day, 180% of Average Day					
Peak Day, gpd		762,660	1,013,580	2,349,180	2,983,500
Peak Day, gpm		530	704	1,631	2,072

gpd - gallons per day
gpm - gallons per minute

1. The LCP reports an LCP Buildout low range of 1,306,100 gpd and a LCP Buildout high range of 1,658,500. The difference of 1,000 gpd is likely roundoff error and is not significant.

2. page xiv reports Table 2.10 updated in 1990. According to the CCWD

Water Supply Evaluation, in 1990, there were

4,341 service connections

In 1996, there were

5,306 service connections

Percent increase in number of service connections (all of CCWD): 22%

Average water usage in 1990 was 554,800,000 gallons, or 1,520,000 gpd

Average water usage in 1996 was 641,900,000 gallons, or 1,758,630 gpd

Percent increase in water usage, 1990 to 1996 = 16%

EXHIBIT NO.	7
APPLICATION NO.	A-2-SMC-99-63
BKF Table 1	

CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

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

Ric Lohman
420 First Ave Miramar
Half Moon Bay CA 94019 (650) 726-9607
 Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: SMC Board of Supervisors

2. Brief description of development being appealed: CCWD Pipeline

3. Development's location (street address, assessor's parcel no., cross street, etc.): EL Granada, et al.

4. Description of decision being appealed:

a. Approval; no special conditions: X

b. Approval with special conditions: _____

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-2-SMC-99-063

DATE FILED: 11/10/99

DISTRICT: North Central Coast

H5: 4/88

RECEIVED

NOV 10 1999

CALIFORNIA
 COASTAL COMMISSION

EXHIBIT NO.	8
APPLICATION NO.	A-2-SMC-99-63
Appeal by	Ric Lohman

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

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

a. Planning Director/Zoning Administrator c. Planning Commission

b. ☒ City Council/Board of Supervisors d. Other

6. Date of local government's decision: Oct 19, 1999

7. Local government's file number (if any): PLN - 1999 - 00192

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) Mid Coast Community Council
P.O. Box
Moss Beach CA 94036

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

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

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

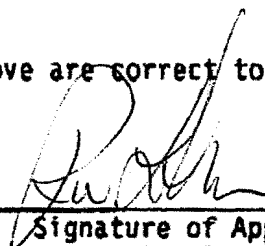
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Did not fully address LCP compliance

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

11/10/99

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

November 10, 1999

Ric Lohman
420 First Ave.
Half Moon Bay, CA 94019

Jack Liebster
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

RE: Appeal of San Mateo County CDP (PLN 1999-00192) for Coastsides County Water District replacement of 10-inch water transmission pipeline with a 16-inch transmission pipeline.

This section of pipeline in El Granada is only the northernmost 3,200 linear feet of the 3.5 mile long main water transmission pipeline from Carter Hill in Half Moon Bay. It is only one of several proposed project elements to replace and increase the entire 3.5 mile long pipeline. Despite numerous requests, no agency has examined the growth inducing impacts of this expansion, nor have the underlying assumptions used to size the entire project been examined with present day data as required by LCP Policy 2.25: "Use recent data on the amount of water consumed by land use to determine the actual water supply capacity allowed."

LCP Policy *2.4 Ordinance Conformity:

As a condition of permit approval, special districts, public utilities and other government agencies shall conform to the County's zoning ordinance and the policies of the Local Coastal Program.

CCWD has not complied with many of the County LCP policies as discussed in other parts of this appeal. This appeal to the Coastal Commission is based on the three compelling words found at the beginning of each LCP chapter and subchapter: "The County will:". San Mateo County did not require compliance. Therefore, the Coastsides County Water District (CCWD) must first meet LCP policies before being awarded a Coastal Development Permit (CDP) from the Coastal Commission. CCWD has demonstrated that it has not satisfied applicable LCP policies and has blatantly ignored several LCP policies applicable to their proposed El Granada Pipeline Replacement Project. We therefore urge the Coastal Commission to deny CCWD a CDP for the project until such time that all applicable LCP policies have been satisfied and the approach to be used to satisfy them has been fully documented.

The granting of a Coastal Development Permit must be based on all applicable LCP policies and the information required by them; the Board of Supervisors decision was not. Although the staff report did discuss policies 2.7 (Phased Development of Public Works Facilities), it did discuss policy *2.6 in a limited fashion; it dismissed policy 2.36. Policies 2.2, 2.4, 2.5, 2.9, 2.12, 2.25, 2.27, 2.35, 2.37 and 2.38 were not addressed adequately.

LCP policy *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. (emphasis added)

In CCWD's calculations for sizing of the replacement pipeline (Appendix C of the Revised Environmental Study), the number used for peak day usage at buildout for Half Moon Bay and the MidCoast is 3,331 gallons per minute (gpm). However in the latest CCWD Water Supply Evaluation Report (March, 1998: PG. II-3) the current overall system transmission capability, even in drought conditions, is 3,383 gpm.

The Crystal Springs Pipeline Project, 1982, FEIR in its discussion of pipe sizes and relative capacities, with "friction losses" considered, gives the following pipe sizes and maximum capacities:

10"	pipe yields 4.8 mgd (3,333 gpm)
12"	" " 7.1 mgd (4,930 gpm)
14"	" " 9.5 mgd (6,597 gpm)

What is the actual full potential capacity of this 16-inch pipeline--not only with gravity flow but with pumps? Neither the negative declaration nor the engineering review required by the County gave this figure. The County placed no restrictions or conditions on CCWD with regard to future infrastructure limitations on this expansion.

The issue of the Frenchman's Creek pumping station has contradictory elements: The Water Supply Evaluation report treats the immanent replacement of the pump as a standard part of the plan, while also mentioning the proposed 16-inch replacement pipeline. The Environmental Studies talk about minimizing or eliminating the need for a pump. An important consideration is that the replacement of the Frenchmans Creek pump with a newer, higher capacity unit at a later date would allow greater amounts of water to be moved through the system if the 16-inch pipeline is installed.

Further, CCWD cites a very low leakage rate (about 6%) in its latest Water Supply Evaluation report (March, 1998). This would be expected to improve considerably if the existing pipe were replaced. The County LCP allows for a 15% leakage loss in its numbers for Phase I (see LCP table 2.10) and buildout capacity: the numbers used by CCWD are already over-factoring supply by about 10%.

Although the CCWD negative declaration appears to make a substantial effort to demonstrate that the capacity of this public works facility is within the limits of the LCP buildout projections a search of other CCWD and County documents leaves this open to question.

CCWD and the County both assert that this projects is simply a part of the 1987 Crystal Springs pipeline project. The planning for this project began prior to 1979. In 1979, as part of the LCP planning process, a series of background reports were prepared with the help of James S. Teter (CCWD consulting engineer from at least 1979 to present). The Midcoast Water Action Program report was issued in January, 1979. It analyzes the four most probable

solutions to the then already apparent need for additional water for the increasing populations on the MidCoast and Half Moon Bay. In looking at the water needs and supplies is used the entire urban coastside including Montara and Moss Beach--then, as now, served by Citizens Utility Company (CUC). It concluded that the Crystal Springs pipeline project provided the most cost effective and reliable source of water for the entire MidCoast and HMB populations.

When growth inducing impacts were examined the report asserted: "An additional difficulty: the pipeline (14-inch) is sized to accommodate the CUC service area (Montara, Moss Beach) as well as CCWD. Yet until the two service areas are merged, CCWD has jurisdiction over all the water. If a portion is not reserved for Montara/Moss Beach, that water could be used to accommodate additional residential growth in the CCWD service area."

One of the preliminary policies for development review for the Crystal springs project was that "The pipeline be sized to accommodate the buildout population of the Mid-Coastside (sic), not to exceed a 14" diameter pipe." This was the pipeline that was built.

However, the next policy: " 30% of pipeline capacity, about 2.2 mgd, be reserved for the CUC serv (sic) (i.e. Montara and Moss Beach). " I can find no record of this having been done.

CCWD EIR's contain a series of water use and population estimates. When graphed the water needs rise at a far greater rate than do the population estimates; the per capita water consumption is unchanged. When the Montara/Moss Beach population is added to the population the slopes become very similar. The conclusion is that CCWD followed the initial mandate to include Montara/Moss Beach consumption in its sizing matrix; the County neglected to include the capacity reservation in its conditions.

Additionally, the LCP tables used by CCWD have not changed since the adoption of the LCP in 1980, yet the LCP requires annual monitoring of current public works needs and projection of future service demands (Policy 2.9). Since the LCP was adopted, water conserving appliances, fixtures, and irrigation systems have become the norm in new construction and remodels. How has this affected water service demand? Are the old capacity calculations still valid.

LCP Policy 2.9: Phase I Capacity Limits:

Based the first phase capacity of public works facilities on documentable and short-term need (approximately 20 years or less) consistent with the Local Coastal Program. Monitor of existing land uses and use these results and the existing and probable future capacity of related public works and services to document the need.

LCP Policy 2.25: Phase I Capacity Limits:

.....Use recent data on the amount of water consumed by land use to determine the actual water supply capacity allowed.

CCWD determined that meeting these requirements is not necessary: "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 areas are approximately the same as those for residential usage: 37% City and 63% County..... 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. " (El Granada Transmission Pipeline Replacement Study, Engineering Master Plan. p.4-5)

San Mateo County did not question CCWD's determination of its need to adhere to this policy or its basic commercial assumptions.

The passage of Measure D in Half Moon Bay may alter these assumptions further. A new analysis is needed.

LCP Policy 2.12: Timing and Capacity of Later Phases:

- (d) Require every phase to go through the development review process.

Policy 2.12 is essentially identical to Policy 2.27 (discussion to follow) with the addition of (d). It is the contention of this appellant that the development review process was inadequate for this project. The MCC, individuals and City of Half Moon Bay requested a full examination of the growth inducing impacts and potential water oversupply of this project. The County refused to press the matter. CCWD gave it self a negative declaration.

LCP Policy 2.36: Findings:

- Require, as a condition of permit approval for ANY FACILITIES to increase water supply, that the following findings are made: (1) the addition of this water supply FACILITY is consistent with the Capacity Limits and Allocations of this Component,.... (emphasis added)

Facility, defined in Websters Dictionary (1987): "Things that make some specified activity, task etc. easier, *facilities for study*."

There is no discussion as to how this facility, which has the *capacity* to deliver 4.5 times the current water supply, is consistent with LCP Policy 2.27(c). This question has been repeatedly raised during public testimony at each CCWD, HMB and San Mateo County public hearing on either portion of this pipeline.

LCP Policy 1.8.(c)(2)(a) requires that peak demand water usage per residential unit is 315 gallons per day. CCWD instead uses a wide range of numbers in its project proposal for peak demand per residential unit per day instead of complying with this LCP policy. Because of this inconsistency, on its face, the project proposal does not satisfy LCP policies as required by LCP Policy 2.4.

This project was not presented to the County in its full relationship to other CCWD projects. There has been no comprehensive analysis including this and other projects in how they are related to growth patterns and infrastructure in the MidCoast and in Half Moon Bay.

The Moss Beach Highlands project EIR anticipates using a dual 12" water transmission pipeline from the north end of El Granada to the project site in Moss Beach. Review of the capability of this system by an engineer for the Montara Sanitary District demonstrated a potential of service to a population far in excess of the 400 or more people anticipated in it. Is the new transmission capacity of the 16" pipe related to the future service to the north of the existing district? There is no mention of this extended service in this project's application material.

The engineering review requested by the Board of Supervisors found "Should buildout occur as envisioned in the LCP, a parallel facility would be required" (Brian, Kangas, Falk (BFK): 10/4/99 p.1). The section under scrutiny for this CDP is only one part of the water system planned for buildout. The entire plan is not part of the record. Approval of a part of a plan without knowledge of the whole is piecemeal development. To be prudent decision makers the Board of Supervisors should have known the full plan before approving any one part of it. This CDP was granted in a piecemeal fashion contrary to the intent of the Coastal Act and the LCP.

The findings required for a CDP to be granted are listed in policies 2.2 and 2.27 :

Policy 2.2 Definition of Public Works:

Define public works as:

- (1) All production, storage, transmission and recovery facilities for water, sewerage, telephone, or other similar utilities.....
- (2) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads and mass transit facilities and stations, bridges,.....
- (3) All publicly financed recreational facilities and any development by a special district.
- (4) All community college facilities.

Policy 2.27: Timing and Capacity of Later Phases :

(c.) Establish the capacity by:

- (1) estimating the water supply capacity needed to serve land use at buildout,
- (2) considering the availability of related public works and whether expansion of the water supply would overburden the existing and probable future capacity of other public works and
- (3) considering the availability of funds.

Currently other public works do not meet the community infrastructure requirements. The sewage transmission pipeline from El Granada north is undersized and cannot adequately transmit wet weather sewage flow to the new sewer plant. Solutions are being investigated, but no plan or timeline for improvements has been established. Highways 92 and 1 are at CalTrans level F service for peak commute hours in Half Moon Bay and Pacifica; additional commuters from the Midcoast will only make the problem worse. Please refer to the "Summary of Recent Countywide Traffic Analysis" submitted with the appeal of the southerly HMB section. Schools use portable classrooms and have insufficient area per student as determined by State requirements.

LCP Policy 2.27 requires that future capacity needs are to be established in conjunction with an analysis of the "availability of related public works". There is no analysis of future needs in the negative declaration or the staff report beyond that provided in documents that are 20 years old. Surely these numbers need to be evaluated using current assumptions.

Neither the staff report nor the CCWD negative declaration address these required findings. There is no discussion of how the additional water allowed by this facility or the others planned in conjunction with it will affect the "existing and probable future capacity of other public works."

The Brian, Kangas, Falk engineering report (Oct. 4, 1999) used by the Board of Supervisors as a rationale to approve this segment of the pipeline was simply a review of the calculations. It was not intended to fulfill the requirement for, nor did it purport to be, an LCP compliance analysis.

The public has repeatedly requested that an EIR be done to see if the planning from 1987 for this size pipe is still in keeping with the proposed new HMB Master Plan and LCP and with the current Midcoast LCP. The public frequently asked to see what other alternatives had been proposed. CCWD consistently responded with the comment that the 16-inch size was the first and only size that calculations were run for as it met all of CCWD's criteria.

LCP Policy 2.5 Review of Public Works Projects:

(a) Require implementation in the Coastal Zone of Sections 65401, 65402 and 65403 of the Government Code which require that all governmental bodies, including special districts, to submit to the Planning agency a list of the proposed public works recommended for planning or construction during the ensuing fiscal year....Require that the Planning Commission review these lists for conformance with the Local Coastal Program.

(b) Require that each governmental body in the Coastal Zone, including special districts..., prepare five (5) year Capital Improvement Programs as allowed by Section 65403 of the Government Code. Require that the Planning Commission review these Capital Improvement Programs for conformance with the Local Coastal Program.

The County staff reports, May 26, 1999 and August 3, 1999, contain no copies of, excerpts from or even references to the existence of either of these required reports. These reports required by condition number 10 imposed on the Crystal Springs Pipeline by San Mateo County, issued July 12, 1985. According to oral testimony by Terry Burnes at the October 19, 1999 Board of Supervisors hearing, none have been filed since 1984!

At least two LCP policies apply directly to the project's finances and in neither case has the proposed project or the District complied with the policy. The first of these, Policy 2.5 (b)(3), states that the LCP requires that the District provide a five-year capital improvement program and that the Planning Commission review the program for conformance to the LCP. The District is not in compliance with this policy as documented by the County of San Mateo

Planning and Building Division in a memo to the Board of Supervisors dated October 7, 1994. In this memo, Terry Burnes, Planning Administrator, states that CCWD submitted only four year's worth of capital improvement programs, and that these were "basically budgets." In addition, the same memo states that these budgets were not submitted until months after the project proposal was submitted and that the Planning Commission never reviewed these budgets.

The El Granada Pipeline Project is, therefore, not in compliance with LCP Policy 2.5(b) in three ways. First, the five-year capital improvement program for which this project was a part was never submitted by the District. Secondly, the budgets that were submitted were never reviewed as required by the policy. And third, if the budgets are viewed as a capital improvement program, they included only four years, rather than five as required, and did not identify this proposed project so there is no way to determine whether the project is indeed a capital improvement project or part of some other District program. Thus, the proposed project is not in compliance with Policy 2.5.b and should be denied a Coastal Development Permit on this basis alone.

The second LCP policy that applies to financial issues is Policy 2.12(c)(3) (repeated in 2.27(c)(3) which requires that project capacity of later phases of a program consider availability of funds. In Terry Burnes' memo dated October 7, 1996, there is a conspicuous absence of comments by the Planning Department regarding this policy vis a vis the proposed project. CCWD has been inconsistent regarding funding for this program by stating in the negative declaration that the project is part of capital improvement budgets but also stating to the Board of Supervisors during public meetings that the project would be funded with an assessment district. Either way, the availability of funding for the entire program is impossible unless the expansion is paid for by providing entitlements for future development which would, if completed, further exacerbate the already serious capacity strain and health and safety problems on the San Mateo County coastside. The District has included the proposed project in its capital improvement budgets for the next four years which total \$18,000,000 according to the budgets submitted to the County and reproduced in the July 27, 1999 CCWD Board of Directors meeting staff report. The current number of residential units in the service area is approximately 6,000. This means that, to pay for the full program, each residential unit would need to pay \$3,000. The alternatives include either floating a bond or forming an assessment district. There are significant obstacles in the way of either alternative in that the assessment district would necessarily include parcels that are unbuildable for a variety of reasons and a bond issue would have no sound basis unless an excessive number of connections were promised and sold to generate future revenues. The Crystal Springs pipeline debt has not yet been fully retired and the current assessment district is also oversubscribed. Thus, again, the project is not in compliance with the LCP policies.

Another financial issue exists regarding the project relative to the amortization of the asset itself. On November 2, 1999, voters in Half Moon Bay approved by an overwhelming majority a measure to restrict the city's residential unit growth rate to 1% annually. The El Granada pipeline project is integrated with the Casa del Mar pipeline project which is inside the city limits of Half Moon Bay which has historically represented approximately 60% of the demand for CCWD's water. This reduction in Half Moon Bay's growth rate means that, even using the inflated buildout numbers provided by the District

for Half Moon Bay, the Casa del Mar pipeline would not be fully utilized for at least 86 years. This means that the El Granada pipeline as proposed will also not be fully used for the same period of time. Therefore, the projects would require replacement of pipelines well before their benefits could be fully implemented. For these reasons, the proposed project does not satisfy LCP Policy 2.12.(c)(3) and, therefore, based on LCP Policy 2.4, the CDP for the project must be denied.

LCP Policy 2.37: Service Area Boundaries:

As a condition of expansion of water facilities, require water service providers to:

No maps have been provided to evidence that this policy has ever been effected. San Mateo County replies that it cannot find the maps. CCWD maps do not reflect these changes.

This is a complex issue with a long history that has unfortunately been reduced to simple engineering needs in spite of the requirement to examine its impacts under the light of the LCP. It has not received the complete hearing required by all the various LCP Policies. I request that you find substantial issue and combine the analysis and hearings on this project with those being conducted for the first portion of this pipeline in HMB.

R. J. Kim 11/10/99

CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

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

Commissioner Christina Desser

319 2nd St

Sausalito, CA 94965

(415) 332 0

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port
government: County of San Mateo

2. Brief description of development being
appealed: please see attached

RECEIVED
NOV 10 1999

CALIFORNIA
COASTAL COMMISSION

3. Development's location (street address, assessor's parcel
no., cross street, etc.): El Granada, San Mateo Co.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: ☒ _____

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-2-SMC-99-063

DATE FILED: 11/10/99

DISTRICT: North Central Coast

H5: 4/88

EXHIBIT NO.	9
APPLICATION NO.	A-2-SMC-99-63
Appeals by Commissioners	
Desser & Reilly	

CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

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

Commissioner Mike Reilly, Supervisor

County of Sonoma, 575 Administration Dr. Room 100

Santa Rosa, CA 95403-2887 (707) 527-2241

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port
government: County of San Mateo

2. Brief description of development being
appealed: please see attached

3. Development's location (street address, assessor's parcel
no., cross street, etc.): El Granada, San Mateo Co.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: ☒ _____

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-2-SMC-99-063

DATE FILED: 11/10/99

DISTRICT: North Central

H5: 4/88

RECEIVED
NOV 10 1999
CALIFORNIA
COASTAL COMMISSION

A-2-SMC-99-063 CCWD Appeal

Section II, No. 2: The applicant proposes to construct a 16-inch water transmission line to replace an existing 10-inch pipeline in the unincorporated area of El Granada.

Section IV, No. 4: The project as approved by the County of San Mateo does not conform to the standards set forth in the County of San Mateo's certified Local Coastal Program, and thus raises a substantial issue, as detailed below.

The following LUP policies are among those that apply:

*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.

2.7 Phased Development of Public Works Facilities

Require the phased development of public works facilities in order to insure that permitted public works capacities are limited to serving needs generated by development which is consistent with the Local Coastal Program policies.

2.9 Phase I Capacity Limits

Based the first phase capacity of public works facilities on documentable and short-term need (approximately 20 years or less) consistent with the Local Coastal Program. Monitor the needs of existing land uses and use these results and the existing and probable future capacity of related public works and services to document the need.

2.11 Monitoring of Phase I

- a. Require that public agencies, utilities or special districts monitor the needs of land uses for public works capacity during Phase I.
- b. Notify affected public agencies, utilities and special districts of the requirements for monitoring included in this plan.

2.12 (and 2.27) Timing and Capacity of Later Phases

- a. Use the results of Phase I monitoring to determine the timing and capacity of later phase(s).

- b. Guide timing by allowing later phase(s) to begin when Phase I capacity has been or will be consumed within the time period required to construct additional capacity.
- 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.
- d. Require every phase to go through the development review process.

2.13 Coordination with the City of Half Moon Bay

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.

Evaluations of the capacity of the project as provided in the County's findings appear to have been based on the highest estimates of potential buildout under the LCP, a rate which does not appear to have been borne out in the twenty years since the LCP was first adopted. Monitoring called for in Policy 2.11, which was designed to refine the data in the original LCP, does not appear to have been taken into account in the County's approval. Hence the timing and capacity of new infrastructure expansion has not benefited from this information, as required by Policy 2.12 and 2.27. Moreover, an intrinsically related portion of this project is located in the City of Half Moon Bay. The Commission determined that portion of the project raised substantial issue because the proposed capacity increase associated with this project could overburden other public works, namely highways. That same situation applies to the project as approved by the County, raising an issue with regard to San Mateo Co LUP Policy 2.12.c(2). Additionally, as a major public works project affecting the ability of both the County and the City to carry out the policies of their LCPs, the approval raises the issue of conformity with the coordination requirements of LUP Policy 2.13.