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APPEAL STAFF REPORT
DE NOVO REVIEW

APPEAL NO.:	**A-1-HMB-99-022**
APPLICANTS:	**Ailanto Properties**
AGENT:	**Robert Henry**
LOCAL GOVERNMENT:	**City of Half Moon Bay**
SUBSTANTIAL ISSUE:	The Commission found that the appeal of the local government action on this project raised a substantial issue on March 17, 2000.
PROJECT LOCATION:	Adjacent to the eastern ends of Grandview Boulevard and Terrace Avenue, north of Highway 92 and east of Highway 1 in the City of Half Moon Bay, San Mateo County.
PROJECT DESCRIPTION:	The proposed development includes subdivision of 3 existing parcels measuring 114 acres total into 145 residential lots, construction of a detached single-family home on each residential lot, streets, open space parcels and neighborhood park areas.
APPELLANTS:	Commissioner Sara Wan Commissioner Mike Reilly Eleanor Wittrup and George Carman
SUBSTANTIVE FILE DOCUMENTS:	See Appendix A

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(items received subsequent to May 12, 2000 hearing)

EXECUTIVE SUMMARY

Prior Commission Action

On March 17, 2000 the Commission found that the appeals submitted regarding this proposed project raised a substantial issue with respect to the grounds on which they were filed. On May 12, 2000, the Commission opened a public hearing for the de novo portion of the appeal. During this hearing, the Commission staff presented a summary of the issues raised by the proposed project and the Commission received testimony from the applicant and from interested members of the public. The Commission then continued the de novo hearing to a future meeting to allow staff additional time to prepare a recommendation for Commission action on the appeal. This staff report presents the staff's recommendation to the Commission for action on the Pacific Ridge development project under the Half Moon Bay Local Coastal Program.

Revisions to the Project

Staff notes that since the project was initially approved by Half Moon Bay and appealed to the Commission, the applicant has made significant changes in the project. For instance, as approved by the City of Half Moon Bay, the project included 197 residential parcels. On October 28, 1999 the applicant, Ailanto Properties, revised the proposed plan to include 151 parcels containing 150 homes. A subsequent revision by Ailanto on January 24, 2000 has brought the number of proposed homes to 145.

Aside from revisions to the project, Ailanto has provided materials on a number of occasions that have clarified the nature of the proposed project. For instance, letters of April 4 and April 6, 2000 from Ailanto have addressed the 88 conditions adopted by Half Moon Bay when the City approved the previous version of the project on March 16, 1999, indicating which of the conditions have been incorporated by Ailanto into the project description and which ones have been superceded by subsequent alterations in the project. Revisions to the project and the clarifications provided by Ailanto have assisted Commission staff in analyzing the conformity of the project with the policies of the Local Coastal Program.

Because the proposed project is substantially different than the one that was approved by Half Moon Bay in March 1999 and analyzed in the Commission's findings regarding Substantial Issue, dated March 17, 2000, the appellants' statements of the reasons for the appeal, the applicant's preliminary responses to the appeal, and certain correspondence may address project elements that have been substantially changed or are no longer part of the revised proposed project. All of this correspondence is part of the project record, and much of it was attached as exhibits to the findings of substantial issue. For the sake of brevity, clarity, and to avoid waste, most of this superseded material is not again reproduced in this report. Instead, a package containing select items of correspondence is being provided in a separate package along with this report. However, staff has carefully reviewed that material to assure that the issues and concerns that apply to the proposed project, as revised, are addressed in this staff report.

Summary of the Staff Recommendation

The staff recommends that the Commission deny the permit application as submitted. This recommendation is based on adverse impacts, both individually and cumulatively with other potential projects, that this proposed residential subdivision would have on coastal resources and public shoreline access, thus making it inconsistent with the policies of the Half Moon Bay Local

Coastal Program and the public recreation and public access policies of the California Coastal Act.

- Chief among the impacts that the project would have is a significant contribution to traffic congestion on Highways 1 and 92. Although the project would also contribute through mitigation measures to a localized improvement in traffic congestion at nearby intersections, the contribution of this project along with others likely to occur over the next 10 to 20 years in the San Mateo County Mid-Coast area would further exacerbate highway congestion, thus adversely affecting the ability of the general public to reach the shoreline for recreational purposes.

  Only two regional highways connect Half Moon Bay to the larger Bay Area, and both highways already carry traffic at peak hours on weekdays and Saturdays in excess of their capacity. Although improvements to both highways are proposed by the City of Half Moon Bay, to which Ailanto Properties proposes to contribute, those improvements would be insufficient to assure satisfactory service levels in the future, given projected future growth.

  The Local Coastal Programs of Half Moon Bay and San Mateo County predict substantial future residential growth in both jurisdictions, thus contributing to additional congestion on the highways. For instance, the Half Moon Bay LCP predicts that additional housing units in Half Moon Bay will increase over the next twenty years by 100 percent or more (an increase of 4,495 or more units in comparison to the 3,496 units existing in 1992). According to regional predictions contained in the San Mateo County Countywide Transportation Plan Alternatives Report, even with maximum investment in the transportation system, traffic volumes on both highways are predicted to be far in excess of capacity, if residential and commercial development proceeds as projected.

  Up to 2,529 vacant residential lots already exist within the City of Half Moon Bay. Approval of the creation of additional residential lots through this proposed subdivision, which represents a net increase of 143 parcels over the two legal lots that currently exist, would only contribute to a long-term worsening of traffic congestion and a consequent limitation on the ability of the general public to reach area beaches and shoreline for priority visitor-serving and recreational purposes.

- Construction of the project as proposed would not assure the protection of sensitive species and environmentally sensitive habitat areas on and around the site. The U. S. Fish and Wildlife Service has determined that the project site provides habitat for California red-legged frogs and potential habitat for San Francisco garter snakes, both federally listed species. Although the project provides the minimum wetland and riparian buffers specified by the LCP, these buffers are inadequate to protect the habitat for the listed frogs and snakes. Therefore, the Commission concludes that the project will result in significant adverse impacts to these species through direct loss of habitat in conflict with the envirnmentally sensitive habitat area (ESHA) protection policies of the LCP. Furthermore, the project includes two bridges across riparian corridors for which feasible alternatives exist.

- The project would not affect views of the coast from public places but it would result in construction of homes on undeveloped slopes of the coastal hills visible from Highway 1. The project would thus adversely affect the scenic resources of Half Moon Bay, inconsistent with LCP policies.

- The project as proposed is consistent, partially or wholly, with some policies of the LCP. For instance, although the site contains a small amount of prime agricultural soils, the LCP designates the property as suitable for residential development, because it is not viable for future agricultural use based on conflicts with existing urban uses and other factors.

Through revisions to the project since the appeal was filed in April of 1999, the applicant has attempted to address many issues of conformity with LCP policies. In the final analysis, however, the project continues to raise significant issues in several areas. In particular, it represents a significant increase in residential development in a community with limited and already overloaded roads, as well as a large pool of existing, undeveloped residential parcels. The LCPs of Half Moon Bay and San Mateo County do not contain a mechanism to offset the impacts of the creation of new residential parcels, such as (for instance) a transfer of development credit program that would retire existing poorly platted lots at the time new parcels are created. Because the project as revised does not successfully address regional traffic issues and the other habitat protection issues identified below, the staff recommends that the Commission deny this application.

1.0 STAFF RECOMMENDATION

Denial

The staff recommends that the Commission deny Coastal Development Permit Application A-1-HMB-99-022 as follows:

Motion

I move that the Commission approve Coastal Development Permit A-1-HMB-99-022 for the development proposed by the applicant.

Staff Recommendation of Denial

Staff recommends a NO vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Deny the Permit

The Commission hereby denies a coastal development permit for the proposed development on the grounds that the development will not conform with the policies of the City of Half Moon Bay Local Coastal Program. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

2.0 FINDINGS AND DECLARATIONS

[NOTE: The full text of the LCP, Coastal Act and other policies and regulations referenced herein are attached as Appendix C of this report.]

2.1 Standard of Review

The entire City of Half Moon Bay is within the California coastal zone. The City has a certified Local Coastal Program, which allows the City to issue Local Coastal Permits. The project

contains areas of wetlands and streams subject to the appeal jurisdiction of the Commission under Public Resources Code (PRC) Section 30603.

Because the Commission found in March 2000 that the appeals of the local government action on this project raise a substantial issue under the LCP, the Commission must consider the entire application *de novo* (PRC §§ 30603, 30621, and 30625, 14 CCR § 13115). Ailanto has previously asserted that only those physical portions of the project that are located within 100 feet of a stream or wetland are before the Commission de novo. However, the applicant confuses initial jurisdictional prerequisites with the Commission's authority to review the entire Pacific Ridge Development project de novo. Although Section 30603 lists the types of development for which the Commission has jurisdiction to hear an appeal, Section 30603 also indicates the parameters under which such review is to take place once jurisdiction is established. In accordance with Coastal Act Section 30603(a), the appeal is of the action taken by the local government. Likewise, Sections 30621 and 30625 of the Coastal Act provide that the application for the proposed development is before the Commission de novo. Therefore, consistent with Coastal Act Sections 30603, 30621 and 30625, the entire application acted on by the City is before the Commission de novo.

The Commission also notes that the proposed development includes a subdivision. Accordingly, the entire development is subject to the Commission's jurisdiction in any event because the impact of the proposed subdivision is inseparable and cannot be geographically severed.

Section 30604(b) states that after certification of a local coastal program, a coastal development permit shall be issued if the issuing agency or the Commission on appeal finds that the proposed development is in conformity with the certified local coastal program. Pursuant to Policy 1-1 of the City's certified Land Use Plan (LUP), the City has adopted the policies of the Coastal Act (sections 30210 through 30264) as the guiding policies of the LUP. Policy 1-4 of the City's LUP states that prior to issuance of any development permit, the [Commission] shall make the finding that the development meets the standards set forth in all applicable LUP policies. Thus, the LUP incorporates the Chapter 3 policies of the Coastal Act. These policies are therefore included in the standard of review for the proposed project.

The project site is located within the Planned Development Area (PUD) designated in the City's LUP as the Dykstra Ranch PUD. Section 9.3.7 of the LUP specifically addresses the development of the Dykstra Ranch PUD, and includes "Proposed Development Conditions" for the development. Section 18.37.020.C of the City's Zoning Code states in relevant part:

> *New development within Planned Development Areas shall be subject to development conditions as stated in the Local Coastal Program Land Use Plan for each Planned Development...*

Therefore, Proposed Development Conditions (a) through (h) contained in LUP Section 9.3.7 are included in the standard of review for this proposed project and are hereinafter referred to as LUP Policies 9.3.7(a) through 9.3.7(h).

LUP Policy 9.3.7(a) requires a specific plan to be prepared for the entire [Dykstra Ranch Planned Development] area which incorporated all of the stated conditions and conforms to all other policies of the Land Use Plan. Accordingly, the City approved a specific plan for the Dykstra Ranch PUD on January 4, 1994, and subsequently incorporated this PUD plan as Chapter 18.16 of the Zoning Code – Dykstra Ranch PUD Zoning District. The Commission certified the PUD

in April 1996. In accordance with the definitions provided in Zoning Code Section 18.02.040, the LCP uses the terms "Specific Plan" and "Planned Unit Development Plan" synonymously. Zoning Code Section 18.15.045.C states that a Planned Unit Development Plan shall expire two years after its effective date unless a building permit has been issued, construction diligently pursued, and substantial funds invested. Neither a coastal development permit (CDP) nor a building permit has been issued for the proposed project. Therefore, the Dykstra Ranch PUD Plan/Specific Plan expired in April of 1998, two years after the Commission certified the PUD and it became effective in the City. Because the specific plan has expired, Zoning Code Chapter 18.16 is not included in the standard of review for the appeal. A new specific plan has not been prepared for the development.

LUP Policy 9-8 states that areas designated in the LUP as PUD shall be planned as a unit and that preparation of specific plans may be required for one or more separate ownerships, individually or collectively, when parcels comprising a PUD are in separate ownerships. LUP Policy 9-14 states that where portions of a PUD are in separate ownership, approval may be granted for development of a parcel or group of parcels within the PUD provided that the City has approved a specific plan for the PUD district. The Dykstra Ranch PUD District is comprised of two lots under a single ownership, and the Pacific Ridge Development represents a development plan for the entire PUD district. Therefore, pursuant to LUP Policies 9-8 and 9-14, a specific plan is not required as a prerequisite to the development of the Dykstra Ranch PUD. Although the specific plan required to be prepared under LUP Section 9.3.7(a) has expired, the Commission could potentially find the development in conformance with the LCP, including the proposed development conditions for the PUD, without preparation of a new specific plan.

2.2 Project Location and Description

The proposed project is within the Dykstra Ranch Planned Unit Development (PUD) area, located on a coastal terrace east of Highway 1 and north of State Route 92 at the eastern edge of the City of Half Moon Bay, San Mateo County, approximately one mile east of the Pacific Ocean (Exhibit 1). A mix of suburban development and vacant former agricultural lands lies between the site and Highway 1. Half Moon Bay High School is located on the southwest boundary of the site (Exhibit 3).

The elevation of the property ranges from about 245 feet in the southeast portion of the project area down to about 45 or 50 feet in the northwest corner. The western portion of the project area contains gentle slopes in the five percent range. Some ridges, particularly in the northeast, are steeply sloped, approaching 28 percent in some cases. The land has been used for grazing cattle and has a history of barley cultivation.

Soils on the site consist of natural deposits of alluvium and artificial fill. The alluvial soils display slight to moderate erosion potential. Soils on the rolling hills in the northwestern part of the site also pose slight to moderate erosion potential. The upland soils on the hills, along the northeastern boundary of the site are moderately to highly erodable. The site contains artificial fills for an earthen dam and an embankment and drainage channel berms, relating to previous agricultural activities. Approximately 36 acres or 32 percent of the site contain prime agricultural soils (Exhibit 10).

The site lies in the transition area between the foothills along the western flank of the Santa Cruz Mountains and the coastal plain in Half Moon Bay. The closest active earthquake faults are

located approximately five miles northeast of the site. The general area is a seismically active region, and is subject to strong seismic ground shaking.

The project as approved by the City was to subdivide the 114-acre site into 197 residential lots. Subsequent to the Commission's determination of substantial issue, the applicant revised the project for purposes of the de novo permit review. These revisions include reduction from 197 to 145 lots, relocation of a portion of the main "loop road" to avoid encroachment into the pond buffer area, and additional wetland and riparian corridor protections (Exhibit 9). Ailanto proposes to develop the lots with two-story houses ranging in size from 2,571 to 3,547 square feet. Many of the homes are positioned for views of the ocean (Exhibit 9). To increase the variation in design, the applicant proposes to construct detached garages for approximately 58 percent of the houses. Houses are projected by the applicant to be priced above $500,000, and to appeal to people purchasing their second or third home. These buyers are expected to be families with children of high school age or older.

Infrastructure improvements to serve the development include privately maintained subdivision streets and underground lines for water, power, and sewer services. Ailanto has paid assessments to the Sewer Authority Midcoast and to the Coastside County Water District to assure sewer and water capacity to serve the development.

As originally proposed to the City the project included the construction of Foothill Boulevard linking the site to State Route 92 to the south and the extension of Grand View Boulevard linking the development to Highway 1 to the west. However the City denied the construction of these roadways due to their encroachment into wetland areas. For purposes of the Commission de novo review of the permit application, Ailanto has revised the project to provide access to the development from highway 1 through an extension of Terrace Avenue, an existing neighborhood street that abuts the development site to the west (Exhibit 2). The applicant proposes to provide approximately $1 million for improvements at the intersection of Terrace Avenue and Highway 1 including lane widening and a traffic signal.

The applicant proposes to dedicate open space easements over approximately 5.15 acres of the site for park use. A homeowners association would maintain subdivision streets, sidewalks, streetlights, monument signs, wetlands, the pond, and open space amenities such as benches, bicycle racks, a tot lot and a gazebo.

2.3 Regional Cumulative Traffic Impacts

The Commission denies the permit application because the proposed subdivision would cause significant adverse cumulative impacts to traffic on Highways 1 and 92.

2.3.1 Issue Summary

Road access to the Mid-Coast region of San Mateo County including the City of Half Moon Bay is limited to Highways 1 and 92. Studies show that the current volume of traffic on these highways exceeds their capacity and that even with substantial investment in transit and highway improvements, congestion will only get worse in the future. As a result, the level of service on the highways at numerous bottleneck sections is currently and will in the future continue to be rated as LOS F. LOS F is defined as heavily congested flow with traffic demand exceeding capacity resulting in stopped traffic and long delays. This level of service rating system is used to describe the operation of both transportation corridors as well as specific intersections. LOS F

conditions are currently experienced at certain intersections and at bottleneck sections of both highways during both the weekday PM peak-hour commuter period and during the weekend mid-day peak. The LCP contains policies that protect the public's ability to access the coast. The extreme traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources in conflict with these policies.

The key reasons for this problem are that capacity increases to the highways are constrained both legally and physically and because there is a significant imbalance between housing supply and jobs throughout the region. Without any new subdivisions, there are approximately 2,500 existing undeveloped small lots within the City. Each of these lots could potentially be developed with at least one single-family residence. Even with the City's Measure A 3-percent residential growth restriction in place, this buildout level could be reached by 2010. If the Measure D one percent growth restriction approved by Half Moon Bay voters in November 1999 is implemented through an amendment to the LCP (litigation challenging the measure is currently pending), the rate of buildout would be slowed, but neither of these growth rate restrictions change the ultimate buildout level allowed. It is also important to note that neither the proposed development nor several other proposed subdivisions for which the City approved vesting tentative maps prior to the effective date of Measure A are subject to these growth restrictions.

The County's Congestion Management Plan (CMP) concludes that a major factor contributing to existing and future traffic congestion throughout the County is the imbalance between the job supply and housing (CCAG 1998). In most areas of the County, the problem is caused by a shortage of housing near the job centers, resulting in workers commuting long distances from outside the County. In these areas, the CMP recommends general plan and zoning changes designed to increase the housing supply near the job centers of the County. In the Mid-Coast area of the County however, the problem is reversed. In accordance with the projections contained in the CMP, buildout of the currently existing lots within the City of Half Moon Bay would exceed the needed housing supply for the area by approximately 2,200 units, contributing to significantly worse congestion on the area's highways. Simply put, the capacity of the regional transportation network cannot feasibly be increased to the level necessary to meet the demand created by the development currently allowable under the City and the County land use plans.

The applicant proposes to mitigate the impacts of the proposed development to area traffic by providing the City with funding to install a traffic signal on Highway 1 where it intersects with the access road proposed to the development and to widen an 800-foot portion of Highway 1 near this intersection. The applicant's transportation consultant has provided data showing that with these and other highway and intersection improvements contemplated by the City, six intersections in the vicinity of the development site will operate at acceptable levels, representing an improvement over existing conditions. The Commission does not dispute that the proposed signalization and lane widening will improve the function of these intersections, and will reduce congestion within the City at least in the short term. However, these improvements will only assist in addressing the immediate impacts on the streets surrounding the subdivision. As shown in the alternatives study conducted for the Countywide Transportation Plan, these improvements do not solve the larger congestion problem outside the City limits. In addition, because the applicant underestimates growth projections for purposes of its cumulative impact analysis, the

proposed traffic improvements do not assure that all significant adverse cumulative impacts inside the City will be adequately mitigated.

It is not within the ability of the developer of the proposed project to solve the transportation problems created by the region's significant job/housing imbalance. However, it is appropriate for the Commission to address significant regional planning issues such as this when considering whether to allow new subdivisions that would further intensify the level of development in an area where road service is inadequate to serve existing local and visitor demands.

In accordance with the policies of the Half Moon Bay LCP and of the Coastal Act that require new development to be served by adequate public services and that seek to protect the public's rights to access the coast by reserving service capacity for that priority use, this subdivision should not be permitted until a solution to this regional transportation problem is found. Therefore, as further discussed below, the staff recommends that the Commission deny this permit application.

One way in which the City could solve this problem would be to implement a transfer of development rights (TDR) program. Such a program could allow the approval of new subdivisions only when the developer retires the development potential of an equal or greater number of existing lots within the City. In addition to maintaining or reducing the overall level of future development within the area, such a program could allow development to occur in the areas best able to support it, while helping to preserve open space, public access, and sensitive coastal resource. The City recently conducted a preliminary feasibility analysis for the implementation of a TDR program.

2.3.2 LCP Standards

The City of Half Moon Bay LCP contains policies requiring adequate road capacity to serve new development and to minimize impacts of development to traffic on Highways 1 and 92. LUP Policy 9-2 specifies that new development shall not be permitted unless it is found that the development will be served upon completion with road facilities. LUP Policy 9-4 requires that development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP. Policy 10-4 states that the City shall reserve public works capacity for priority land uses including public access and recreation from consumption by other non-priority uses such as residential development. LUP Policy 10-25 designates LOS C as the desired level of service on Highways 1 and 92 except during the weekday and weekend peak-hours when LOS E may be accepted.

Section 9.3.7 of the LUP includes proposed development conditions for the development of the Dykstra Ranch Planned Unit Development Area (the project site). Proposed Development Condition 9.3.7(a) provides for the reduction of the maximum allowable density of 228 units for the project site if the remaining capacity on Highway 92 is inadequate to accommodate that level of development.

In addition, pursuant to LUP Policy 1-1, the City has adopted the Chapter 3 policies of the Coastal Act as the guiding policies of the LUP. Accordingly, the City's LUP adopts Coastal Act Sections 30210, 30250 and 30252, which also require that development shall not interfere with the public's ability to access the coast and shall only be approved in areas with adequate public services.

2.3.3 Regional Transportation Setting

The City of Half Moon Bay can only be accessed via Highway 1 from the north and south and by Highway 92 to the east (Exhibits 1, 2, and 3). Capacity increases to these roadways are constrained both legally and physically. Coastal Act Section 30254 states that it is the intent of the legislature that in rural areas, Highway 1 shall remain a scenic two-lane road. This Coastal Act policy is implemented through the San Mateo County LCP both to the north and to the south of the City, outside the City limits.

Highway 1 Corridor

Approximately 10 miles north of the City, in San Mateo County, Highway 1 passes through the "Devil's Slide" area, where landslides cause frequent interruptions and occasional closures during the rainy season. Caltrans is currently seeking necessary approvals to construct a tunnel to by-pass Devil's Slide. While the tunnel will improve operations of the highway in the section by preventing slide-related delays and closures, the width of the tunnel will only allow one lane in each direction consistent with Coastal Act Section 30254. Construction of additional lanes to provide additional capacity is therefore not an option in the Devil's Slide area. (The Coastal Commission approved San Mateo County LCP Amendment 1-96 on January 9, 1997 providing for the tunnel alternative.)

The Highway 1 right-of-way provides sufficient width for a four-lane roadway throughout the City of Half Moon Bay. South of Miramontes Point Road, Highway 1 has a rural character with one lane and a graded shoulder in each direction. It varies in width between two and four lanes between Miramontes Point Road and Kelly Avenue. North of Kelly Avenue, it includes two lanes in each direction separated by a raised median before returning to one lane in each direction north of North Main Street. The intersections of Highway 1 with North Main Street, Highway 92, and Kelly Avenue are controlled with traffic signals. The intersections of Highway 1 with minor roadways, including the proposed project site access Terrace Avenue, are controlled with stop signs on the minor street approaches. The roadway widens at unsignalized intersections to accommodate a 12-foot left turn lane. However, because of the heavy traffic congestion on Highway 1 during peak hours, significant delays occur for left turn movements into and out of these unsignalized minor street intersections.

The maximum capacity of the Highway 1 corridor (LOS E)[1] is approximately 2,500 vehicles per hour. Any volume greater than 2,500 vehicles per hour is considered an undesirable level of service F. Currently, the corridor carries approximately 3,120 vehicles during the weekday PM peak-hour and 3,000 vehicles during the Saturday midday peak-hour. Thus, the corridor operates at LOS F at these times (Fehr & Peers 2000b). In addition, the unsignalized Terrace Avenue/Highway 1 intersection currently operates at LOS F due to heavy traffic on Highway 1 that constrains turning movements of vehicles attempting to enter Highway 1 from Terrace Avenue (Dowling 1998).

The City is currently drafting a Project Study Report (PSR) for submittal to Caltrans to study an approximately $3 million improvement plan for the approximately 3,000-foot section of

[1] Traffic analysis is commonly undertaken using the level of service rating method. The level of service rating is a qualitative description of the operational conditions along roadways and within intersections. Level of service is reported using an A through F letter system to describe travel delay and congestion. Level of service (LOS) A indicates free-flowing conditions. LOS E indicates the maximum capacity condition with significant congestion and delays. A LOS F rating indicates traffic that exceeds operational capacity with unacceptable delays and congestion.

Highway 1 between North Main Street and Kehoe Avenue. On June 20, 2000, the City Council considered eight alternatives for this improvement project. The Council continued the hearing on this matter to its next meeting scheduled for July 16, 2000. The improvements contemplated include widening the remaining two-lane portions of this section of the highway to four lanes, consolidating intersections, and improving bicycle and pedestrian safety. Under this plan, Bayview Drive would serve as the consolidated, arterial street to serve the existing and planned neighborhoods in this area of the City inland of Highway 1 with a signalized intersection. The other intersections north of North Main would remain unsignalized and restricted to right turning traffic. This project is currently in the planning stage, and the environmental review process has not yet been initiated. Although the City has not yet developed a specific funding plan for this project, substantial portions of the costs of the improvements would likely be shared by future development approved along this corridor, and the San Mateo County Transportation Authority (SMCTA). The City hopes to complete these improvements in 2005.

Highway 92 Corridor

Highway 92 runs east of the City to Highway 280 traversing steep rugged terrain. Because of the steep slopes, slow-moving vehicles delay eastbound traffic. In accordance with the LUP, the capacity of this highway is 1,400 vehicles per hour (in each direction of travel). Currently, the Highway 92 corridor carries approximately 1,976 vehicles during the weekday PM peak-hour and 1,800 vehicles during the Saturday midday peak-hour. Given the characteristics of this roadway, including its steep slopes and curves, this traffic volume results in levels of service F during the weekday peak and nearly F during the weekend peak.

In 1989, the voters of San Mateo County passed Measure A, a 1/2 cent sales tax initiative to provide funds for transportation improvements within the County.[2] Operational and safety improvements to Highway 92 from Highway 1 to Highway 280 were included as part of the Measure A program. Improvements were subsequently divided into four separate construction packages. Construction was recently completed on the first segment to go into construction, the section of Highway 1 from Pilarcitos Creek south of the City to Skyline Boulevard (Highway 35). The other three segments include Highway 92 improvements within the City and in the County area east of the City limit, are currently in the preliminary engineering and environmental documentation phase, with construction scheduled to begin in 2001. This project has been divided into two phases. The City will construct the first phase and the second phase will be constructed by the SCMTA.

Phase 1 of the Highway 92 improvement project addresses the western segment of the highway within the City. The Phase 1 improvements include widening portions of Highway 92 from two to four lanes, intersection improvements, and improved bicycle and pedestrian safety (Exhibits 4-7). The City will enter into a cooperative agreement with Caltrans for final design and construction for the Phase 1 project. In 1998, the City entered into an agreement with the SMCTA for additional funding for the Phase 1 portion of the project. Funding for Phase 1 includes $3.97 million from the State, $4.92 million from SCMTA and $0.82 million from the City. The City expects to complete Phase 1 by 2002.

[2] Unrelated to the City of Half Moon Bay Residential Growth Initiative also known as Measure A.

Phase 2 follows Highway 92 from approximately 2,230 feet east of Main Street to the City limit line and will be constructed by the SCMTA. Phase 2 will include widening the remaining portion of the highway to the City limit line to provide one standard 12-foot lane and an 8-foot outside shoulder in each direction.

The Phase 1 and 2 improvements will improve traffic flow within the City consistent with the Circulation Element of the City's General Plan. On May 11, 2000, the City Planning Commission certified a mitigated negative declaration (MND) and approved a coastal development permit for the Phase 1 Highway 92 improvements within the City. The MND finds that the project will bring this portion of the Highway 92 corridor within the City limits to an acceptable level of service under the LCP (LOS C or better). The Planning Commission's approval of this project was appealed to the City Council. On June 20, 2000, the City Council continued the hearing on this matter to its next meeting scheduled for July 16, 2000.

Construction was recently completed of an uphill passing lane on the segment of Highway 92 east of the City. In addition, the SCMTA is preparing plans for a widening and curve correction project from Pilarcitos Creek to the proposed Foothill Boulevard. This project will include widening of existing lanes and curve corrections to improve safety, but terrain and proximity to stream corridors prohibit widening the roadway to provide additional lanes east of the City limits. Thus, while the proposed lane widening and curve corrections will improve the flow of traffic through this corridor, it is not feasible to increase capacity through further lane additions to the segment of Highway 92 between the City limit line and Highway 280 to the east.

2.3.4 Discussion

Trip Generation

Construction-related traffic has the potential to adversely affect local traffic circulation on Terrace Avenue and at the intersection of Terrace and Highway 1. Construction traffic associated with the proposed project will generate an average of 46-50 trips per day over an approximately 300-day construction period through the unsignalized Terrace Avenue/Highway 1 intersection (Fehr & Peers 2000b). This construction traffic represents a 1.6-percent increase over the current peak-hour traffic within the Highway 1 corridor north of North Main Street.

Assessment of the post-construction traffic impacts of the proposed development is based on estimated vehicle trip rates for a 150-unit development. The development will generate 152 new trips during the PM peak-hour and 142 new trips during the Saturday noon peak-hour (Fehr & Peers 2000a). These new trips represent an approximately 4.7-percent increase of traffic within the Highway 1 corridor north of North Main Street.

During the May 12, 2000 hearing for the proposed project, the Commission expressed concern that the applicant's figures seem too low and therefore directed the staff to review how the trip generation numbers were derived. The applicant's transportation consultant calculated vehicle trip rates for the project based on the Institute of Transportation Engineers publication *Trip Generation 5th Edition.* The methodology contained in the ITE Trip Generation Manual is widely accepted by transportation planners as the standard for determining vehicle trip generation rates. However, the Commission's transportation project analyst recalculated the vehicle trips that would be generated by the proposed project using the updated ITE Manual *Trip Generation 6th Edition.* Staff's calculations showed an additional four trips during the weekday PM peak hour and two additional trips during the Saturday noon peak hour for a revised total of

156 and 144 trips respectively. The difference between the applicant's and the staff's calculations regarding trip generation are inconsequential to the results of the analysis of the impacts of the development to regional cumulative impacts to traffic. The staff's calculations are shown in Appendix B.

Traffic Volume Projections

The applicant's traffic study includes projected traffic volumes generated by the Pacific Ridge development based on four different site access alternatives (Fehr & Peers 2000a). Based on the above-described growth assumptions, the applicant's transportation consultant projects future traffic volumes as follows:

- Weekday PM peak-hour for Highway 1 between North Main Street and Terrace Avenue – 3963 trips (proposed project contributes 2.2 percent toward total).
- Saturday noon peak-hour for Highway 1 between North Main Street and Terrace Avenue – 4378 trips (proposed project contributes 2.6 percent toward total).
- Weekday PM peak-hour for Highway 92 between North Main Street and [proposed] Foothill Boulevard – 2987 trips (proposed project contributes 2.0 percent toward total).
- Saturday noon peak-hour for Highway 92 between North Main Street and [proposed] Foothill Boulevard – 3053 trips (proposed project contributes 1.1 percent toward total).

Using these cumulative traffic increase forecasts, the applicant's transportation consultant reaches the following conclusions. If all of the Highway 1 and 92 improvements described above are constructed, all intersections on Highway 1 north of North Main Street and Highway 92 between Highway 1 and [proposed] Foothill Boulevard would operate at acceptable levels of service LOS A-D, and the project would not therefore result in significant cumulative traffic impacts.

The applicant's analysis shows that <u>without</u> the roadway improvements, all of the Highway 1 intersections would operate at LOS F. Under this scenario, the applicant concludes that the project would result in significant cumulative impacts to traffic. However, the applicant notes that even without the roadway improvements, significant cumulative traffic impacts could be avoided if access to the project site were provided via either Foothill Boulevard or a combination of both Foothill and Bayview.

Cumulative impact analysis is based on an assessment of project impacts combined with other projects causing related impacts (14 CCR § 15355). In accordance with CEQA, cumulative impact analysis must consider reasonably foreseeable future projects or activities. The CEQA guidelines identify two sources of data that can be consulted for the purpose of evaluating the significant cumulative impacts of development (14 CCR § 15130(b)):

(1) Either:

(A) A list of past, present and probable future projects producing related or cumulative impacts, including those projects outside the control of the agency, or

(B) A summary of projections contained in an adopted general or related planning document or in a prior environmental document which has been adopted or certified, which describes or evaluates regional or area wide conditions contributing to the cumulative impact.

The applicant's traffic study is based on a list of projects as described in Subsection (A) to project future development for its assessment of cumulative project impacts to traffic. The applicant's transportation consultant considered all known permitted and planned developments as provided by City of Half Moon Bay and San Mateo County planning staff and an additional 540 residential "in-fill" units in determining expected growth. Based on these data, the applicant assumes 2,308 residential units, 582 hotel units, and 250,000 square feet of commercial development for its cumulative traffic impact analysis (Fehr & Peers 2000a). However, the applicant's transportation consultant did not include all of the projects required to be considered in compiling a list of past, present, and probable future projects under CEQA. The CEQA Guidelines provide (14 CCR § 15130(b)):

> *"Probable future projects" may be limited to... projects included in an adopted capital improvements program, general plan, regional transportation plan, or other similar plan...* (Emphasis added)

The list of past, present, and probable future projects used for the applicant's transportation analysis is incomplete, and underestimates future growth because all projects identified in the City and County General Plans and the regional transportation plan have not been included. CEQA Regulation Section 15130(b)(1)(B) provides an alternative method to determine the impacts of other projects causing related impacts that relies on adopted planning documents. Thus, this method would also utilize the Half Moon Bay and San Mateo County LCPs and the San Mateo County Countywide Transportation Plan as the relevant planning documents for the purpose of assessing the potential cumulative impacts of the proposed development.

The growth projections assumed for the applicant's cumulative impact analysis are significantly lower than those contained in both the relevant general plans/land use plans and in the regional transportation plan. Based on the allowable buildout under the Half Moon Bay and San Mateo County LUPs, future traffic volumes could be much greater than those projected by the applicant. Both the Half Moon Bay and County of San Mateo LCPs indicate substantially higher estimates of LUP buildout. For example, Half Moon Bay LUP Table 1.1 "Maximum Housing and Population, Half Moon Bay Land Use Plan" shows the City at 3,496 existing units as of 1992, growing to 7,991-8071 units in 2020, an increase of 4,495 to 4,575 units. These projections are based on a 3-percent annual growth rate, consistent with the City's certified LCP Measure A growth restriction.

In June 1997, the City/County Association of Governments of San Mateo County (CCAG) published the second edition of the San Mateo County Countywide Transportation Plan Alternatives Report (CCAG 1997). The CTPAR analyzes land and transportation alternatives for the cities, the County and transportation agencies to consider as the basis for the development of future land use and transportation development policy. The CTPAR relies on future development and job growth projections contained in the 1994 San Mateo County Land Use Information System (LUIS). The LUIS was developed specifically for the purpose of analyzing potential impacts of future development and job growth on the County's transportation network. The LUIS is based on information provided from each local jurisdiction, including up to date information on recently completed projects, projects under construction, proposed projects, and the supply of potential development sites (including new subdivisions) and in-fill areas. The LUIS projected buildout for the incorporated area of Half Moon Bay is 7,196 total housing units, an increase of 4,059 units from the 3,137 units existing in 1990.

Table 1 below compares the buildout data contained in the LCPs updated with U.S. Census and California Department of Finance data to make it comparable to the information presented in the applicant's studies, the LUIS, and the applicant's cumulative impact analysis (Fehr & Peers 2000a).

TABLE 1

Additional Housing Units 2000 to Land Use Plan Buildout Level	LCP*	LUIS*	Applicant's Study
City of Half Moon Bay	4117	4059	1507
SM Co. Mid-Coast	2971	1798	799
SM Co. Southcoast	500	--	--
TOTAL	**7588**	**5857**	**2306**

HOUSING UNIT GROWTH PROJECTIONS
2000 to Buildout

***Estimated levels based on update of 1990 levels using U.S. Census and California Department of Finance data.**

The discrepancy between the buildout projections in the major planning documents for the region and the assumptions used in the applicant's traffic studies profoundly affect the results of the cumulative impact analysis for the project. Using either the LCP or the CTPAR evidences greater congestion and lower levels of service at buildout in all the locations addressed in the Fehr & Peers report.

The growth projections used for the applicant's cumulative impact analysis are invalid under both of the data sources provided under the California Environmental Quality Act (CEQA) Guidelines (14 CCR §§ 14100 et. seq.). Thus, the conclusions reached in the applicant's analysis regarding the cumulative impacts of the development on traffic come into question. While the applicant's growth projections significantly underestimate growth projections based on the major planning documents for the region, another significant flaw in the applicant's cumulative impact analysis is its narrow scope. This issue is discussed in the following section.

Scope of Cumulative Impact Analysis

In addition to underestimating growth, the applicant's cumulative impact analysis fails to consider the impacts of the development to traffic congestion at a regional level. The analysis contained in the Fehr & Peers report is based on forecasted operation of six intersections within the City, representing a very limited portion of the affected roadways. However, the project's contribution to the cumulative loading of coastal roads is not limited to these intersections. The analysis assumes that Highway 92 will be widened to four lanes between Highway 1 and the City limit, but it does not present an analysis of the cumulative impact of traffic east of the City limit where Highway 92 will remain two lanes. It also does not analyze the impact where Highway 1 will remain two lanes within the urban area, even after the assumed widening in the vicinity of the project, nor Highway 1 in the rural area north and south of the City where Coastal Act Section 30254 requires that it remain two lanes. Highways 1 and 92 are the only roads available to reach this part of the coast. An analysis of the contribution of the project to potential bottlenecks on these coastal arteries is essential.

As discussed above, the applicant concludes that with the Highway 1 and 92 improvements contemplated by the City, the six studied intersections would operate at acceptable levels and that the project would not therefore result in cumulative traffic impacts. However, the CTPAR shows that even with the maximum investment of $3.2 billion in highway and transit improvements, the regional level of service on Highways 1 and 92 will be significantly worse than the current unacceptable levels, even with growth control measures in place.

The applicant's transportation consultant provides the following reasons for not incorporating the CTPAR conclusions into its analysis (Fehr & Peers 2000a):

- *The environmental analysis required that intersection operations be analyzed, requiring traffic projections down to individual turning movement. By loading traffic to the road network from only two TAZs [Traffic Analysis Zones], the countywide model is not able to accurately reflect traffic flow at the intersection level.*
- *The countywide model does not contain the road network necessary to evaluate operations at secondary intersections within Half Moon Bay (i.e., Terrace, Grandview, and Bayview).*
- *In determining link levels of service, the countywide model does not take consider [sic] lane channelization, intersection control, signal timing and phasing, etc.*

In other words, the CTPAR analysis addresses broad-scale, regional impacts, whereas the Fehr & Peers analysis addresses specific intersections nearby the development site and a small section of the Highway 1 corridor.

While it is accurate to note that the CTPAR does not include analysis of the operation of secondary intersections, it does provide a very detailed analysis throughout the highway corridors and accounts for both lane widening and intersection improvements. The fact that the CTPAR does not study individual intersection operations does not invalidate its relevance in evaluating the regional cumulative traffic impacts of the proposed development.

The CTPAR includes 6 primary and 12 secondary transportation improvement scenarios to evaluate how different levels of investment in transit and highway improvements affect future congestion. It is important to note that the housing growth projection used for the CTPAR buildout scenario is lower than the City's LCP buildout projection. CTPAR Scenario 6c assumes that all contemplated highway and transit improvements throughout the County are constructed, including the Devil's Slide bypass, Highway 1 and 92 widening and intersection improvements within Half Moon Bay, curve corrections, shoulder widening, slow vehicle passing lane for the section of Highway 92 east of Half Moon Bay to Highway 280, and public transit improvements to Caltrain, BART, and bus services. Exhibit 12 shows the projected year 2010 volume to capacity (v/c) ratios during the PM peak-hour on Highways 1 and 92 with the Scenario 6c transit improvements in place. A v/c ratio of greater than 1.00 is the equivalent to LOS F. As shown in Exhibit 12, significant portions of Highway 1 north of Highway 92 will operate at v/c ratios in excess of 1.00 in both the north and southbound directions, including most of the City of Half Moon Bay. The PM peak-hour v/c ratio for westbound Highway 92 is projected under Scenario 6c to exceed 2.00 for most of the corridor east of the City to Highway 280. Thus, the CTPAR shows that even with the maximum level of transportation system investment, traffic volumes on both highways is projected to be far in excess of capacity, if residential and commercial development proceed as projected, within the limits of the City and County LCPs.

Traffic Impacts to Public Access and Visitor Serving Uses

Section 10.4.4 of the City's LCP states that:

- The Coastal Act requires that road capacity not be consumed by new, non-priority developments, at the expense of adequate service for priority uses, such as public recreation and visitor-serving commercial uses.
- The major issue involves potential conflict for transportation capacity between new residential development and reservation of adequate capacity for visitor travel to Coastside beaches.

LCP Policy 10-4 reserves public works capacity (including highway capacity) for priority uses to ensure that this capacity is not consumed by other development, and controls the rate of permitted new development to avoid overloading public works and services. In addition, the City adopted Coastal Act Sections 30210 and 30252 as guiding policies to the LCP. These policies require that development shall not interfere with the public's ability to access the sea, the location and amount of new development should maintain and enhance public access to the coast, and that new development be located in areas with adequate public services where it will not have a significant adverse effect, either individually or cumulatively, on coastal resources.

The Half Moon Bay shoreline includes approximately 4.5 miles of heavily used publicly owned beach. As the population of the greater San Francisco Bay area continues to grow, use of the Half Moon Bay beaches is expected to increase. The congestion on Highways 1 and 92 is currently at a level that significantly interferes with the public's ability to access the Half Moon Bay shoreline. Approval of new subdivisions in the area would increase the level of development beyond that required to be allowed under the current parcelization. Such action would further interfere with the public's ability to access the San Mateo coast, would consume road capacity for a non-priority use, and would locate development in areas with inadequate services creating a significant adverse impact on coastal resources in conflict with the above cited policies.

Land Use Controls

The San Mateo County Congestion Management Plan (CCAG 1998) states that one of the key contributors to traffic congestion in the County is the imbalance between the number of people who work in the County and the County's housing supply. For most communities in the County, the problem is a shortage of housing near job centers. However, in the County mid-coast region including Half Moon Bay, the problem is reversed. It is primarily because the Mid-Coast housing supply far exceeds the job supply that commuter traffic congestion on Highways 1 and 92 is at its current state. The CMP finds that based on projected job growth the 2010 housing supply in the City will exceed local housing needs by 3,235 units. The CMP shows that given expected job growth rates, only 315 additional housing units above the 1990 level will be needed in the City by 2010. Additional job growth above that projected in the City could help to alleviate this imbalance. Congestion management dictates that the County's housing supply needs should be addressed by providing additional housing in the job centers of the County and not in the Mid-Coast area.

According to the data contained in Table 9.1 of the Half Moon Bay LUP, there are currently approximately 2,500 existing subdivided small lots that could potentially be developed under the LUP. These include 2,124 to 2,189 in-fill lots in existing residential neighborhoods and 325 to

340 lots in undeveloped "paper subdivisions." Many of these existing lots, particularly those in "paper subdivisions" do not conform with current zoning standards, and their development potential is unclear. Assuming arguendo that some of these lots are legal lots, constitutional principles upheld by the U.S. Supreme Court guarantee that an owners' land shall not be taken from them without just compensation. In accordance with this principle, Coastal Act Section 30010 provides:

> *The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.*

However, while the owners of legally subdivided lots are entitled to a reasonable economic use of their existing legally subdivided lots, the Commission is not obligated to create additional lots.

Buildout of the existing already subdivided small lots within the City could provide for as many as 2,529 new housing units, exceeding the City's 2010 housing supply need by 2,214 units (based on expected job growth) according to the County CMP. The Pacific Ridge Development site is made up of two existing lots. Given the inability of the areas highways to serve the potential development of the existing subdivided lots within the City, the Commission cannot, consistent with the policies of the Coastal Act and the LCP, approve new subdivisions that would serve to further increase the potential buildout of the area.

One way in which the impacts of new subdivisions within the City to the highway congestion could be avoided is through a transfer of development rights (TDR) program. A TDR program (also known as transfer of development credit) could allow the overall buildout level within the City to be reduced by transferring the development rights of existing undeveloped small lots to unsubdivided areas. Such a program in the City could be used to retire the development potential of the many non-conforming lots in "paper subdivisions" and in existing neighborhoods. Such a program could facilitate more appropriate planning to allow development in areas more suitable for residential uses while preserving open space for public access, viewshed, and habitat protection.

In December 1999, the City Manager presented a "Draft Preliminary Assessment of the Feasibility of Establishing a TDR Program in Half Moon Bay" to the City Council. The report presented to the City Council recommended that after additional research concerning primarily an evaluation of the supply of potential "donors" and "receivers" for TDR credits, the City could consider the TDR Program as a part of its General Plan/LCP update.

2.3.5 Conclusion

Current traffic volumes in numerous bottleneck sections of both highways within the City and in the broader county region exceed maximum capacity with a v/c ratio worse than LOS F. The CTPAR, which represents the most comprehensive regional transportation study undertaken for the area, finds that even with the maximum level of investment in transit and highway improvements, congestion in the Mid-Coast region of the County will continue to increase over

the next decade. The resulting traffic volumes on both Highways 1 and 92 will greatly exceed the capacity of these roadways.

The LUP contains several policies that require new development to be served by adequate road facilities to serve priority uses such as public access and recreation, including Policies 9-2, 9-4, 10-4, and 10-25. These LCP policies carry out the requirements of Coastal Act Sections 30250(a) and 30252, which the City has adopted as guiding policies to the LCP. Section 30250(a) requires that new development be located in areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Section 30252 states that the amount and location of new development should maintain and enhance public access to the coast. Policy 10-4 states that the City shall reserve public works capacity for priority land uses including public access and recreation from consumption by other non-priority uses such as residential development. LUP Policy 10-25 designates LOS C as the desired level of service on Highways 1 and 92 except during the weekday and weekend peak-hours when LOS E may be accepted. The proposed subdivision would create additional demand on area highways for a non-priority use far in excess of their current and future capacity. In accordance with the requirements of the LCP, the proposed subdivision must be denied because it does not fully mitigate the impacts of such development to regional traffic congestion.

Because adequate road capacity will not be available to serve the development upon completion, the Commission denies CDP Application A-1-HMB-99-022 on the basis that the proposed development is inconsistent with LUP Policies 9-2, 9-4, 10-4, and 10-25 and with Coastal Act Sections 30210, 30250(a), and 30252.

2.4 Project Site Access

The Commission cannot find that the development will be served upon completion with adequate road facilities as required by the LCP.

2.4.1 Issue Summary

Both the LCP and the City's General Plan Circulation Element contemplate the future construction of Foothill Boulevard and/or Bayview Drive access to provide street access to the project site. Neither of these roads have been constructed and the applicant cannot assure at this time that construction of either of these streets will ever occur. Therefore, the applicant proposes access to the site via Terrace Avenue, an existing street that dead-ends at the west side of project site. As a part of this proposal, the applicant will provide funding for the installation of a traffic signal at the Terrace Avenue/Highway 1 intersection and for widening 400 feet of the highway to either side of this intersection.

The residents of the existing neighborhood along Terrace Avenue are concerned that the additional traffic from the Pacific Ridge Development will exceed the design capacity of this street and will create a safety hazard.

2.4.2 LCP Standards

LUP Policy 9-2 specifies that no permit for development shall be issued unless a finding is made that such development will be served upon completion by adequate road facilities. LUP Policy 9-4 states that (1) all new development shall be accessed from a public street or have access over private streets to a public street, (2) development shall be served with adequate services and that

lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP, (3) that the applicant shall assume full responsibility for the costs for service extensions or such share as shall be provided through an improvement or assessment district for required service extensions, and (4) that prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services will be available to serve the proposed development upon its completion. These policies are implemented by Zoning Code Section 18.20.070, which states in relevant part:

> ***18.20.070 Findings Required.*** *A Coastal Development Permit may be approved or conditionally approved only after the approving authority has made the following findings:*
>
> ...
>
> ***D. Adequate Services.*** *Evidence has been submitted with the permit application that the development will be provided with adequate services and infrastructure at the time of occupancy in manner that is consistent with the Local Coastal Program...*

LUP Policy 9.3.7(f) requires construction of the portion of Foothill Boulevard located within the PUD area as a part of the development.

2.4.3 Discussion

The project site is located approximately 3,300 feet north of Highway 92 and approximately 2,000 feet inland of Highway 1, and is separated from these highways by both developed and undeveloped areas. Terrace Avenue, which currently serves the Grandview Terrace neighborhood with a connection to Highway 1 to the west, is the only existing road connection to the project site. The LUP Map shows proposed future access to the site via Foothill Boulevard, which would run north from Highway 92 linking with the project site and with existing roadways. According to City planning staff, the currently preferred alternative access road to the development is Bayview Drive. Each of the alternative roadway connections to the project site are shown on Exhibits 2 and 3.

Foothill Boulevard

The Circulation Element of the City's General Plan shows Foothill Boulevard as a planned route to serve the neighborhoods to the north of Highway 92 and inland of Highway 1 including the Pacific Ridge Development site. Pursuant to this plan, Foothill would be designed as a four-lane arterial street with a median, bicycle lanes, and sidewalks. The Circulation Element defines arterial streets such as this as "Limited Access Facilities" designed to carry traffic from collector streets and to and from other parts of the City. The design criteria for Limited Access Facilities specify that direct access to abutting property shall be minimized. In accordance with this design criterion, LUP Policy 9.3.7(f) prohibits direct driveway access from lots within the Pacific Ridge Development to Foothill, and LUP Policy 10-31 requires developers of property along the planned alignment of Foothill Boulevard to participate in an assessment district to provide funding necessary to construct this roadway.

The project was initially designed with the primary access via Foothill Boulevard as specified in the LCP. However, the environmental review process undertaken for the City's approval revealed that the proposed alignment of Foothill Boulevard would encroach into wetlands. The City of Half Moon Bay LCP prohibits construction of roads within 100 feet of a wetland.

According to a preliminary biological study conducted for the Draft EIR prepared for the City for the proposed construction of Foothill Boulevard, it appears that Foothill can be realigned to avoid wetlands. However, no final environmental review has been certified for this proposed new alignment.

The applicant, the appellants, and City staff have all indicated that the Half Moon Bay community supports the deletion of Foothill Boulevard from the Circulation Element of the City's General Plan as approved in 1992. Consistent with this preference, the Planning Commission recommended revisions to the 1992 Circulation Element that include elimination of Foothill Boulevard in draft circulation element revisions considered in September 1999. These draft revisions have not been finalized or approved by either the City or the Coastal Commission and are therefore not effective at this time. Nevertheless, while they are not a part of the legal standard of review for the proposed project, the information contained in the draft revisions is relevant background for the Commission's consideration of this permit application.

Because of the outstanding issues concerning wetlands and the potential that the City may revise its General Plan and LCP to eliminate Foothill Boulevard, the applicant amended the original project plans to include only the portion of Foothill located within the project site with no connection to Highway 92 to the south. For purposes of the proposed project, Foothill would therefore serve as a residential street only, not as an arterial street. Nevertheless, the applicant has proposed to construct this portion of Foothill consistent with the design criteria specified for arterial streets, with no direct driveway access to any of the proposed lots. While only two lanes are proposed at this time, the project plans provide an 80-foot right-of-way sufficient to provide four lanes on this portion of Foothill consistent with the design contemplated in the 1992 Circulation Element and the certified LCP.

Bayview Drive

Bayview Drive is a proposed street that would be located on the Beachwood subdivision project site directly west of the Pacific Ridge property. Bayview Drive could potentially connect the Pacific Ridge site to Highway 1 to the north of Terrace Avenue through the Beachwood property. The applicant proposes to use Bayview Drive if constructed as the primary access road to the development from Highway 1. However, the City recently denied a coastal development permit application for development of the Beachwood subdivision project. The Beachwood project included the construction of Bayview Drive. The owners of the Beachwood property have no incentive to pursue construction of Bayview Drive in the absence of an approval for the subdivision. The City could exercise eminent domain to acquire the Bayview alignment. However, at this time, the City has not indicated that it intends to pursue condemnation for the road. Therefore, Bayview Drive is not proposed as the access road to the Pacific Ridge site.

Terrace Avenue

Since the applicant cannot construct either Foothill Boulevard or Bayview Drive at this time, the sole access proposed to the Pacific Ridge Development is Terrace Avenue. Terrace Avenue is an existing road running east from Highway 1 to a dead end that abuts the western boundary of the Pacific Ridge property. The applicant proposes to provide both construction and post-construction access to the site via Terrace Avenue, connecting the project site to Highway 1 to the west.

Residents of the Grandview Terrace neighborhood are concerned that the additional traffic generated by the proposed development will exceed the capacity of Terrace Avenue, resulting in both congestion and safety hazards.

The unsignalized Terrace Avenue/Highway 1 intersection currently operates at LOS F due to delays caused by left turn movements from Terrace to southbound Highway 1. The applicant proposes to minimize the impacts of construction traffic to local traffic circulation by avoiding peak hour trips and through the following additional measures:

- Construction equipment and worker vehicles will be staged and parked on the project site.
- The applicant will notify the City 24 hours in advance if more than 25 worker vehicles are to exit the site during the PM peak-hour, and reimburse the City for the cost of any resulting traffic controls at the intersection of Terrace Avenue and Highway 1.
- The applicant will maintain Terrace Avenue free of dirt and debris throughout project construction.
- Heavy construction vehicles will access the site during non-peak hours.
- The applicant will install speed bumps on Terrace Avenue.

As stated above, the completed development will generate 156 new trips during the PM peak-hour and 144 new trips during the Saturday noon peak-hour. These new trips represent an approximately 4.7-percent increase of traffic within the Highway 1 corridor north of North Main Street. The applicant proposes to mitigate the post-construction traffic impacts by:

- providing approximately $1 million to the City towards the Highway 1 improvements described in Section 2.3.3 above,
- installing a traffic signal at the Terrace Avenue/Highway 1 intersection at such time that Caltrans determines that the "signal warrants" are met[3],
- widening Highway 1 for a distance of 400 feet on either side of the Highway 1/Terrace Avenue intersection to provide an additional northbound lane prior to occupancy of the residences, and
- at such time that an alternative access to the site is constructed in the future (i.e., Bayview Drive), the applicant proposes to remove the traffic signal at Terrace Avenue and convert Terrace to an emergency vehicle only access with knockdown barriers at the entrance to the project site.

The applicant's transportation consultant has determined that these measures would improve the operation of the Highway 1/Terrace Avenue intersection from the current LOS F to LOS A (Fehr & Peers 2000b). These measures would substantially contribute toward the completion of the City's proposed $3 million Highway 1 improvement plan.

Although the proposed signalization would improve left turn movements into and out of Terrace Avenue, it would interrupt flow of through traffic on Highway 1. The distance between the currently signalized North Main Street/Highway 1 intersection and Terrace is approximately 1,000 feet. Spacing signalized intersections on Highway 1 this close could increase congestion

[3] A signal warrant is granted by Caltrans upon a determination that the signal is needed at the intersection.

on the highway because of insufficient "stacking" space on the highway. Better intersection spacing would be accomplished through the provision of Bayview Drive, located approximately 2,000 feet to the north of Terrace, as the consolidated signalized intersection north of North Main Street. Both the City's existing General Plan Circulation Element and the proposed revised Circulation Element show Bayview Drive as an arterial street with a signalized intersection at Highway 1, and both plans show Terrace Avenue as a neighborhood street without a traffic signal.

The applicant addresses this issue by proposing to remove the signal at Terrace at such time that Bayview Drive is constructed. However, as discussed above, neither the City nor the applicant possess the property rights necessary to construct Bayview. In addition, the City has neither conducted the environmental review nor granted the permits necessary for the construction of Bayview, the Highway 1 improvement project, or the signalization of the Terrace Avenue intersection. Thus, the feasibility of each of these proposed mitigation measures remains in question at this time.

2.4.4 Conclusion

The applicant proposes to provide the improvements to the Terrace Avenue/Highway 1 intersection and widening of Highway 1 that are necessary to serve the development prior to occupancy of the homes. Although this commitment attempts to address the requirements of the LCP, it does not fully satisfy LUP Policies 9-2 and 9-4 or Zoning Code Section 18.20.070.D. These policies require that in order to approve or conditionally approve the permit application, the Commission must first find that evidence has been submitted with the permit application that demonstrates that the development will be served with adequate road facilities at the time of occupancy in manner that is consistent with the Local Coastal Program. The Commission interprets this requirement to mean that evidence provided with the permit application must provide assurance that the required infrastructure will actually be available to serve the proposed development. This interpretation is supported by the language used in LUP Policies 9-2 and 9-4, which both require services to be available "upon completion" of the development. The use of the term "prior to occupancy" in the Zoning Code's implementation of these policies is intended to provide a deadline by which the improvements must be completed. However, this deadline does not eliminate the additional requirement that development actually demonstrate that the required infrastructure will actually be available to serve it before the development is approved. The Commission needs more than the applicant's commitment that the project will not be occupied until services are available. In this case, where the availability of adequate services for the development is contingent on future improvements, the Commission must have reasonable assurances that the service improvements will be approved and constructed.

Given these factors, the permit application does not provide sufficient assurances that the improvements to Terrace Avenue and Highway 1 will be constructed. Until such time that a coastal development permit has been granted for the improvements and financial commitments necessary to carry them out have been made, the Commission cannot make the findings required to approve the proposed development. Therefore, the Commission denies the permit application because the proposed development does not meet the requirements of LUP Policies 9-2 and 9-4 and Zoning Code Section 18.20.070.D.

2.5 Biological Report

The Commission denies the permit application because the applicant has not provided a Biological Report that fully describes and maps all sensitive resource areas on and within 200 feet of the project site in accordance with the requirements of the LCP.

2.5.1 Issue Summary

The project site contains environmentally sensitive habitat areas (ESHA) as defined in the LCP including wetlands, riparian areas and sensitive habitat areas. The site is located within an area mapped as a Significant Natural Area by the California Department of Fish and Game. This designation is intended to identify high-priority sites for the conservation of the State's biological diversity.

The LCP contains specific standards for the type of biological information required to be provided for coastal development permit applications for development with potential adverse impacts to environmentally sensitive areas. This information is vital to the determination of whether a proposed development conforms to the biological resource protection policies of the LCP.

2.5.2 LCP Standards

LUP Policy 3-5(a) requires all coastal development permit applicants proposing development in and adjacent to sensitive habitat areas to prepare a biological report by a qualified professional selected jointly by the applicant and the City to be submitted prior to development review. Zoning Code Section 18.38.035.A further specifies that a biological report shall be completed as a part of any permit application for development within 100 feet of any sensitive habitat area, riparian corridor, or wetland. Both of these policies, along with Zoning Code Section 18.38.030, specify the procedures for the preparation and the required contents of such a report, which include[4]:

- describe and map existing sensitive habitats, riparian areas, and wetlands located on or within 200 feet of the project site,
- for areas containing rare and endangered species habitat, define the specific requirements of the species including (for animals) predation, foraging, breeding, migration, water, nesting or denning sites, and (for plants) life histories, soil, climate, and geographic requirements,
- be prepared by a qualified biological consultant selected by the City and paid for by the applicant,

2.5.3 Discussion

The biological information collected for the project site is contained in the following documents:

July 1986 Biological Inventory and Sensitivity Analysis prepared for Ailanto Properties by Western Ecological Services Company (WESCO 1986)

The WESCO 1986 biological inventory identified some, but not all of the wetland areas presently delineated on the site, identified coastal scrub habitat in the uncultivated/plowed eastern portion of the site, and documented the presence of sensitive species including: a pair of

[4]The full text of these zoning code provisions, which contain additional requirements to those listed here, is contained in Appendix A.

red tailed hawks, a nesting great horned owl, and migrating waterfowl. The WESCO report states that the site contains suitable habitat, including a former irrigation pond, for several threatened and endangered species, including the San Francisco garter snake, the red-legged frog, California tiger salamander, and western pond turtle. The WESCO biological inventory included an April 1986 survey for San Francisco garter snakes. This survey was conducted by walking transect lines. Live trapping was not used for this survey. The report concludes that because "Site examination in the spring of 1986 and summer of 1987 revealed no rare or endangered plants or wildlife on the Dykstra Ranch property, it can be assumed that the proposed development would have no direct impact on rare and endangered species." The Environmental Impact Report (EIR) also states that suitable habitat for a number of sensitive species may have occurred on the site prior to 1985, but that cultivation had eliminated the natural vegetation that would have constituted sensitive species habitat.

April 1990 Final EIR for the Dykstra Ranch Development prepared for the City by Western Ecological Services Company (HMB 1990);

The biological information contained in the project EIR is primarily based on the WESCO 1986 biological inventory prepared for the applicant. The EIR references the survey conducted by the consultant in April 1986 to determine the presence or absence of the San Francisco garter snake on the site. As stated above, this survey did not include live trapping. As with the WESCO 1986 inventory, the EIR states that no other species for which the site provides suitable habitat were found but does not describe the survey techniques used to make this determination.

December 1997 Wetland Mitigation and Monitoring Plan prepared for Ailanto Properties by Resource Management International (RMI 1997)

The wetland delineation conducted by RMI in June 1997 did not accurately describe the full extent of wetlands on the site in accordance with the definition of wetlands contained in the Half Moon Bay LCP. The wetland delineation was subsequently revised to conform to the LCP definition as discussed below.

The RMI mitigation and monitoring plan states that based on information provided in the project EIR and field surveys conducted by RMI in June 1997, no special status plant species have been identified on the site. The RMI report also states that no protected wildlife species have been documented on the site. This conclusion is based on the surveys conducted by WESCO in 1986 and 1987, and on surveys conducted by RMI in July and August 1997 for California red-legged frogs.

November 1998 U.S. Fish and Wildlife Service formal consultation to the U.S. Army Corps of Engineers (USFWS 1998)

The project, as originally proposed, included approximately one acre of wetland fill and therefore required a fill permit from the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. In March 1998, the Corps initiated formal consultation with the U.S. Fish and Wildlife Service (USFWS) concerning potential impacts resulting from the proposed development to the federally endangered San Francisco garter snake and threatened California red-legged frog. Consequently, the USFWS prepared a Biological Opinion for the Corps, in accordance with Section 7 of the Endangered Species Act. The Biological Opinion was based on information provided in the 1987 RMI site assessment and surveys and corresponding mitigation and monitoring plan, correspondence exchanged between the

applicant's consultants and USFWS staff, and a site visit by USFWS staff and the applicant's representatives. USFWS states in the opinion that no Biological Assessment was provided for the project.[5]

The Biological Opinion determined that the project site provides suitable habitat for California red-legged frogs and has potential habitat for San Francisco garter snakes. This determination was based on the presence of vegetated water bodies on the site, including the stock pond, the widespread distribution of California red-legged frogs in the area, and evidence that San Francisco garter snakes are potentially present at any water body in the Half Moon Bay area that supports emergent vegetation and amphibians. The Biological Opinion was inconclusive concerning the presence or absence on the site of either of these species, and recommended pre-construction surveys for both species prior to any development. The USFWS also recommended that no development including grading should occur within 150 feet of the pond.

June 1999 Wetland Delineation prepared for Ailanto Properties by LSA Associates (LSA 1999a)

Following the appeal of the City's approval of the project to the Commission, LSA Associates prepared a revised wetland delineation for the applicant. Although this new delineation depicted wetland areas in addition to those previously identified in the 1997 RMI delineation, it did not accurately show the full extent of wetland habitat on the site as defined under the LCP. This delineation did not include wildlife surveys.

November 1999 Wetland Delineation prepared for Ailanto Properties by LSA Associates (LSA 1999b)

In response to Commission staff comments concerning the June 1999 wetland delineation, LSA prepared a revised delineation of wetland habitat on the site dated November 4, 1999. The Commission's staff biologist reviewed this delineation with the applicant's consultant in the field and verified that it accurately depicted all of the wetland areas on the site in accordance with the definition of wetlands contained in the LCP. Like the June 1999 delineation, this wetland study did not involve wildlife surveys.

The appellants contend that these requirements have not been met because (1) none of the studies conducted for the project describe and map existing sensitive habitats, riparian areas, and wetlands located within 200 feet of the project site, and (2) most of the information concerning biological resources on the site is out of date. The applicant contends that the LCP requirements for the assessment of the potential impacts of the project to biological resources have been satisfied by the various biological resource studies described above.

The applicant has concluded that because none of the studies of the site have affirmatively documented the presence of either the San Francisco garter snake or the California red-legged frog, no threatened or endangered species are on the site. In a May 4, 2000 letter to the Commission, the applicant's representative states:

> *There are no threatened or endangered species on the Project site, including the red-legged frog or the San Francisco garter snake. Neither species has been observed on the site during surveys conducted pursuant to USFWS protocols or during any of the other*

[5] A Biological Assessment is an evaluation of potential project impacts provided by the federal permitting agency to the USFWS for the preparation of a Biological Opinion in accordance with 50 CFR § 402.12.

> *surveys for the EIR, wetland delineations, and or other habitat assessments.* (Shimko 2000)

Staff of the U.S. Fish and Wildlife Service has indicated that documenting the presence of this species is extremely difficult to detect and that a simple transect survey is not sufficient to document the presence or absence of the snake (pers. com. Larson 6/16/00). Both the San Francisco garter snake and the California red-legged-frog are extremely rare and shy and quickly seek cover when approached. The only survey of the site conducted for the San Francisco garter snake was conducted for the 1986 WESCO biological inventory prepared for the applicant. The WESCO report states that all suitable habitats were surveyed by walking transect lines only, and that live trapping was not used for the survey.

The WESCO report contains no description of the survey techniques used to support the conclusion that the California red-legged frog, California tiger salamander, and western pond turtle were absent from the site. Therefore, the Commission is unable to verify absence or presence of the sensitive species based on the information contained in the 1986 WESCO report, and finds that this report is too far out of date to reliably describe the current biological resources of the project site consistent with the requirements of the LCP.

The only other survey conducted for either of these species were those conducted by RMI in July and August 1997 for California red-legged frogs. These surveys also do not reliably describe the current biological resources of the site consistent with the requirements of the LCP.

Zoning Code Section 18.38.055.B.3 provides that the information and analysis contained in an EIR prepared under California Environmental Quality Act may be accepted in lieu of a separate biological report for a coastal development permit application if the EIR adequately meets the requirements of the LCP and the Final EIR was accepted as complete and adequate no more that one year prior to the date of submittal of the permit application. Ailanto submitted its permit application to the City in 1998, eight years after certification of the final EIR. The biological information contained in the project EIR is thirteen to fourteen years old and is therefore too out of date to reliably describe the resources currently located on the site.

Zoning Code Section 18.38.035.B.1 specifies that the Biological Report required for a coastal development permit application must describe and map all wetlands, riparian areas, and other sensitive habitat areas located on or within 200 feet of the project site. None of the studies cited above describe or map the biological resources located within 200 feet of the project site boundaries. Wetland delineations and biological resource assessments have been conducted for the Beachwood Development site located directly to the west of the Pacific Ridge Development site. The Beachwood site studies describe and map some of the biological resources within 200 feet of the approximately one third of the of the western boundary of the Pacific Ridge site. However, the Beachwood site studies do not satisfy the requirement that the Biological Report required for the proposed development describe and map sensitive coastal resources within 200 feet of the site.

2.5.4 Conclusion

The information provided by the various biological resource studies of the project site does not satisfy the informational requirements described under the LCP for a Biological Report. Most of the information concerning biological resources for the project is out of date. In fact, the only survey for San Francisco garter snakes conducted on the site is fourteen years old, and this

survey did not employ techniques necessary to determine the presence or absence of this species. Moreover, both the San Francisco garter snake and the California red-legged-frog are secretive species. The USFWS does not therefore find failure to document presence of these species is determinative. The California red-legged-frog is very common in suitable aquatic habitat areas in Half Moon Bay, and it is therefore highly likely that the species is present at the project site. The presence or absence on the site of these protected species has not been determined. None of the studies described above included a description of sensitive coastal resources located within 200 feet of the project site as required by the LCP.

Without the biological information required to be provided in accordance with Zoning Code Sections 18.38.030 and 18.38.035, the Commission cannot find that the proposed development provides adequate protection to sensitive species and habitat both on and near the project site. Therefore, the Commission denies Coastal Development Permit Application A-1-HMB-99-022.

2.6 Threatened and Endangered Species

The Commission denies the permit application because the proposed development does not conform to the LCP policies concerning the protection of the habitat areas of the California red-legged frog and the San Francisco garter snake.

2.6.1 Issue Summary

The U.S. Fish and Wildlife Service has determined through a formal consultation to the U.S. Army Corps of Engineers that the pond and riparian areas on the site provide important habitat for the threatened California red-legged-frog and the endangered San Francisco garter snake (USFWS 1998). In addition, two large ponds to the north of the site provide suitable habitat for these two species.

The applicant has changed the project plans since the time that USFWS prepared the Biological Opinion in attempt to respond to the Commission and USFWS concerns regarding habitat impacts. These changes include the elimination of the proposed wetland fill and reconfiguration of the plot plan to provide a minimum 100-foot buffer between the lots and the pond. Riparian buffers remain 30 feet wide. Additional mitigation measures proposed by the applicant include installation of pipes beneath the portion of the subdivision loop road separating the pond on site from the ponds to the north. "Wing walls" are proposed along either side of this corridor to funnel frogs and snakes into these pipes. As discussed in Section 2.7 below, arched culverts are proposed for all stream crossings to avoid direct disturbance to the streambeds. The applicant also proposes to implement measures to ensure that the water level in the pond is maintained, and to implement a bullfrog eradication program. The latter would involve periodically draining the pond.

Although these proposed mitigation measures would reduce some of the potential impacts of the project to biological resources on the site, they are not sufficient to bring the development into conformance with all of the LCP policies concerning protection of sensitive habitat and species. The primary remaining issue is that the project does not provide adequate wetland and riparian buffers to protect the San Francisco garter snake and the California red-legged frog.

2.6.2 LCP Standards

The LCP contains several policies pertinent to protection of threatened and endangered species habitat, including both general ESHA policies and specific policies for both the California red-

legged frog and the San Francisco garter snake, including LUP Policies 3-3, 3-4, 3-24, and 3-25 and Zoning Code Sections 18.38.085 and 18.38.090. These policies require that the habitat of both the San Francisco garter snake and the California red-legged-frog are given the highest level of protection.

Sensitive habitat is defined by LUP Policy 3-1 as any area in which plant or animal life or their habitats are either rare or especially valuable and specifically includes habitats containing or supporting "rare or endangered" species as defined by the State Fish and Game Commission.

LUP Policy 3-22 and Zoning Code Sections 18.38.085.B and 18.38.090.B, limits permitted uses in habitat areas of the San Francisco garter snake and the California red-legged-frog to (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitats, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.

LUP Policy 3-3 prohibits any land use and/or development that would have significant adverse impacts on sensitive habitat areas, and requires that development adjacent to such areas shall be sited and designed to prevent impacts that could significantly degrade the habitat. LUP Policy 3-4 permits only resource dependent or other uses which will not result in significant adverse impacts to sensitive habitats, and requires that permitted uses in such areas comply with USFWS and California Department of Fish and Game requirements.

As discussed in Section 2.8 and 2.7 below, the LCP also contains policies specifying the required widths of wetland and riparian buffers. The proposed project plans conform to these minimum setback standards. However, nothing in the LCP limits the ability of the City or the Commission on appeal to require wider riparian and/or wetland buffers than the minimum distances specified when necessary to meet the requirements of other resource protection policies of the LCP. As further discussed below, the minimum setback distance proposed by the applicant are insufficient to provide the protections required by the above cited policies for the habitat of the San Francisco garter snake and the California red-legged-frog.

2.6.3 Discussion

California red-legged frogs

California red-legged frogs have been extirpated or nearly extirpated from over 70 percent of their former range and are federally listed as threatened. Habitat loss, competition with and direct predation by exotic species, and encroachment of development are the primary causes for the decline of this species throughout its range. The remaining populations are primarily in central coastal California and are found in aquatic areas that support substantial riparian and aquatic vegetation and lack non-native predators. The project site is located within the Central Coast Range Recovery Unit for the California red-legged frog as defined in the federal listing for this species.

San Francisco garter snake

San Francisco garter snake s are federally and state listed as endangered. The San Francisco garter snake's preferred habitat is densely vegetated ponds near open hillsides where it can sun itself, feed, and find cover in rodent burrows. The species is extremely shy, difficult to locate and capture, and quick to flee to water when disturbed. On the coast, the snake hibernates during

winter in rodent burrows, and may spend the majority of the day during the active season in the same burrows.

California red-legged frogs are an essential prey species to the San Francisco garter snake, and the snakes have not been found in areas where red-legged frogs are absent. In addition, newborn and juvenile San Francisco garter snakes depend heavily on Pacific tree frogs. Adult snakes may also feed on juvenile bullfrogs. The decline of this species is due principally to habitat loss, the loss of red-legged frog, illegal collection, and the introduction of bullfrogs. Adult bullfrogs prey on both San Francisco garter snakes and California red-legged frogs.

Project Impacts

Typically, the USFWS requires a 300-foot buffer to protect aquatic habitat of the San Francisco garter snake and the California red-legged frog. The USFWS determined in its Biological Opinion for the project that the development proposed within 300 feet of both sides of the several unnamed drainages (Streams 3, 4, and 5) and two ponds on the site will result in the direct loss of riparian and upland habitat suitable for the California red-legged-frog and the San Francisco garter snake (USFWS 1998). This determination of habitat loss was due to insufficient buffer distances between the riparian corridors and the pond on the site, which would inhibit dispersal of both species between adjacent aquatic and upland habitat areas. In addition to interfering with dispersal corridors, the USFWS found that the proposed development would reduce the quality of the surrounding habitat as foraging and breeding habitat. The loop road along the northern side of the property would separate the aquatic habitat on the site and the ponds to the north and would further interfere with species movement. Although the Biological Opinion requires a minimum buffer around the pond and other wetland areas of 150 feet, it also states that development within 300 feet of these areas will result in adverse impacts to the species including incidental take due to direct loss of habitat (USFWS 1998).

As discussed in Section 2.8 and 2.7 below, the applicant proposes to provide only the minimum wetland and riparian buffers required by some of the policies of the LCP. The buffers proposed are 100 feet around the pond and wetlands, 30 feet from the limit of riparian vegetation to either side of the upper portion of Stream 3 and Stream 5, and 30 feet from the centerline of Stream 4. These buffer distances fall far short of the distances that the USFWS has indicated are necessary to avoid significant impacts to the San Francisco garter snake and the California red-legged-frog.

In response to the discussion of these issues in the April 27, 2000 Issues Summary Report for this permit application, the applicant states in a letter to the Commission dated May 4, 2000:

- The 150-foot buffer recommended in the Biological Opinion is moot because the project plans have been substantially modified since the opinion was written.
- USFWS is pleased with the current project plan.
- There are no threatened or endangered species on the project site, including the California red-legged-frog and the San Francisco garter snake. Neither species has been observed on the site during surveys conducted pursuant to USFWS protocols or during any of the other surveys for the EIR, wetland delineations, and or other habitat assessments.

Commission staff discussed the potential impacts of the currently proposed project to the snakes and frogs in a telephone conferences with USFWS Fish and Wildlife Biologist Curtis McCasland on June 19 and 21, 2000. McCasland responded to staff's inquiries as follows:

- Development within 300 feet of the pond and wetland areas and the riparian areas associated with these wetlands (i.e., the portion of Stream 3 above the diversion, and Streams 4 and 5) will result in significant adverse impacts to the San Francisco garter snake and California red-legged-frog due to loss of suitable habitat. Protection of these species requires a 300-foot-wide buffer around the wetlands and the riparian areas.
- There is no biological basis for a 150-foot buffer. This distance was the result of negotiations with the applicant. A 150-foot buffer will result in loss of habitat suitable for both species.
- The portion of the loop road along the northern side of the development will interfere with the dispersal corridor between the wetland areas and the ponds offsite to the north, and this road could potentially result in the direct mortality of either of the species. A 300-foot buffer should be provided for Stream 5 from the outlet of the pond to the northern property boundary to minimize this potentially significant impact.
- Arched culverts will not allow adequate movement of the frogs and snakes within the riparian areas. All road crossings of Streams 3, 4 and 5 should be via elevated bridges to allow free movement of wildlife for the width of the corridors.
- Both the San Francisco garter snake and the California red-legged-frog are secretive species. The USFWS does not find failure to document presence of these species exempts a project from the requirements of the Endangered Species Act. The California red-legged-frog has been found in suitable aquatic habitat areas in Half Moon Bay. Therefore, it is highly likely that the species is present at the project site. Preservation of suitable habitat, such as that found on the project site, is critical to the recovery of both species.

2.6.4 Conclusion

The proposed development includes non-resource dependent uses in sensitive habitat areas, and does not therefore limit uses within and adjacent to sensitive habitat areas consistent with the limitations of the certified LCP. Consequently, the project will result in the direct loss of habitat for and will potentially result in the direct mortality of the San Francisco garter snake and the California red-legged frog. These impacts could be avoided by protecting the habitat areas, and, as discussed below, by spanning the full width of the riparian corridors where road crossings cannot feasibly be avoided. Therefore, the Commission finds the proposed project is inconsistent with LUP Policies 3-3, 3-4, 3–22, 3-24, 3-25 and Zoning Code Sections 18.38.085 and 18.38.090 and denies Coastal Development Permit Application A-1-HMB-99-022.

2.7 Riparian Corridors

The Commission denies the permit application because: (1) the proposed project includes two bridges within riparian corridors for which there are practical and feasible alternatives in conflict with the LCP; and (2) while the proposed riparian buffers conform with some of the resource protection requirements of the LCP, they are not sufficient to protect the habitat of the San Francisco garter snake and the California red-legged-frog.

2.7.1 Issue Summary

The property contains five steams, two are ephemeral or seasonal and three are intermittent or storm water drainages. These streams are indicated on Exhibit 9 as Streams 1-5. The LCP

permits bridges to be constructed in riparian corridors and/or buffers only where no feasible or practical alternative exists. The proposed development includes the construction of seven arched culverts that would bridge the five riparian corridors located on the site (Exhibit 9). It appears that feasible alternatives exist for at least two of these bridges:

- Bridge 6 could be avoided without any other modification to the project plans.
- Bridge 7 could be avoided with the elimination of 4 lots.

The applicant proposes to divert one of the streams into the pond on the site. Although this activity could be permitted as a fish and wildlife management activity under the LCP, the applicant has not demonstrated that such diversion is necessary to maintain or improve the habitat of the pond or that there is no less environmentally damaging feasible alternative to the proposed diversion.

The proposed development provides only the minimum allowable buffer along the riparian corridors on the site. These buffers are inadequate to protect the habitat of the endangered San Francisco garter snake and the threatened California red-legged frog as further discussed in Section 2.6 above.

2.7.2 LCP Standards

LUP Policies 3-7 through 3-13 specify the LCP definition of riparian corridor, the permitted uses in riparian corridors and buffers, the standards for development affecting riparian areas and buffers, and the minimum width of riparian buffer zones. These requirements are further defined in Zoning Code Section 18.38.075.

2.7.3 Discussion

Stream Crossings

A total of seven road crossings are proposed via arched culverts with one culvert across Streams 1, 2, 4, and 5 and three across Stream 3. These crossings are shown on Exhibit 9 as Bridges 1-7. Such bridges are permitted within riparian corridors in accordance with LUP Policy 3-9 (b) and Zoning Code Section 18.38.075.B.1 only if no feasible or practical alternative exists and when bridge supports are not in significant conflict with corridor resources.

As discussed in Section 2.4 above, Ailanto proposes to construct the portion of Foothill Boulevard located within the project site. Beginning at the southern boundary of the site and running north to Grandview, this section of Foothill Boulevard crosses Streams 1, 2, and 3. Because Streams 1, 2, and 3 run perpendicular through the alignment of Foothill Boulevard as designated on the LUP Access and Circulation Map, it is not feasible to construct Foothill Boulevard without crossing these streams. The proposed bridges would span the streams with no supports located within the riparian corridor. Therefore, there are no feasible alternatives to proposed Bridges 1 and 2 and these stream crossings are not in significant conflict with corridor resources. However, because Foothill Boulevard will not extend south of the site to State Route 92 at this time, the applicant does not propose to construct the section of Foothill that would cross Stream 1 (shown as Bridge 8 on Exhibit 9). Moreover, since it now appears that Foothill Boulevard may not be constructed to the south of the project site in the future, Bridge 8 may never be constructed.

Bridges 3, 4, and 5 allow the main internal roadway system for the development to form a complete loop. However, it would be feasible to eliminate one of these bridges and still provide access to all of the proposed lots. If, for example, Bridge 4 were eliminated, the lots on either side of Stream 4 could still be reached. However, the applicant has asserted that the City of Half Moon Bay Fire Code prohibits dead end roads of this length. Staff has not found a specific provision of the Fire Code supporting this assertion. Thus, it is unclear at this time whether there are feasible or practical alternatives to Bridges 3, 4, or 5. Since bridges 3, 4, and 5 would span the streams with no supports located within the riparian corridors, they would not be in significant conflict with corridor resources.

Bridge 6 would create a third crossing of Stream 3. Ailanto has not demonstrated that there is no feasible or practical alternative to this stream crossing. Because the length of the roads on either side of Bridge 6 are much shorter than the main loop road discussed above, Bridge 6 could be eliminated without any other modifications to the internal road system consistent with the fire code and the proposed plot plan. Therefore, the proposed construction of Bridge 6 is inconsistent with LUP Policy 3-9 (b) and Zoning Code Section 18.38.075.B.1 because feasible alternatives to this stream crossing exists.

As proposed, Bridge 7 is required to provide access to four lots, numbers 4 through 7, at the southern boundary of the development, as the only proposed crossing of Stream 1 at this time. This stream crossing could be avoided through the elimination of these four lots from the proposed development. The elimination of such four lots is a feasible alternative to the project as proposed. Therefore, the Commission finds that Bridge 7 is also inconsistent with LUP Policy 3-9 (b) and Zoning Code Section 18.38.075.B.1 because a feasible and practical alternative to this stream crossing exists.

Diversion of Stream 3

Stream 3 was diverted in the 1950s to help fill the pond. Subsequent siltation and construction of berms has redirected most of the flow back into the natural, westerly flowing channel. Currently, this stream flows partially into Wetland E and the pond with the remaining flow following the natural stream alignment off site to the west where it is intercepted by a 48-inch storm drain pipe on the Beachwood property (see Section 2.10 below). The applicant proposes to construct a channel to divert most of the normal flow of Stream 3 into Wetland E and the pond with only high water flows continuing west into the storm drain system. The purpose of this proposed diversion is to help maintain the water level in the pond necessary to support San Francisco garter snakes and California red-legged frogs, if present, as further discussed in Section 2.6 above. However, the applicant has not demonstrated that additional water is needed to maintain the level of the pond. Fish and wildlife management activities are a permitted use in riparian corridors in accordance with LUP Policy 3-9(a) and Zoning Code Section 18.38.075.A.3, and the proposed stream diversion could potentially be characterized as such an activity. However, without a showing of need, the Commission cannot find that the proposed diversion may be legitimately characterized as a fish and wildlife management activity.

None of the various biological studies considered the proposed diversion or evaluated the impacts of the diversion to the lower portion of Stream 3. The proposed diversion would result in less water reaching the lower portions of the riparian corridor with potentially significant adverse impacts to sensitive habitat. If upon investigation it is determined that an additional water source is needed for the pond, then the impacts of diversion to the lower portion of Stream

3 as well as potential alternatives to diversion should be thoroughly evaluated in accordance with the requirements of the certified LCP and the California Environmental Quality Act (CEQA). Without a showing that an additional water supply for the pond is needed and without a complete analysis of potentially less environmentally damaging feasible alternatives, the Commission cannot find that the proposed diversion of Stream 3 is consistent with the LCP and CEQA.

Riparian Buffers

LUP Policy 3-11 and Zoning Code Section 18.38.075.D set the minimum riparian buffer zone for intermittent streams as 30 feet outward from the limit of riparian vegetation or 30 feet from the midpoint of intermittent streams where no riparian vegetation exists. Some portions of the riparian corridors on the site are beneath eucalyptus canopy. Consequently, these areas are without riparian vegetation and the proposed setback is 30 feet from the midpoint of the stream. In the areas that are not covered by eucalyptus, willows and other riparian vegetation are established. In these areas, the riparian buffer is shown on the project plans as 30 feet from the limit of the riparian vegetation. Thus, the plans provide only the minimum required buffers.

The riparian corridors on the project site provide suitable habitat for the San Francisco garter snake and the California red-legged-frog. Zoning Code Section 18.38.085.D specifies that the minimum buffer surrounding habitat of a rare or endangered species shall be 50 feet. LUP Policy 3-3 prohibits development that would cause significant adverse impacts to sensitive habitat areas and requires that development adjacent to such areas shall be sited and designed to prevent impacts to sensitive habitat. As further discussed in Section 2.6 above, the minimum buffer widths proposed for the development are not sufficient to protect these areas for use by the San Francisco garter snake and the California red-legged-frog.

2.7.4 Conclusion

As proposed, the project includes two bridges for which there are feasible less environmentally damaging alternatives. The proposed stream diversion has not been established as a fish and management activity consistent with LUP Policy 3-9(a) and Zoning Code Section 18.38.075.A.3. Although the riparian buffers proposed meet the minimums specified under LUP Policy 3-11 and Zoning Code Section 18.38.075.D, they do not meet the LCP requirements to protect the habitat of threatened and endangered species. Therefore, the Commission finds that the proposed development is inconsistent with LUP Policies 3-3, 3-9, and 3-11 and with Zoning Code Sections 18.38.075.A.3, 18.38.075.B.1 and 18.38.075.D.

2.8 Wetlands

The wetland buffers provided by the proposed development are not sufficient to protect the habitat of the San Francisco garter snake and the California red-legged-frog.

2.8.1 Issue Summary

The applicant has provided a delineation of wetlands on the project site that conforms with the definition of wetlands contained in the LCP as verified by the Commission's staff biologist. The project plans indicate a 100-foot buffer surrounding the wetland areas on the site in accordance with the minimum required setback under the LCP. The applicant proposes additional measures to protect the wetland areas on the site from impacts resulting from the proposed development. These measures meet some of the resource protection requirements of the LCP. However, as discussed in Section 2.6 above, the proposed 100-foot wetland buffer is insufficient to

adequately protect these areas for use by the San Francisco garter snake and the California red-legged-frog.

2.8.2 LCP Standards

The LCP contains policies that define wetlands and sensitive habitats, specifying uses permitted in and adjacent to such areas, and setting development standards for the protection of these areas. These policies include LUP Policies 3-1, 3-3, 3-4, 3-11, LUP Appendix A, and Zoning Code Sections 18.02.040, 18.38.020.E, and 18.38.080.

2.8.3 Discussion

In its action on the substantial issue portion of this appeal in March 2000, the Commission found that a substantial issue existed regarding whether the project plans approved by the City included all of the wetland areas on the site. Subsequent to the City's approval, Ailanto has submitted a series of reports and memoranda culminating in a revised wetland delineation dated November 4, 1999 (Exhibit 8). The revised wetlands delineation shows eight vegetated wet areas, three ephemeral and two intermittent streams and a pond. The Commission's staff biologist has determined that the revised delineation accurately depicts the wetland areas on the site in accordance with the LCP. The Commission notes that the provisions regarding wetlands contained in the certified LCP, including Section 30233 of the Coastal Act, which the City adopted in its certified LCP, require the protection of all areas within the project site where the water table is near the land surface long enough to support the growth of hydrophytes or to support the formation of hydric soils.

Numerous gullies are located in the area. The site's vegetation has been affected by historic cultivation. Mature eucalyptus and cypress trees exist on portions of the site. The pond and streams contain willows, cypress and other plants associated with wetlands. The 1.6-acre pond shown in the revised wetland delineation was created in the 1950s as a stock pond. This was accomplished through construction of a 23-foot-high earthen dam on the west side of the pond and diversion of a stream (Stream 3). Stream 4 also drains into the pond and surrounding wetlands. The pond outflows into Stream 5, which eventually leads to Pilarcitos Creek. The pond and a 100-foot buffer around it are shown on the project plans. Although the project plans include a 100-foot buffer around the pond, the applicant asserts that no buffer is required under the LCP because it is a man-made pond used for agricultural purposes (Cassidy 1999). While disagreeing with the staff's position with respect to required buffers for the pond and Wetlands A, E, and G, the applicant has amended the permit application de novo to include a 100-foot buffer around each of these areas.

LUP Policy 3-11(c) states:

> *Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point, except for man-made ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.* [Emphasis added]

This policy is implemented by Zoning Code Section 18.38.080.D, which defines "Wetlands Buffer Zone" as:

> *The minimum buffer surrounding lakes, ponds, and marshes shall be 100 feet, measured from the high water point, except that no buffer is required for man-made ponds and reservoirs used for agriculture.* [Emphasis added]

Ailanto states that the pond will be used for agricultural purposes because water from the pond is proposed to be used to irrigate a community garden.

Chapter 8 of the LUP incorporates the definition of "Agricultural Use" contained in Government Code Section 51201(b) which states:

> *"Agricultural use" means use of land for the purpose of producing an agricultural commodity for commercial purposes.*

The proposed community garden is not a use of land for the purpose of producing an agricultural commodity for commercial purposes and is not therefore an agricultural use under the LCP. Although the pond was originally created for agricultural purposes, the proposed development will not continue this or any other agricultural use on the site. Consequently, a 100-foot buffer is required around the pond in accordance with LUP Policy 3-11(c) and Zoning Code Section 18.38.080.D.

The applicant also contend that Wetlands A, E and G are exempt from the Commission's review authority under §13577(b)(2) of the Commission's regulation. Section 13577(b)(2) provides that wetlands subject to the Commission's appeal jurisdiction do not include:

> *"... wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and there is no evidence [...] showing that wetland habitat predated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands."* [Emphasis added]

In support of this contention, Ailanto asserts that Wetlands A, E and G are exempt because they were created to supply water to the pond and reservoir (Wetland E) or as a result of runoff and seepage from the pond and reservoir (Wetlands A and G). However, as discussed above, the record documents that the pond will no longer be used for agricultural purposes. Since the site no longer contains an agricultural pond, the other wetlands are no longer associated with or created by an agricultural pond. The Commission finds that the exemption provided in Section 13577(b)(2) does not apply to wetlands that currently exist independent of and disassociated from preexisting agricultural activities. The Commission also notes that if the wetlands were filled, they would support residential, not agricultural activities. The Commission also finds that the exemption in § 13577(b)(2) is inapplicable to the proposed fill of wetlands for other than agricultural purposes.

While stating that it reserves the right to amend the project with respect to protection of the pond, Ailanto reduced the number of proposed lots and reconfigured the subdivision plan to conform with the wetland buffer policies of the LCP. As modified, no portion of any lot line is proposed within 100 feet of the delineated wetlands, including the pond.

The project plans also provide for the construction of a public trail within the 100-foot buffer zone surrounding the pond and wetlands C, D, and E (Exhibit 9). While the LCP allows trails within wetland buffer areas, LUP Policy 3-3(b) specifies that development adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the habitat. The placement of a trail within the wetland buffer increases the likelihood that dogs entering the wetlands may disturb the habitat. The presence of humans, dogs, and cats could be particularly harmful in the pond area where they would likely harass birds and small mammals

using this habitat. Ailanto proposes to minimize this potential impact by constructing a 3-foot-high chain link fence between the pathway and the wetland areas, and by planting native coastal scrub species along the fence line. These measures are appropriate to ensure that the proposed trail will be sited and designed in a manner that will not significantly degrade the adjacent sensitive habitat.

In addition to the fencing, Ailanto proposes other measures designed to protect and enhance the wetland areas on the site, including:

- installation of a slotted weir at the outlet of the pond to assure that a minimum water level is maintained in the pond,
- planting of coastal scrub species and willows in the upland areas surrounding the pond,
- bullfrog eradication (as further discussed in Section 2.6 above),
- implementation of the storm water and water quality management measures,
- modifications to Stream 3 to divert more water into Wetland E and the pond, and
- installation of temporary construction fencing to prevent construction equipment from unintentionally entering wetland and wetland buffer areas.

The applicant proposes to prepare a Final Habitat Enhancement and Management Plan that will provide for monitoring to determine the success of the proposed habitat enhancement measures and for the long-term management and preservation of these habitat areas. The project as proposed also includes installation of an overflow storm drain intake in the southwest corner of the pond. This drain would also provide for periodic draining of the pond as necessary for bullfrog eradication as discussed in Section 2.6 above.

2.8.4 Conclusion

The project plans correctly delineate wetland habitat on the site in accordance with the definition of wetlands contained in the LCP. The proposed development provides a 100-foot buffer and additional mitigation measures to protect the wetland areas on the site. Therefore, the Commission finds the proposed development in conformance with LUP Policy 3-11 and Zoning Code Section 18.38.080.D. However, as further discussed in Section 2.6 above, the minimum buffer widths proposed for the development are not sufficient to protect these areas for use by the San Francisco garter snake and the California red-legged-frog.

2.9 Visual Resources

The Commission denies the permit application because the proposed development does not conform to the LCP policies concerning the protection of the scenic qualities of the hillscapes inland of Highway 1.

2.9.1 Issue Summary

Because the project site is located at the base of hills inland of Highway 1, the development will not affect views of the coast. However, the development could significantly alter views of the hillsides. The LCP contains policies intended to protect inland views of these hillsides above the 160-foot contour. The LCP also adopts Coastal Act Section 30251 which requires development to be visually compatible with the character of the surrounding areas. Although none of the

proposed lots would be located above the 160-foot contour, some of the homes proposed to be built on the upper lots would block views of the hillsides up to the 190-foot contour. The construction of these homes would be inconsistent with the visual resource protection policies of the LCP.

2.9.2 LCP Standards

The LCP includes policies intended to protect views of these scenic hillsides. Included in these policies is Zoning Code Section 18.37.020.B, which designates the hillside areas above the 160-foot contour east of the project site as a scenic area, and LUP Policy 7-10, which states that new development on upland slopes visible from Highway 1 shall not involve grading or building siting which results in a significant modification of hillscapes. These hillsides are included on the Visual Resources Overlay Map of the LUP. LUP Policy 9.3.7(c) states:

> *No development shall be permitted on slopes in excess of 25% or above the 160' contour and, as a condition of approval, an open space easement shall be dedicated which ensures the permanent retention of such slopes in open space. Development shall be clustered to the maximum extent feasible on lower slopes.* [Emphasis added]

2.9.3 Discussion

As proposed, no portion of any building footprint would be located above the 160-foot contour line, but portions of the homes to be constructed on the upper lots would project above this elevation to as high as the 190-foot contour. In their appeal, the appellants contended that the LCP prohibits any portion of a structure to project above the 160-foot elevation. LUP Policy 9.3.7(c) specifies that no development shall be permitted on slopes above the 160-foot contour. Given the policies' limitation on development on slopes above the 160-foot contour, no portion of any structure may be constructed on slopes above the 160-foot contour. Policy 9.3.7(c) does not expressly prohibit development that projects above this elevation.

However, LUP Policy 7-10 clearly prohibits building siting which would significantly modify the "hillscapes," and Zoning Code Section 18.37.020.B unambiguously designates the "hillsides" above the 160-foot contour as a scenic resource. These LCP policies prohibit any development that would interfere with or significantly modify the views from Highway 1 of the hillsides above the 160-foot contour.

The applicant provided a visual analysis of the project consisting of panoramic photographs of the site from various locations along Highway 1 with showing the 160-foot contour line and the maximum height to which the proposed residences would project (190 feet). This analysis demonstrates that the project as proposed would block views of a portion of the hillscape above the 160-foot elevation.

2.9.4 Conclusion

The LCP designates the hillsides above the 160-foot contour as a scenic resource. The project as proposed would interfere with and significantly modify views of the hillsides above the 160-foot contour in conflict with LUP Policies 7-10 and 9.3.7(c), Coastal Act Policy 30251, and Zoning Code Section 18.37.020.B. The Commission therefore finds that the project as proposed is inconsistent with the visual resource protection policies of the LCP. This LCP inconsistency could be corrected through modifications to the project plans to prevent any structures from projecting above the 160-foot contour line.

2.10 Water Quality/Polluted Runoff

The permit application does not include complete information necessary for the Commission's review of potential impacts to coastal resources and water quality, both on and off the project site resulting from runoff and erosion.

2.10.1 Issue Summary

The proposed development may adversely affect coastal water quality both on and off site through increased runoff from new impervious surfaces, sedimentation resulting from grading and vegetation removal, and use of herbicides, pesticides and other hazardous substance. Polluted runoff and sedimentation could significantly impact the viability of the threatened and endangered species habitat discussed in Section 2.6 above. Ailanto proposes to avoid such impacts by implementing a Storm Water Pollution Prevention Plan and a Pond Water Quality Management Plan. Ailanto also proposes to label all storm drain inlets, grade each lot to direct drainage to the storm drain system and not over adjacent lots or slopes, construct swales for water detention and filtration, and ensure a 0.5 percent minimum street grade along the face of the curb.

2.10.2 LCP Standards

LUP Policy 4-8 states that no new development shall cause or contribute to flood hazards. Policy 4-9 requires new development to be designed and constructed to (1) prevent increases in runoff, erosion, and flooding, (2) minimize runoff from graded areas, and (3) dissipate the energy of storm water discharges from outfalls, gutters, and other conduits. The LCP also adopts Coastal Act Policy 30253, which requires new development to neither create nor contribute significantly to erosion or destruction of the site or surrounding area, and Coastal Act Section 30231 which requires protection of the biological productivity and quality of coastal waters.

In addition to these policies directly addressing storm water runoff, erosion, and flooding, the LCP policies discussed in Section, 2.6, 2.7and 2.8 above, concerning protection of wetlands, riparian areas, and other sensitive habitat areas should be considered when evaluating the potential impacts of the project due to storm water runoff and erosion.

2.10.3 Discussion

Site Drainage Characteristics

The project site drains to the west by sheet flow, channelized flow though the five streams running though the site, and by shallow (perched) groundwater flow. The site contains springs, seeps, and wet areas, particularly in the northern portion of the site near the pond. Streams 4 and 5 flow into the pond on the site, which originate to the east in the Chesterfield Watershed (Exhibit 11). The pond is drained by Stream 5 which flows off the site to the northwest and drains into ditches and culverts along Grandview Boulevard and Highway 1, eventually discharging into Pilarcitos Creek (Exhibits 8 and 9).

The project site is part of the Terrace Avenue Assessment District, which was formed in the early 1980s to construct storm drain facilities for this area. Streams 1 and 2 are intercepted by existing storm drains at the western edge of the property. As discussed in Section 2.7 above, Stream 3 was diverted in the 1950s to help fill the pond. Subsequent siltation and construction of berms has redirected most of the flow back into the natural, westerly flowing channel, and is

intercepted downstream by a 48-inch storm drain pipe on the Beachwood property. The staff is investigating whether this drain is permitted.

Project Impacts

The proposed development could result in adverse impacts to coastal water quality both on and off site through increased storm water runoff from new impervious surfaces, sedimentation resulting from grading and vegetation removal, and use of herbicides, pesticides and other hazardous substances. Polluted runoff and sedimentation could significantly affect the viability of the threatened and endangered species habitat discussed in Section 2.6 above.

The project includes approximately 190,000 cubic yards of grading, primarily in the northern area of the project site. Grading, road construction, vegetation removal, and other construction related site disturbance could result in significant impacts to the wetlands and riparian areas on the site as well as to off-site coastal waters due to erosion and sedimentation.

Proposed Erosion Control Measures and Storm Water Pollution Prevention Plan

Ailanto proposes to mitigate the impacts of the development to water quality through design features to treat storm water and increase infiltration of runoff, erosion control features that will be addressed in a Storm Water Pollution Prevention Plan (SWPPP), and minimization of disturbances to wetlands and riparian corridors. The project drainage plan is designed to direct runoff into the existing drainages and underground pipes, which include the Terrace Avenue Assessment District storm drainage facilities. Runoff will be diverted into the existing system facilities through underground pipes and surface flow. Untreated runoff from roads and other developed areas will be diverted away from existing wetlands and creeks. During construction, wetlands and riparian corridors will be fenced off to minimize disturbance. The project description states that post-construction water quality management objectives for the project are provided to the maximum extent practicable to:

- reduce directly connected impervious surface areas (roads, driveways, and houses),
- provide for passive treatments to filter pollutants and sediment from storm water and urban runoff prior to discharge into the storm drainage system,
- increase runoff infiltration, and
- minimize long term operation and maintenance requirements.

The applicant states that the project layout and topography provides passive treatments of storm water from small, sub-watersheds that will increase infiltration into the soil and trap or filter sediments and other pollutants prior to discharge into the storm drain system, local creeks, or the pond. While detailed engineering and grading studies have not been completed, design features to be part of the final plan design include using cobble/gravel around drop inlet structures where practicable and directing runoff into biofilters such as grassy/landscaped swales and vegetated filter strips. The SWPPP will implement the standard required features such as:

- drop inlet signs (e.g., No Dumping, Flows to Bay or similar theme),
- traps in the drop inlet structures to capture sediment and
- educational materials to be provided to homebuyers and posted in the proposed gazebo containing information about the local ecosystem and the need to protect water quality.

Specific locations of the water quality treatment facilities will be completed as part of the final grading and design once the project site plan has been finalized. The Homeowners Association will be responsible for the maintenance of these facilities. The passive water treatment features will minimize the operation and maintenance requirements.

Ailanto proposes to implement the following measures to minimize impacts to water quality:

1. Ailanto shall prepare and implement a SWPPP to the satisfaction of the Regional Water Quality Control Board requirements. The SWPPP shall be submitted for review and approval by the city engineer prior to the issuance of any grading permits. The SWPPP shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of contraction debris shall also be addressed in the SWPPP.
2. Ailanto will install silt traps on the property as part of the on-site storm drain system. The homeowners shall be responsible to pay for the on-going maintenance of that portion of the storm drain system necessary for the City to achieve compliance with its NPDES permit. The homeowners may fund this on-going maintenance either through the homeowner's association as required by the CC&R's or through an assessment district.
3. The May 1990 Dykstra Ranch Pond Water Quality Management Plan shall be revised and implemented to the satisfaction of the San Francisco Regional Water Quality Control Board.
4. Prior to the commencement of any clearing, grading or excavation resulting in a land disturbance greater than five acres, the developer shall provide evidence that a Notice of Intent (NOI) has been sent to the State Water Resources Control Board.
5. All storm drain inlets shall be labeled "No Dumping – Drains to Bay" using thermoplastic lettering or as approved by the public works director/city engineer.
6. Street grade along the face of curb shall have a minimum of 0.5 percent.
7. No drainage shall be directed over slopes.
8. All lots shall be graded so as not drain onto any other lot adjoining property prior to being deposited to an approved storm drainage system.
9. Twelve-inch minimum storm drainpipe shall be used.
10. Equipment shall not be operated in the lake or its margins except during excavation and as may be necessary to construct barriers or fills. If work in the lake is unavoidable, a curtain enclosure to prevent siltation of the lake beyond the immediate working area shall be installed. The enclosure and any supportive material shall be removed when the work is completed. Wash water containing mud or silt from aggregate washing or other operations shall not be allowed to enter a lake or flowing stream.
11. If operations require moving equipment across a flowing stream, such operations shall be conducted without substantially increasing stream turbidity. For repeated crossings, the operator shall install a bridge, culvert, or rock-fill crossing.
12. No debris, soil, sand, bark, slash, sawdust, rubbish, cement or concrete or washing thereof, oil or petroleum products or other organic or earthen material from logging, construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the state. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.

13. The applicant shall obtain a Streambed Alteration Agreement with the California Department of Fish and Game prior to commencing construction activities and shall comply with any conditions that the agency may impose.

Adequacy of Proposed Mitigation

The permit application contains some of the information needed to assess the potential project impacts from polluted runoff and erosion, including appropriate BMPs to minimize and control erosion and runoff. However, the project plans and description are lacking key information necessary to fully evaluate the effectiveness of the proposed project plans, construction methods, and mitigation measures to address the potential project impacts and therefore the project's conformity with the policies of the LCP. For example, the project plans do not include a detailed grading plan or landscaping plan, equipment and material staging areas and fill stockpiling areas are not identified, and data concerning pre- and post-construction peak and average runoff volumes is not provided.

The applicant proposes to provide this information prior to construction of the development through a SWPPP. However, the Commission needs the information proposed to be provided subsequently through the SWPPP for its current consideration of the permit application. Without this information, the Commission cannot determine whether or not the project as proposed conforms to the requirements of LUP Policies 4-8 and 4-9 and Coastal Act Section 30253.

In order for the Commission to evaluate the potential impacts of the project to environmentally sensitive resources and coastal water quality due to generation of polluted runoff and erosion consistent with the provisions of the certified LCP. The applicant must provide the following information prior to Commission action on any subsequent permit application.

General Project/Site Information

14. A description of the proposed permanent development (e.g., single family residences, parking lots, and septic systems) as defined by Coastal Act Section 30106 and the associated impervious surfaces. [Specify area (square feet), locations, and types.]
15. A description of any temporary or permanent development needed for construction (e.g., site access points for construction traffic, staging areas, contractor's yard for automobile parking, and equipment, material, and debris storage/stockpile areas).
16. Accurate plans prepared or certified by a registered civil engineer or engineering geologist showing the project footprint (paved, graded, cut-and-fill areas) relative to the applicant's property boundaries, onsite and adjacent natural features (e.g., waterbeds, drainage ways, and environmentally sensitive habitat), etc.
17. A description of land uses, infrastructure, and ground cover on and adjacent to the site. Minimal components include:
    - types and intensities of land uses on and adjacent to the site;
    - adjacent easements (open space, conservation, scenic, etc.) and recreation areas;
    - existing traffic patterns (i.e., roads), parking areas, and utilities;
    - vegetative cover (specify if native or non-native); and
    - historical information [e.g., water/sediment quality problems for waterbeds on and/or adjacent to site (known) or other physical, chemical, or biological characteristics of the project site (e.g., known pollutant sources)]

18. A list and description of all potential impacts and pollutants expected to be generated as a result of the proposed project construction and/or project use after construction.
19. A project schedule.

Grading Plan

(To be prepared by a licensed/registered civil or professional engineer.)

1. Property limits, prior-to-grading contours, and details of terrain and area drainage.
2. Locations of any buildings or structures on the property where the work is to be performed and the location of any building or structures of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations.
3. Locations and cross sections of all proposed temporary and permanent cut-and-fill slopes, retaining structures, buttresses, etc., that will result in an alteration to existing site topography (identify benches, surface/subsurface drainage, etc.);
4. Area (square feet) and volume (cubic yards) of all grading (identify cut, fill, import, export volumes separately), and the locations where sediment will be stockpiled or disposed of.
5. Elevation of finish contours to be achieved by the grading, proposed drainage channels, and related construction.
6. Details pertaining to the protection of existing vegetation from damage from construction equipment (for example: (a) grading areas shall be minimized to protect vegetation; (b) areas with sensitive or endangered species shall be demarcated and fenced off; and (c) native trees that are located close to the construction site shall be protected by wrapping trunks with protective materials, avoiding placing fill of any type against the base of trunks, and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees).
7. Grading schedule.

Runoff & Drainage Plan

(To be prepared by a licensed/registered civil or professional engineer.)

1. Information on:
   - pre-development peak runoff rate and average volume;
   - drainage improvements (e.g., locations of diversions/conveyances for upstream runoff);
   - potential flow paths where erosion may occur during and after construction; and
   - the expected post-development peak runoff rate and average volume from the site with all proposed non-structural and structural BMPs implemented.
2. Methods to accommodate onsite percolation, revegetate disturbed portions of the site, and address onsite and/or offsite impacts and necessary improvements constructed.
3. Measures to treat, infiltrate, or filter runoff from impervious surfaces (e.g., roads, driveways, parking structures, building pads, roofs, patios, etc.) on the subject parcel(s) and to discharge the runoff in a manner that avoids erosion, gullying on or downslope of the subject parcel, ponding on building pads, discharge of pollutants (e.g., oil, heavy metals, toxins) to coastal waters, or other potentially adverse impacts. Such measures may include, but are not limited to, the use of structures (alone or in combination) such as on-site desilting basins, detention ponds, dry wells, etc.

4. A long-term plan and schedule for the monitoring and maintenance of all drainage-control devices.

Landscaping Plan

(To be prepared by a licensed/registered landscape architect or similar licensed/registered biotic resources specialist.)

1. Local soil chemistry, physiology, and biology.
2. Species of plant(s) to be established. Preference should be given to nonirrigated, rain-dependent natives.
3. Timing of planting.
4. Irrigation plan, if necessary. Preference should be given to species that require no artificial irrigation beyond that necessary to establish new plantings.
5. Mechanical maintenance measures (e.g., mowing).
6. Chemical maintenance measures (e.g., pesticides and fertilizers).
7. Specific maintenance measures for BMPs with vegetation.

2.10.4 Conclusion

Although the applicant has provided some of the information necessary to evaluate the project's potential impacts to coastal resources and water quality resulting from runoff and erosion, including specific structural and non-structural BMPs, the Commission must evaluate the more specific information proposed by the applicant to be provided in the future in the project's SWPPP. Because this information has not been provided for the Commission's review as part of the permit application, the Commission cannot find that the project conforms to the requirements of LUP Policies 4-8 and 4-9 and Coastal Act Section 30253. The specific information described under the subheadings: *General Project/Site Information; Grading Plan; Runoff & Drainage Plan;* and *Landscaping Plan* should be provided as a part of any future permit application for development of the project site.

2.11 Conversion of Agricultural Lands

Although the proposed development will result in the conversion of 36 acres of prime agricultural lands to residential use, agricultural use of the site is severely limited by conflicts with urban uses and is therefore designated in the LUP as an area suitable for development. Therefore, the proposed conversion of agricultural lands is consistent with the City of Half Moon Bay LCP.

2.11.1 Issue Summary

In the past, the lower slopes and flatlands within the 114-acre Pacific Ridge site were used for pasture. Approximately 36 acres of the site (32 percent) contain Class II soils as shown on the U.S. Department of Agriculture Soils Conservation Service Soil Survey (USDA 1961) and are therefore classified as prime agricultural lands under the LCP (Exhibit 10). The proposed project would commit these prime agricultural lands to urban use.

2.11.2 LCP Standards

The LCP incorporates Coastal Act Sections 30241 and 30242, which provide that the maximum amount of prime agricultural land shall be maintained in agricultural production and that

conversion to nonagricultural uses of other non-prime lands shall be limited. Conformance with these policies is to be accomplished through, among other means, the establishment of stable urban/rural boundaries and by limiting conversion of agricultural lands where the viability of agricultural uses is severely limited by conflicts with urban uses.

The LUP adopts the Coastal Act definition of prime agricultural lands, which incorporates by reference Government Code Section 51201. This definition includes all land that qualifies for rating as Class I or Class II in the Soils Conservation Service land use capability classifications.

LUP Policy 8-12 sets the urban/rural boundary for the region as the Half Moon Bay City Limit.

Coastal Act Section 30250(a), also incorporated into the LCP, requires that new development shall be located within, contiguous with, or in close proximity to existing developed areas.

2.11.3 Discussion

Chapter 8 of the LUP provides for the urbanization of former agricultural lands where farming is no longer economically viable. The land use designations and agricultural policies of the LUP establish a system for phasing the conversion of agricultural lands to urban use. The criteria used to form this phasing plan include availability of necessary infrastructure, proximity to existing developed areas, and parcel size. Lands clearly no longer suitable for agriculture are designated for development first. Lands that are expected in the short term to be suitable for agricultural use are designated as Urban Reserve. These lands are to be developed only after substantial build-out of the lands designated for development. The LUP designates lands capable of continuing to support viable agricultural uses (at the time that the LUP was certified in 1985) as Open Space Reserve. Open Space Reserve lands may be developed under the LUP only after all other remaining lands in the City suitable for development have been developed or committed to other uses. Chapter 9 of the LUP further provides that new development shall be located within, contiguous with, or in close proximity to existing developed areas to (1) avoid urban sprawl, (2) prevent premature commitment of rural lands to development, and (3) preserve the maximum amount of land in urban areas suitable for agricultural use.

All undeveloped lands designated in the LUP as potentially suitable for new residential development are classified into six categories in accordance with their relationship to existing development, prior commitment to urbanization, and the coastal resource protection policies of the Coastal Act. These categories are intended to prioritize development within the City as follows:

1. Existing Neighborhoods. In-fill development of existing neighborhoods.
2. Paper Subdivisions. Undeveloped areas previously committed to urbanization by subdivision.
3. Contiguous Unsubdivided Lands Without Significant Resource Value. Unsubdivided lands generally contiguous with or surrounded by existing development without significant agricultural, habitat, or coastal recreational value.
4. Unsubdivided And Other Lands Not Contiguous With Existing Development Without Significant Resource or Recreational Value. The Wavecrest Restoration Project is the only area in the City that falls within this category.
5. Unsubdivided Lands Contiguous with Existing Development and Having Agricultural, Coastal Recreation or Habitat Value.

6. Unsubdivided Lands not Contiguous with Existing Development and Having Agricultural, Coastal Recreation, Habitat, and Scenic Value.

The LUP designates the Pacific Ridge Development site as a Category 3 area suitable for development.

2.11.4 Conclusion

The project site is not currently in agricultural production, and is not considered a viable agricultural site under the LUP. The site is located within the urban rural boundary and is contiguous with the existing Grandview Terrace and Newport Terrace subdivisions. Agricultural use of the site is severely limited by conflicts with urban uses. For example, pesticide use would be restricted due to proximity to residential development and to the high school. For all of these reasons, the project site is designated in the LUP as an area suitable for development. Therefore, the Commission finds that the proposed conversion of agricultural lands is consistent with the City of Half Moon Bay LCP.

2.12 California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

As specifically discussed in the preceding findings, which are hereby incorporated by reference, the proposed development will result in significant adverse environmental impacts. There are less environmentally damaging feasible alternatives to the project as proposed and feasible mitigation measures to avoid or substantially lessen adverse impacts that the project will cause to the environment have not been provided. Alternative development siting and design would lessen the environmental impact of the proposed project on coastal resources. For example, the impacts of the proposed development to regional cumulative traffic congestion, environmentally sensitive habitat areas, and visual resources could be minimized and/or avoided by limiting development of the site to a minimum of one single-family residence on each of the existing legal lots. Project impacts to the San Francisco garter snake and the California red-legged-frog could be mitigated or avoided through the provision of adequate buffers around the wetlands and riparian areas on the site and by spanning the full width of the riparian corridors where road crossings cannot feasibly be avoided. Therefore, the Commission denies this permit application on the grounds that the proposed development is inconsistent with Section 21080.5(d)(2)(A) of CEQA.

APPENDIX A
Substantive File Documents

References:

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Half Moon Bay 1990. "Final Environmental Impact Report for Dykstra Ranch," Western Ecological Services Company, Inc., December 1988.

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Personal Communications:

Sheila Larson, U.S. Fish and Wildlife Service, June 16, 2000.

Curtis McCasland, U.S. Fish and Wildlife Service, June 19 and 21 2000.

Appendix B
Trip Generation Calculations

1.a) Total Traffic for a weekday PM Peak Hour, 197 Units

Model: $Ln(T) = 0.887\ Ln(X) + 0.605$

T= Trips; X= Number of Dwelling Units

Scenario: Single Family Detached Housing

Average Vehicle Trip Ends vs. Dwelling Units

Weekday, P.M. Peak Hour

$Ln(T) = 0.887\ Ln(197) + 0.605$

$Ln(T) = 0.887 \times (5.283) + 0.605$

$Ln(T) = 4.686 + 0.605$

$Ln(T) = 5.29$

$e^{Ln(T)} = e^{5.29}$

$T = 198.58 \Rightarrow$ 199 Trips Total (vs. 199 in Table1)

Inbound and outbound traffic are calculated using the Directional Distribution presented in the model (64% entering, 36% exiting); thus,

$199 \times 0.64 = 127.36 \Rightarrow$ 128 Trips IN (vs. 128 in Table1)

$199 - 128 = 71 \Rightarrow$ 71 Trips OUT (vs. 71 in Table1)

1.b) Total Traffic for a weekday PM Peak Hour, 150 Units

Model: $Ln(T) = 0.887\ Ln(X) + 0.605$

T= Trips; X= Number of Dwelling Units

Scenario: Single Family Detached Housing

Average Vehicle Trip Ends vs. Dwelling Units

Weekday, P.M. Peak Hour

$Ln(T) = 0.887\ Ln(150) + 0.605$

$Ln(T) = 0.887 \times (5.0106) + 0.605$

$Ln(T) = 4.444 + 0.605$

$Ln(T) = 5.0494$

$e^{Ln(T)} = e^{5.0494}$

$T = 155.9 \Rightarrow$ 156 Trips Total (vs. 152 in Table1)

Inbound and outbound traffic (64% entering, 36% exiting):

$156 \times 0.64 = 99.84 \Rightarrow$ 100 Trips IN (vs. 98 in Table1)

$156 - 100 = 56 \Rightarrow$ 56 Trips OUT (vs. 54 in Table1)

2.a) Total Traffic for a Saturday Noon Peak Hour, 197 Units

Model: T= 0.886X + 11.065

T= Trips; X= Number of Dwelling Units

Scenario: Single Family Detached Housing

Average Vehicle Trip Ends vs. Dwelling Units

Saturday Peak Hour

T= 0.886 × (197) + 11.065

T= 174.542 + 11.065

T= 185.607 ⇒ 186 Trips Total (vs. 185 in Table1)

Inbound and outbound traffic (54% entering, 46% exiting):

186 × 0.54 = 100.44 ⇒ 101 Trips IN (vs. 100 in Table1)

199 – 101 = 85 ⇒ 85 Trips OUT (vs. 85 in Table1)

2.b) Total Traffic for a Saturday Noon Peak Hour, 150 Units

Model:	T= 0.886X + 11.065
	T= Trips; X= Number of Dwelling Units
Scenario:	Single Family Detached Housing
	Average Vehicle Trip Ends vs. Dwelling Units
	Saturday Peak Hour

T= 0.886 × (150) + 11.065

T= 132.90 + 11.065

T= 143.965 ⇒ 144 Trips Total (vs. 142 in Table1)

Inbound and outbound traffic (54% entering, 46% exiting):

144 × 0.54 = 77.76 ⇒ 78 Trips IN (vs. 77 in Table1)

199 – 78 = 66 ⇒ 66 Trips OUT (vs. 65 in Table1)

Analysis of results:

1.a) Total Traffic for a weekday PM Peak Hour, 197 Units

The results for this section indicate that the numbers presented in Table 1 for this scenario are accurate.

1.b) Total Traffic for a weekday PM Peak Hour, 150 Units

In this section, the results differ from those presented in Table1. Using the model from *Trip Generation, 6th Edition* a 150 unit development would generate a total of 156 trips, 4 more than those presented in Table 1.

One possible reason for his difference could be that the model used in the report (*Trip Generation, 5th Edition*) was slightly different due to its "outdated" status. This option can be ruled out since the results for 1.a) indicate that the model is the same.

A more likely explanation is that the consultant used the 150 unit development as a proportion of the 197 unit proposal, and calculated the trips accordingly.

In other words, if 150 represents 76.14% of 197, then trips generated by a 150 unit development would have to be 76.14% of those generated by a 197 unit development .

IN: $128 \times 0.7614 = 97.46 \Rightarrow$ 98 Trips

OUT: $71 \times 0.7614 = 54.06 \Rightarrow$ 54 Trips

TOTAL: $98 + 54 = 152 \Rightarrow$ 152 Trips

It seems that this could be the way the consultants reached their results. In spite of the accuracy of the calculations, this approach is incorrect due to the non-linear character of the model.

The calculations using the model (156 trips instead of 152) are the appropriate ones to follow.

2.a) Total Traffic for a Saturday Noon Peak Hour, 197 Units

The results in this section differ by one trip from those in the consultant's report.

Since we do not have their detailed calculations it is hard to determine the reason for the difference. Assuming that there are no calculation errors, it is possible that the model used by the consultants is slightly different than the one presented in the latest edition of the manual.

2.b) Total Traffic for a Saturday Noon Peak Hour, 150 Units

Keeping in mind the possible difference in the model explained above, the same reasoning used in 1.b) seems to have been used to calculate the Saturday Noon Peak Hour trips for the 150 unit development. Again, the results applying the model (144 trips instead of 142) are the appropriate ones to follow.

Model used for 1.a & 1.b

Single-Family Detached Housing
(210)

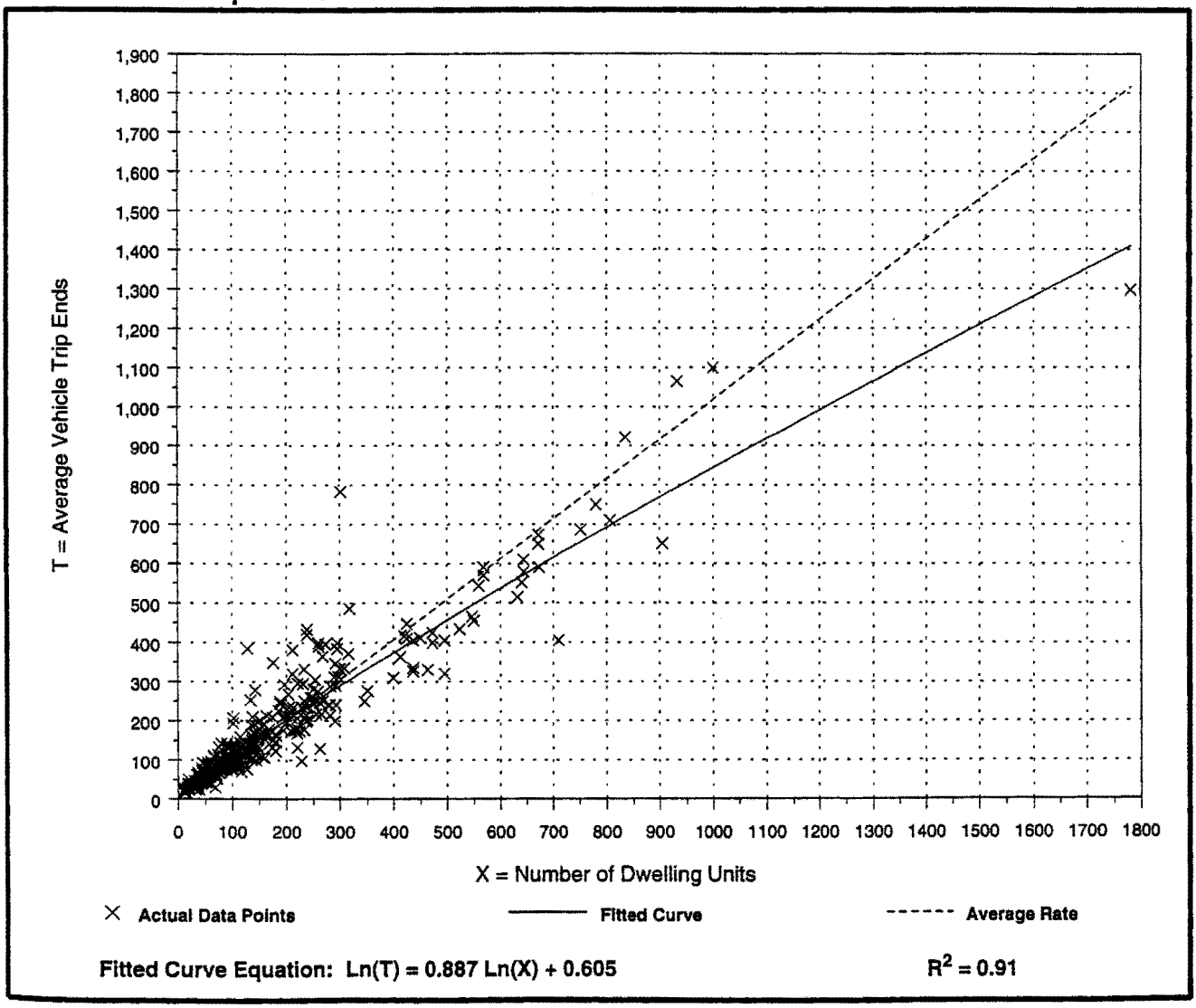
Average Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
P.M. Peak Hour of Generator

Number of Studies: 352
Avg. Number of Dwelling Units: 177
Directional Distribution: 64% entering, 36% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
1.02	0.42 - 2.98	1.05

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.887 Ln(X) + 0.605

R^2 = 0.91

Model used for 2.a & 2.b

Single-Family Detached Housing
(210)

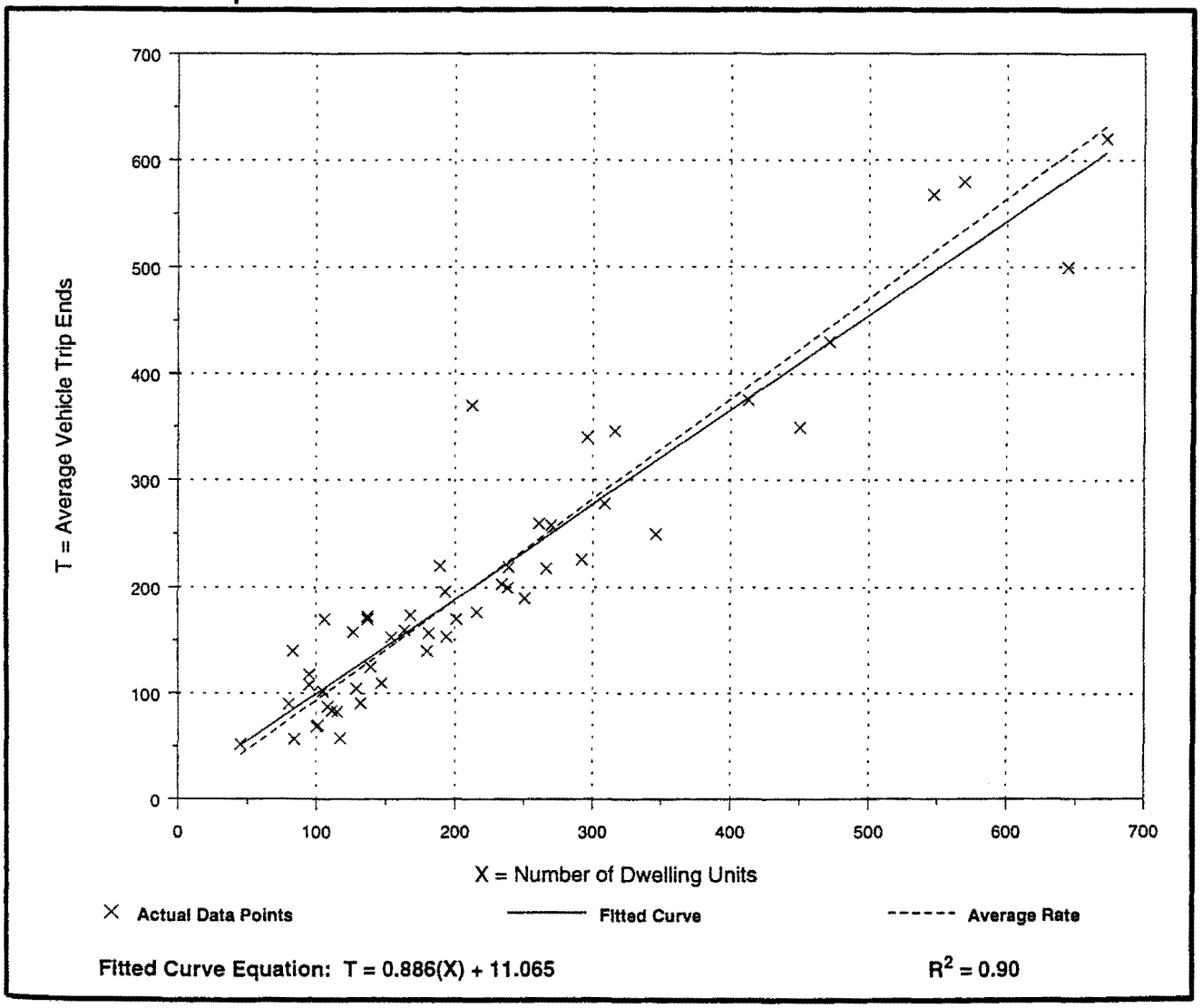
Average Vehicle Trip Ends vs: **Dwelling Units**
On a: **Saturday,**
Peak Hour of Generator

Number of Studies: 51
Avg. Number of Dwelling Units: 224
Directional Distribution: 54% entering, 46% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.50 - 1.75	0.99

Data Plot and Equation



Fitted Curve Equation: $T = 0.886(X) + 11.065$ $R^2 = 0.90$

APPENDIX C
Referenced Policies

California Coastal Act

Section 30010

The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

Section 30210

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

Section 30241

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30242

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30250

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30254

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30603

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) (1) 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.

(2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.

(c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.

(d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.

Section 30604

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

(b) After certification of the local coastal program, a coastal development permit shall be issued if the issuing agency or the commission on appeal finds that the proposed development is in conformity with the certified local coastal program.

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

(d) No development or any portion thereof which is outside the coastal zone shall be subject to the coastal development permit requirements of this division, nor shall anything in this division authorize the denial of a coastal development permit by the commission on the grounds the proposed development within the coastal zone will have an adverse environmental effect outside the coastal zone.

(e) No coastal development permit may be denied under this division on the grounds that a public agency is planning or contemplating to acquire the property on, or property adjacent to the property on, which the proposed development is to be located, unless the public agency has been specifically authorized to acquire the property and there are funds available, or funds which could reasonably be expected to be made available within one year, for the acquisition. If a permit has been denied for that reason and the property has not been acquired by a public agency within a reasonable period of time, a permit may not be denied for the development on grounds that the property, or adjacent property, is to be acquired by a public agency when the application for such a development is resubmitted.

Section 30621

(a) The commission shall provide for a de novo public hearing on applications for coastal development permits and any appeals brought pursuant to this division and shall give to any affected person a written public notice of the nature of the proceeding and of the time and place of the public hearing. Notice shall also be given to any person who requests, in writing, such notification. A hearing on any coastal development permit application or an appeal shall be set no later than 49 days after the date on which the application or appeal is filed with the commission.

(b) An appeal that is properly submitted shall be considered to be filed when any of the following occurs

(1) The executive director determines that the appeal is not patently frivolous pursuant to subdivision (d) of Section 30620.

(2) The five-day period for the executive director to determine whether an appeal is patently frivolous pursuant to subdivision (d) of Section 30620 expires without that determination.

(3) The appellant pays the filing fee within the five-day period set forth in subdivision (d) of Section 30620.

Section 30625

(a) Except as otherwise specifically provided in subdivision (a) of Section 30602, any appealable action on a coastal development permit or claim of exemption for any development by a local government or port governing body may be appealed to the commission by an applicant, any aggrieved person, or any two members of the commission. The commission may approve, modify, or deny such proposed development, and if no action is taken within the time limit specified in Sections 30621 and 30622, the decision of the local government or port governing body, as the case may be, shall become final, unless the time limit in Section 30621 or 30622 is waived by the applicant.

(b) The commission shall hear an appeal unless it determines the following:

(1) With respect to appeals pursuant to subdivision (a) of Section 30602, that no substantial issue exists as to conformity with Chapter 3 (commencing with Section 30200).

(2) 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.

(3) With respect to appeals to the commission after certification of a port master plan, that no substantial issue exists as to conformity with the certified port master plan.

(c) Decisions of the commission, where applicable, shall guide local governments or port governing bodies in their future actions under this division.

California Coastal Commission Regulations

§ 13096. Commission Findings.

(a) All decisions of the commission relating to permit applications shall be accompanied by written conclusions about the consistency of the application with Public Resources Code section 30604 and Public Resources Code section 21000 and following, and findings of fact and reasoning supporting the decision. The findings shall include all elements identified in section 13057(c).

(b) Unless otherwise specified at the time of the vote, an action taken consistent with the staff recommendation shall be deemed to have been taken on the basis of, and to have adopted, the reasons, findings and conclusions set forth in the staff report as modified by staff at the hearing. If the commission action is substantially different than that recommended in the staff report, the prevailing commissioners shall state the basis for their action in sufficient detail to allow staff to prepare a revised staff report with proposed revised findings that reflect the action of the commission. Such report shall contain the names of commissioners entitled to vote pursuant to Public Resources Code section 30315. 1.

(c) The commission vote taken on proposed revised findings pursuant to Public Resources Code section 30315.1 shall occur after a public hearing. Notice of such hearing shall be distributed to the persons and in the manner provided for in section 13063. The public hearing shall solely address whether the proposed revised findings reflect the action of the commission.

§ 13115. Substantial Issue Determination.

(a) At the meeting next following the filing of an appeal with the Commission or as soon thereafter as practical, the executive director shall make a recommendation to the commission as to whether the appeal raises a significant question within the meaning of Section 30625(b).

(b) Unless the Commission finds that the appeal raises no significant question as to conformity with the certified local coastal program or, in the case of a permit application for a development between the sea and the first public road paralleling the sea (or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach) that there is no significant question with regard to the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976, the Commission shall consider the application de novo in accordance with the procedures set forth in Sections 13057-13096.

(c) The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to hear an appeal. A majority vote of the members of the Commission present shall be required to determine that the Commission will not hear an appeal.

§ 13577. Criteria for Permit and Appeal Jurisdiction Boundary Determinations.

(b) Wetlands.

(2) For the purposes of this section, the term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:

(A) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and

(B) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

Half Moon Bay Land Use Policies

Policy 1-1

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

Policy 1-4

Prior to the issuance of any development permit required by this Plan, the City shall make the finding that the development meets the standards set forth in all applicable Land Use Plan policies.

Policy 3-1 Definition of Sensitive Habitats

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

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

APPENDIX A: Special Definitions...

WETLAND

Wetland is an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernally wet areas where the soils are not hydric.

3-3 Protection of Sensitive Habitats

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

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

3-4 Permitted Uses

(a) Permit only resource-dependent or other uses which will not have a significant adverse impact in sensitive habitats.

(b) In all sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife Service and State Department of Fish and Game regulations.

3-5 Permit Conditions [Biologic Report]

(a) Require all applicants to prepare a **biologic report** by a qualified professional selected jointly by the applicant and the City to be submitted prior to development review. The report will determine if significant impacts on the sensitive habitats may occur, and recommend the most feasible mitigation measures if impacts may occur.

The report shall consider both any identified sensitive habitats and areas adjacent. Recommended uses and intensities within the sensitive habitat area shall be dependent on such resources, and shall be sited and designed to prevent impacts which would significantly degrade areas adjacent to the habitats. The City and the applicant shall jointly develop an appropriate program to evaluate the adequacy of any mitigation measures imposed.

(b) When applicable, require as a condition of permit approval, the restoration of damaged habitat(s) when, in the judgment of the Planning Director, restoration is partially or wholly feasible.

3-7 Definition of Riparian Corridors

(a) Define riparian corridors by the "limit of riparian vegetation" (i.e. a line determined by the association of plant and animal species normally found near streams, lakes, and other bodies of fresh water: red alder, jaumea, pickleweed, big leaf maple, narrowleaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.

3-8 Designation of Riparian Corridors

(a) Establish riparian corridors for all perennial and intermittent streams and lakes and other bodies of fresh water in the Coastal zone. Designate those corridors shown on the Habitat Areas and Water Resources Overlay and any other riparian area as sensitive habitats requiring protection, except for man-made irrigation ponds over 2,500 square feet surface area.

3-9 Permitted Uses in Riparian Corridors

(a) Within corridors, permit only the following uses: (1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish and wildlife management activities, (4) trails and scenic overlooks on public land(s), and (5) necessary water supply projects.

(b) When no feasible or practicable alternative exists, permit the following uses: (1) stream-dependent aquaculture provided that non-stream-dependent facilities locate outside of corridor, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, (3) bridges when supports are not in significant conflict with corridor resources, (4) pipelines and storm water runoff facilities, (5) improvement, repair or maintenance of roadways or road crossings, (6) agricultural uses, provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels.

3-10 Performance Standard in Riparian Corridors

(a) Require development permitted in corridors to: (1) minimize removal of vegetation, (2) minimize land exposure during construction and use temporary vegetation or mulching to protect critical areas, (3) minimize erosion, sedimentation, and runoff by appropriately grading and replanting modified areas, (4) use only adapted native or non-invasive exotic plant species when replanting, (5) provide sufficient passage for native and anadromous fish as specified by the State Department of Fish and Game, (6) minimize adverse effects of waste water discharges and entrainment, (7) prevent depletion of groundwater supplies and substantial interference with surface and subsurface waterflows, (8) encourage waste water reclamation, (9) maintain natural vegetation buffer areas that protect riparian habitats, and (10) minimize alteration of natural streams.

3-11 Establishment of Buffer Zones

(a) On both sides of riparian corridors, from the "limit of riparian vegetation," extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams.

(b) Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50 feet from the bank edge for perennial streams and 30 feet from the midpoint of intermittent streams.

(c) Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point, except for man-made ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.

3-12 Permitted Uses in Buffer Zones

(a) Within buffer zones, permit only the following uses: (1) uses permitted in riparian corridors, (2) structures on existing legal building sites, set back 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if no other building site on the parcel exists, (3) crop growing and grazing consistent with Policy 3.9, (4) timbering in "streamside corridors" as defined and controlled by State and County regulations for timber harvesting, and (5) no new parcels shall be created whose only building site is in the buffer area except for parcels created in compliance with Policies 3.3, 3.4, and 3.5 if consistent with existing development in the area and if building sites are set back 20 feet from the limit of riparian vegetation or if no vegetation 20 feet from the bank edge of a perennial and 20 feet from the midpoint of an intermittent stream.

3-13 Performance Standards in Buffer Zone

(a) Require uses permitted in buffer zones to: (1) minimize removal of vegetation, (2) conform to natural) topography to minimize erosion potential, (3) make provisions to (i.e. catch basins) to keep runoff and sedimentation from exceeding pre-development levels, (4) replant where appropriate with native and non-invasive exotics, (5) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor, (6) remove vegetation in or adjacent to man-made agricultural ponds if the life of the pond is endangered, (7) allow dredging in or adjacent to man-made ponds if the San Mateo County Resource Conservation District certifies that siltation imperils continued use of the pond for agricultural water storage and supply.

3-22 Permitted Uses

(a) Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.

(b) If the critical habitat has been identified by the Federal Office of Endangered Species, permit only those uses deemed compatible by the U. S. Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.

3-24 Preservation of Critical Habitats

(a) Require preservation of all habitats or rare and endangered species using the policies of this Plan and other implementing ordinances of the City.

3-25 San Francisco Garter Snake

(a) Prevent any development where there is known to be a riparian location for the San Francisco garter snake with the following exception: (1) existing man-made impoundments smaller than 1/2 acre in surface, and (2) existing man-made impoundments greater than 1/2 acre in surface, providing mitigation measures are taken to prevent disruption of not more than one-half of the snake's known habitat in that location in accordance with recommendations from the State Department of Fish and Game.

(b) Require developers to make sufficiently detailed analyses of any construction which could impair the potential or existing migration routes of the San Francisco garter snake. Such analyses will determine appropriate mitigation measures to be taken to provide for appropriate migration corridors.

Policy 4-8:

No new permitted development shall cause or contribute to flood hazards.

Policy 4-9:

All development shall be designed and constructed to prevent increases in runoff that would erode natural drainage courses. Flows from graded areas shall be kept to an absolute minimum, not exceeding the normal rate of erosion and runoff from that of the undeveloped land. Storm water outfalls, gutters, and conduit discharge shall be dissipated.

Policy 7-10:

New development on upland slopes visible from Highway 1 and Highway 92 as indicated on the Visual Resources Overlay Map, shall not involve grading or building siting which results in a significant modification of the hillscape; where trees must be removed for building purposes, reforestation shall be provided as a part of any new development to maintain the forested appearance of the hillside. Structures shall be subordinate in appearance to the natural landform, shall be designed to follow the natural contours of the landscape, and shall be sited so as not to intrude into the skyline as seen from public viewing places.

Policy 8-12:

The Urban/Rural Boundary shall be the City Limit boundary of the City of Half Moon Bay.

Policy 9-2:

The City shall monitor annually the rate of build-out in categories designated for development. If the rate of build-out exceeds the rate on which the estimates of development potential for Phase I and Phase II in the Plan are based, further permits for development or land divisions shall not be issued outside existing subdivisions until a revised estimate of development potential has been made. At that time the City shall establish a maximum number of development permits to be granted each year in accordance with expected rates of build-out and service capacities. No

permit for development shall be issued unless a finding is made that such development can be served with water, sewer, schools, and road facilities, including such improvements as are provided with the development. (See Table 9.3)

9.3.7 Dykstra Ranch

This is a parcel of 114 acres of gentle to steep slopes on the eastern edge of the City. Only a very small portion of the site contains prime soils. In the past, the lower slopes and flatlands had been used for pasture. A Planned Unit Development and tentative tract has been previously approved for development in this area, with a total of 228 units.

Eastern portions of the Dykstra Ranch have steep slopes. These slopes have been identified as having landslide potential. Residential development and road construction on these steep slopes would require a substantial amount of hillside cutting and filling and would increase the possibility of slope failure, posing a hazard to homes and development on lower slopes. Most of the Dykstra Ranch has development potential without such hazards or conflicts.

Residential development is appropriate as an alternative to development of more rural lands and those with significant coastal resources, in accordance with Coastal Act policies. It could also contribute to improvement in local traffic circulation by contributing to the development of a new collector road parallel to Highway 1. However, such development must conform with protection of views of the hillside, avoidance of hazards, and minimum alteration of natural landforms. Development of this site does offer the potential for solving local drainage problems in the Terrace Avenue subdivisions.

It is proposed that this area be permitted for development of a limited variety of residential unit types to meet needs for new housing in Half Moon Bay. Such development should occur in a manner which minimizes conflicts with Coastal Act policies with respect to preservation of the natural environment and hillside and watershed protection and promote achievement of policies on improved coastal access.

New development would involve a combination of single-family detached homes on moderate slopes, clustered high-density single family attached homes, and apartments on lower slopes near the high school, extension of the long-proposed Foothill Boulevard to connect with Foster Drive and Grandview (with possible extensions in the future to the north) and retention of drainage courses and steep slopes in open space.

Proposed Development Conditions

a) A specific plan shall be prepared for the entire area which incorporates all of the conditions listed below and conforms to all other policies of the Land Use Plan. The specific plan shall show the locations of roads and structures, and indicate the amount and location of open space, public recreation, and Commercial recreation. The plan shall be subject to environmental review under City CEQA guidelines.

   The plan and accompanying environmental documents shall be submitted to the Planning Commission, who may recommend additional conditions for development of the site. The Planning Commission may reduce the allowable density if it is determined that Highway 92 is inadequate to accommodate the amount of proposed

residential development. In adopting the specific plan, the Planning Commission shall specify the number and type of housing units and open space requirements for each of the parcels which is under separate ownership or for each group of parcels which is to be developed as a unit.

b) A maximum of 228 residential units, including single-family detached, attached, and garden apartments, may be developed on the site.

c) No development shall be permitted on slopes in excess of 25% or above the 160' contour and, as a condition of approval, an open space easement shall be dedicated which ensures the permanent retention of such slopes in open space. Development shall be clustered to the maximum extent feasible on lower slopes.

d) Existing major drainage courses shall be dedicated, after suitable landscaping, to protect against erosion and to provide for passive recreational use.

e) Apartments and single-family attached housing shall be located on slopes of less than 15%, and shall involve as little grading and filling as is feasible.

f) A right-of-way of not more than 80 feet shall be dedicated along an alignment as generally indicated in the Land Use Plan Map and as approved by the City for the location of Foothill Boulevard and connections with Grandview and Foster, and such right-of-way shall be improved with a suitable street and with bicycle, hiking, and equestrian trails as a part of development of the site. No curb cuts shall be permitted for driveway access to Foothill Boulevard.

g) Structures shall be sited so as to minimize interruption of views of the upper hillsides from Highway 1 and the public recreation area along the shoreline.

h) No residential development of the site shall precede completion of site grading and installation of all drainage improvements necessary to prevent erosion of the site or lands up and down slope. In addition, the developer shall agree to participate in an assessment district for Foothill Boulevard.

Policy 9-4:

All new development, other than development on parcels designated Urban Reserve or Open Space Reserve on the Land Use Plan Map permitted while such designations are effective, shall have available water and sewer services and shall be accessed from a public street or shall have access over private streets to a public street. Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources will be available to serve the proposed development upon its completion and that such development is located within and consistent with the policies applicable to such an area designated for development. The applicant shall assume full responsibility for costs incurred in the service extensions or improvements that are required as a result of the proposed project, or such share as shall be provided if such project would participate in an improvement or assessment district. Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the Land Use Plan. (See Table 10.3).

Policy 9-8

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

Policy 9-14:

In the case of any Planned Development District hereafter described where portions of the District are in separate ownership, approval may be given for development of a parcel or group of parcels in the same or different ownerships, provided that the City has approved a specific plan for the District as required by the provisions of this section.

Policy 10-4 (Public Works Capacity)

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

Policy 10-25 (Levels of Service)

The City will support the use of Level of Service C as the desired level of service on Highways 1 and 92, except during the peak two-hour commuting period and the ten-day average peak recreational hour when Level of Service E will be acceptable.

Policy 10-31

The City will require participation in an assessment district for properties for which new development is approved in accordance with this Plan along the designated Foothill Boulevard alignment, as indicated on the Land Use Plan Map, in order to provide funding for this new coastal access and bypass route. This roadway shall provide for through-traffic and local street connections shall be minimized to the extent feasible and on-street parking shall not be allowed.

10.4.4 Transportation Issues

Highways 1 and 92 are the only roads connecting Half Moon Bay with the rest of the region. Highway 1 also serves as the key northsouth collector road, providing for local traffic connections among neighborhoods and between them and the downtown commercial core. To a lesser extent, Highway 1 provides for local circulation in and around downtown.

Limited road capacity for movement into, out of, and within the City, has long been recognized as a problem and constraint on new development, as indicated in past studies and the former General Plan's Circulation Element.i The Coastal Act requires that limited road capacity not be consumed by new, non-priority development, at the expense of adequate service for priority uses, such as public recreation and visitor-serving commercial uses. The major issue involves potential conflict for transportation capacity between new residential development and reservation of adequate capacity for visitor travel to coastside beaches. The issue involves two components: commuter traffic and visitor traffic on Highways 1 and 92, and competition between local resident traffic and visitor traffic on local streets and Highway 1 (with some possible effect on

Highway 92). In addition, the commuter-visitor traffic conflict issue is related to the Coastal Act policy that Highway 1 be limited to two lanes in rural areas, which could include portions of Highway 1 which link Half Moon Bay to San Francisco and other employment centers to the north. Therefore, the overall capacity of the existing transportation system to accommodate resident population growth must be considered.

§ 51201. Definitions

As used in this chapter, unless otherwise apparent from the context:

(c) "Prime agricultural land" means any of the following:

(1) All land which qualifies for rating as class I or class II in the Soil Conservation Service land use capability classifications.

(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.

(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

(4) Land planted with fruit-or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre.

(5) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars ($200) per acre for three of the previous five years.

Half Moon Bay LCP Implementation Ordinance Standards (Zoning Code Sections)

18.02.040 Definitions

Wetland: The definition of wetland as used and as may be periodically amended by the California Department of Fish and Game, the California Coastal Commission and the US Fish and Wildlife Service.

18.15.045 Implementation of a Planned Unit Development Plan

...

C. **Expiration of the Planned Unit Development Plan.** Unless otherwise approved by the City council, a Planned Unit Development Plan shall expire two years after its effective date unless a building permit has been issued, construction diligently pursued, and substantial funds invested.

...

18.37.020 Visual Resources Areas. The Planning Director shall prepare and maintain maps of all designated Visual Resource Areas within the City, based upon the Visual Resources Overlay Map contained in the City's Local Coastal Program Land Use Plan. Visual Resource Areas within the City are defined as follows: ...

B. Upland Slopes. Scenic Hillsides which are visible from Highway One and Highway 92, as indicated on the Visual Resources Overlay Map. These areas occur include hillside areas above the 160 foot elevation contour line which are located:

1. East of the proposed Foothill Boulevard, comprising portions of Carter Hill and Dykstra Ranch properties.

2. South-east of Pilarcitos Creek and East of Arroyo Leon, comprising a portion of land designated as Open Space Reserve in the Land Use Plan.

3. East of the Sea Haven Subdivision, being a portion of the Gravance property designated Urban Reserve in the Land Use Plan.

4. East of the Nurseryman's Exchange properties and lower Hester-Miguel lands, comprising all of the upper Hester Miguel lands designated as Open Space Reserve in the Land Use Plan.

C. Planned Development Areas. New development within Planned Development Areas shall be subject to development conditions as stated in the Local Coastal Program Land Use Plan for each Planned Development, to Design Review Standards set forth in this Title, and Standards set forth in this Chapter regarding landscaping, signs, screening, lighting, parking areas and utilities.

18.38.020 Coastal Resource Areas. The Planning Director shall prepare and maintain maps of all designated Coastal Resource Areas within the City. Coastal Resource Areas within the City are defined as follows:...

E. Wetlands. As defined by the US Fish and Wildlife Service, a wetland is an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mud flats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds, and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernally wet areas where the soils are not hydric.

...

18.38.030 Required Reports. Biological, Archeological and Geological Reports shall be required as set forth in Sections 18.38.035, 18.38.040, and 18.38.045. Required Reports shall be prepared by a qualified professional selected by the City in accordance with established City procedures. Unless otherwise specified herein, all required Biological, Archaeological, and Geological Reports shall be performed by a consultant selected by the City and paid for by the applicant.

A. Report Requirements. The following requirements apply to reports.

1. Reports shall identify significant impacts on identified Coastal Resources on the project site that would result from development of the proposed project

2. Reports shall recommend feasible measures to mitigate any significant impacts and to protect the identified coastal resource. The adequacy of these measures shall be evaluated under a program developed jointly by the applicant and the Planning Director. These measures may include, but are not limited to:

a. changes in development intensity;

b. siting of buildings, structures or paving; and

c. limitations on the timing and location of construction.

3. Reports shall contain a proposed monitoring and reporting program to ensure that development conditions imposed are adequately being carried out and that significant impacts on the coastal resources have not occurred.

4. Reports shall be reviewed by the City for consistency with this Title and with the California Environmental Quality Act.

5. Reports shall be completed to the satisfaction of the Planning Director prior to the determination that a required development permit application is considered complete.

B. Exceptions. The Planning Director may grant exceptions to the requirements of this Chapter if he or she finds that existing studies adequately fulfill the requirements of this Chapter, provided such studies were prepared by a qualified professional as a part of a previously Certified Final EIR in accordance with the provisions of this Chapter.

18.38.035 Biological Report.

A. When Required. The Planning Director shall require the applicant to submit a Biological Report, prior to development review, prepared by a qualified Biologist for any project located in or within 100 feet of any Sensitive Habitat Area, Riparian Corridor, Bluffs and Seacliff Areas, and any Wetland...

B. Report Contents. In addition to meeting the report requirements listed in Section 18.35.030, the Biological Report shall contain the following components:

1. Mapping of Coastal Resources. The Biological Report shall describe and map existing wild strawberry habitat on the site, existing sensitive habitats, riparian areas and wetlands located on or within 200 feet of the project site.

2. Description of Habitat Requirements.

a. For Rare and Endangered Species: a definition of the requirements of rare and endangered organisms, a discussion of animal predation and migration requirements, animal food, water, nesting or denning sites and reproduction, and the plant's life histories and soils, climate, and geographic requirements;

b. For Unique Species: a definition of the requirements of the unique organism; a discussion of animal food, water, nesting or denning sites and reproduction, predation, and migration requirements; and a description of the plants' life histories and soils, climate, and geographic requirements.

C. Distribution of Report. Any Biological Report prepared pursuant to this Title shall be distributed to the US Fish and Wildlife Service, the Army Corps of Engineers, the California Coastal Commission, the State Department of Fish and Game, the Regional Water Quality Control Board, and any other Federal or State agency with review authority over wetlands, riparian habitats, or water resources.

1. The Biological Report shall be transmitted to each agency with a request for comments from each agency with jurisdiction over the effected resource on the adequacy of the Report and any suggested mitigation measures deemed appropriate by the agency.

2. Included within the transmittal of the Biological Report to the various agencies shall be a request for comments to be transmitted to the Planning Director within 45 days of receiving the Report.

18.38.055 Environmental Impact Reports. At the discretion of the Planning Director, a project applicant may use the analysis contained in an Environmental Impact Report prepared under the California Environmental Quality Act or an Environmental Impact Statement prepared under the federal Environmental Policy Act to fulfill the requirements of this Title.

...

B. Use of Previously Prepared Environmental Impact Report. The Planning Director may accept the information and analysis contained in a previously prepared Environmental Impact Report required under the California Environmental Quality Act in lieu of a new Geological, Biological, or Archaeological Report if the Planning Director determines that:

3. In order to use any previously prepared Biological Report pursuant to this Section, the Biological Report must have been a part of a Certified Final EIR that was accepted as complete and adequate no more that one year prior to the date of submittal.

18.38.075 Riparian Corridors and Buffer Zones.

A. Permitted Uses. Except as may be specified in this Chapter, within Riparian Corridors, only the following uses shall be permitted:

1. Education and research;

2. Consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code;

3. Fish and wildlife management activities;

4. Trails and scenic overlooks on public land(s);

5. Necessary water supply projects;

6. Restoration of riparian vegetation.

B. No Alternative Permitted Uses. The following are permitted uses where no feasible or practical alternative exists:

1. Stream-dependent aquaculture provided that non-stream-dependent facilities locate outside of corridor;

2. Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development;

3. Bridges when supports are not in significant conflict with corridor resources;

4. Pipelines and storm water runoff facilities;

5. Improvement, repair, or maintenance of roadways or road crossings;

6. Agricultural uses, provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels

C. **Standards.** Development shall be designed and constructed so as to ensure:

1. That the removal of vegetation is minimized;

2. That land exposure during construction is minimized and that temporary vegetation or mulching is used to protect critical areas;

3. That erosion, sedimentation, and runoff is minimized by appropriately grading and replanting modified areas;

4. That only adapted native or non-invasive exotic plant species are used for replanting;

5. That sufficient passage is provided for native and anadromous fish as specified by the State Department of Fish and Game;

6. That any adverse effects of waste water discharges and entrainment are minimized;

7. That any depletion of groundwater supplies and substantial interference with surface and subsurface water flows are prevented;

8. That waste water reclamation is encouraged;

9. That natural vegetation buffer areas which protect riparian habitats are maintained;

10. That any alteration of natural streams is minimized.

D. **Riparian Buffer Zone.** The Riparian Buffer Zone is defined as:

1. land on both sides of riparian corridors which extends from the "limit of riparian vegetation" 50 feet outward for perennial streams and 30 feet outward for intermittent streams;

2. land along both sides of riparian corridors which extends 50 feet from the bank edge for perennial streams and 30 feet from the midpoint of intermittent streams, where no riparian vegetation exists.

E. Permitted Uses within Riparian Buffer Zones include:

1. Uses permitted in riparian corridors;

2. Crop growing and grazing, provided no existing riparian vegetation is removed and no soil is allowed to enter stream channels;

3. Timbering in "stream side corridors" as defined and controlled by State and County regulations for timber harvesting.

F. No Alternative Permitted Uses. The following are Permitted Uses within Riparian Buffer Zones where no feasible alternative exists:

1. The construction of new structures on existing legal building sites, set back 20 feet from the limit of riparian vegetation, only if no other building site on the parcel exists;

2. The creation of new parcels only if the only building sites available are those within in buffer area, if the proposed parcels are consistent with existing development in the area, and if the building sites are set back 20 feet from the limit of riparian vegetation, or if there is no vegetation, 20 feet from the bank edge of a perennial stream or 20 feet from the midpoint of an intermittent stream.

G. Development Standards within Riparian Buffer Zones. Development shall be designed and constructed so as to ensure:

1. That the removal of vegetation is minimized;

2. That development conforms to natural topography and that erosion potential is minimized;

3. That provisions have been made to (i.e. catch basins) keep runoff and sedimentation from exceeding pre-development levels;

4. That native and non-invasive exotic vegetation is used for replanting, where appropriate;

5. That any discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor is prevented;

6. That vegetation in or adjacent to man-made agricultural ponds is removed if the life of the pond is endangered;

7. That dredging in or adjacent to man-made ponds is allowed if the San Mateo County Resource Conservation District, or any similar or successor agency or entity, certifies that siltation imperils continued use of the pond for agricultural water storage and supply.

H. Findings for Development within Riparian Buffer Zones. The following Findings shall be supported by the contents of the required Biological Report:

1. That there are special circumstances or conditions affecting the property;

2. That the project is necessary for the proper design and function of some permitted or existing activity on the property;

3. That the project will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;

4. That the project will not significantly reduce or adversely impact the sensitive habitat, or there is no feasible alternative which would be less damaging to the environment;

5. That the project is in accordance with the purpose of this Chapter and with the objectives of the L.C.P. Land Use Plan;

6. That development on a property which has its only building site located in the buffer area maintains a 20-foot buffer from the limit of riparian vegetation, or if no vegetation exists, a 20-foot buffer from the bank of a perennial stream and a 20-foot buffer from the midpoint of an intermittent stream.

18.38.080 Wetlands

A. Permitted Uses:

1. Education and research;

2. Passive recreation such as bird-watching;

3. Fish and wildlife management activities.

B. Permitted Uses with approval of a Use Permit:

1. Commercial mariculture where no alteration of the wetland is necessary;

2. Bridges;

3. Pipelines and storm water runoff facilities;

4. Improvement, repair or maintenance of roadways.

C. Standards. The Riparian Corridor Standards listed in this Chapter shall apply to Wetlands.

D. Wetlands Buffer Zone. The minimum buffer surrounding lakes, ponds, and marshes shall be 100 feet, measured from the high water point, except that no buffer is required for man-made ponds and reservoirs used for agricultural purposes.

E. Permitted Uses within Wetlands Buffer Zones. The Riparian Buffer Zone Uses listed in this Title shall apply to Wetlands Buffer Zones.

F. Permitted Uses within Wetlands Buffer Zones, where no feasible alternative exists. The Riparian Buffer Zone Uses listed under this Title shall apply to Wetlands Buffer Zones.

G. Development Standards within Wetlands Buffer Zones. The Riparian Buffer Development Standards listed under this Title shall apply to Wetlands Buffer Zones.

H. Findings for Development within Wetlands Buffer Zones. The following Findings shall be supported by the contents of the required Biologic Report:

1. That there are special circumstances or conditions affecting the property;

2. That the project is necessary for the proper design and function of some permitted or existing activity on the property;

3. That the project will not be detrimental to the public welfare or injurious to other property in the area in which the project is located;

4. That the project will not significantly reduce or adversely impact the sensitive habitat, or there is no feasible alternative which would be less damaging to the environment;

5. That the project is in accordance with the purpose of this Chapter and with the objectives of the L.C.P. Land Use Plan;

6. That development on a property, which has its only building site located in the buffer area, maintains a 20-foot buffer from the outer edge of any wetland.

18.38.085 Habitats for Rare and Endangered Species

A. Rare and Endangered Species. The potential exists for any of the following Rare and Endangered Species to be found within the San Mateo County Coastal Area and therefore within the City of Half Moon Bay.

1. Animals: the San Francisco Garter Snake, California Least Tern, California Black Rail, California Brown Pelican, San Bruno Elfin Butterfly, San Francisco Tree Lupine Moth, Guadalupe Fur Seal, Sea Otter, California Brackish Water Snail, Globose Dune Beetle.

3. Plants: Rare Plants known in San Mateo County are the Coast rock cress, Davy's bush lupine, Dolores campion, Gairdner's yampah, Hickman's cinquefoil, Montara manzanita, San Francisco wallflower, and Yellow meadow foam (botanical names are listed in the City's LCP/LUP).

B. Permitted Uses. In the event that a Biological Report indicates the existence of any of the above species in an area, the following uses are permitted.

1. Education and research.

2. Hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat.

3. Fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.

C. Permitted Uses within Critical Habitats. Within the critical habitat as identified by the Federal Office of Endangered Species, permitted uses are those which are deemed compatible by the US Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.

D. Buffer Zones.The minimum buffer surrounding a habitat of a rare or endangered species shall be 50 feet.

E. Standards:

1. Animals: Specific requirements for each rare and endangered animal are listed in Chapter 3 of the Local Coastal Program Land Use Plan.

2. Plants: When no feasible alternative exists, development may be permitted on or within 50 feet of any rare plant population, if the site or a significant portion thereof shall be returned to a natural state to enable reestablishment of the plant, or a new site shall be made available for the plant to inhabit and, where feasible, the plant population shall be transplanted to that site.

F. Habitat Preservation. Rare and endangered species habitats shall be preserved according to the requirements of the specific Local Coastal Program Land Use Plan policies tailored to each of the identified rare and endangered species and LCP/LUP implementing ordinances.

18.38.090 Habitats for Unique Species.

B. Permitted Uses. Permitted uses include:

1. education and research;

2. hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat; and

3. fish and wildlife management to the degree specified by existing governmental regulations.

California Environmental Quality Act (CEQA) and CEQA Guidelines

21080.5. Certified Regulatory Programs

(d) To qualify for certification pursuant to this section, a regulatory program shall require the utilization of an interdisciplinary approach that will ensure the integrated use of the natural and social sciences in decision making and shall meet all of the following criteria:

(2) The rules and regulations adopted by the administering agency for the regulatory program do all of the following:

(A) Require that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

15130. Discussion of Cumulative Impacts

(b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided ~~of~~ for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. The following elements are necessary to an adequate discussion of significant cumulative impacts:

(1) Either:

(A) A list of past, present, and reasonably anticipated probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or

(B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or

evaluated is designed to evaluate regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency;

1. When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.

2. "Probable future projects" may be limited to those projects requiring an agency approval for an application which has been received at the time the notice of preparation is released, unless abandoned by the applicant; projects included in an adopted capital improvements program, general plan, regional transportation plan, or other similar plan; projects included in a summary of projections of projects (or development areas designated) in a general plan or a similar plan; projects anticipated as later phase of a previously approved project (e.g. a subdivision); or those public agency projects for which money has been budgeted.

3. Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

(2) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available; and

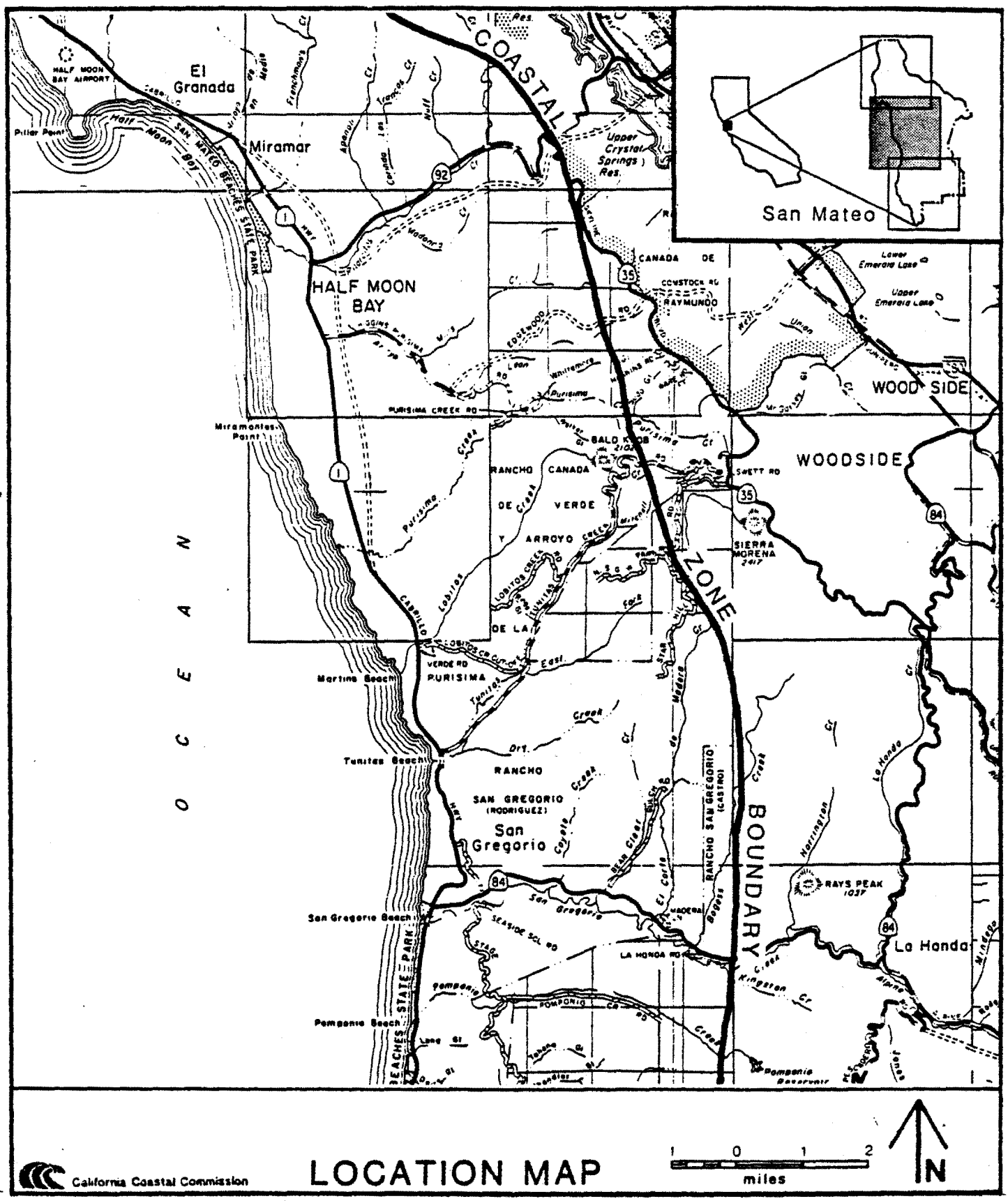
(3) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects of a proposed project.

15355. Cumulative Impacts

"Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

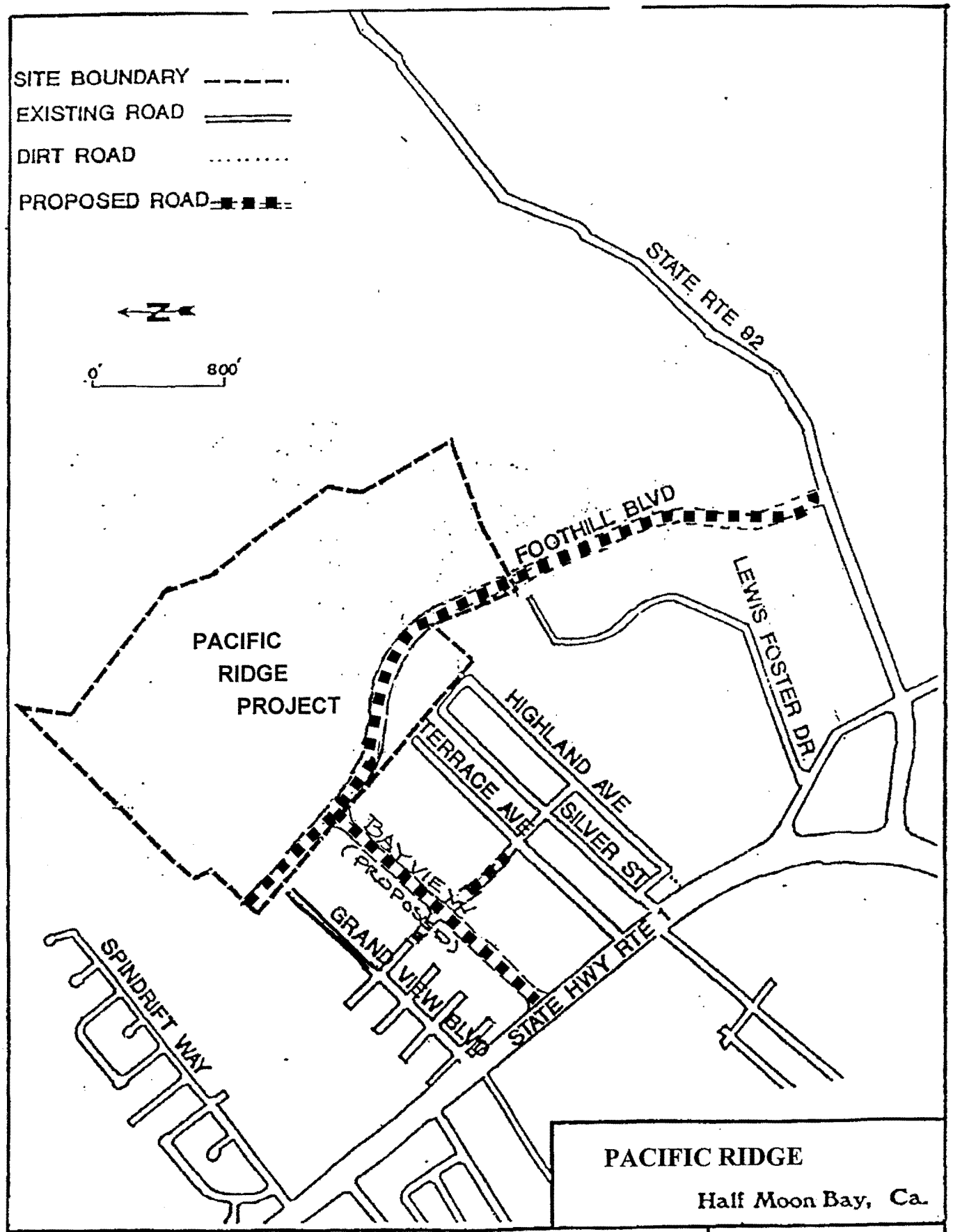
(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

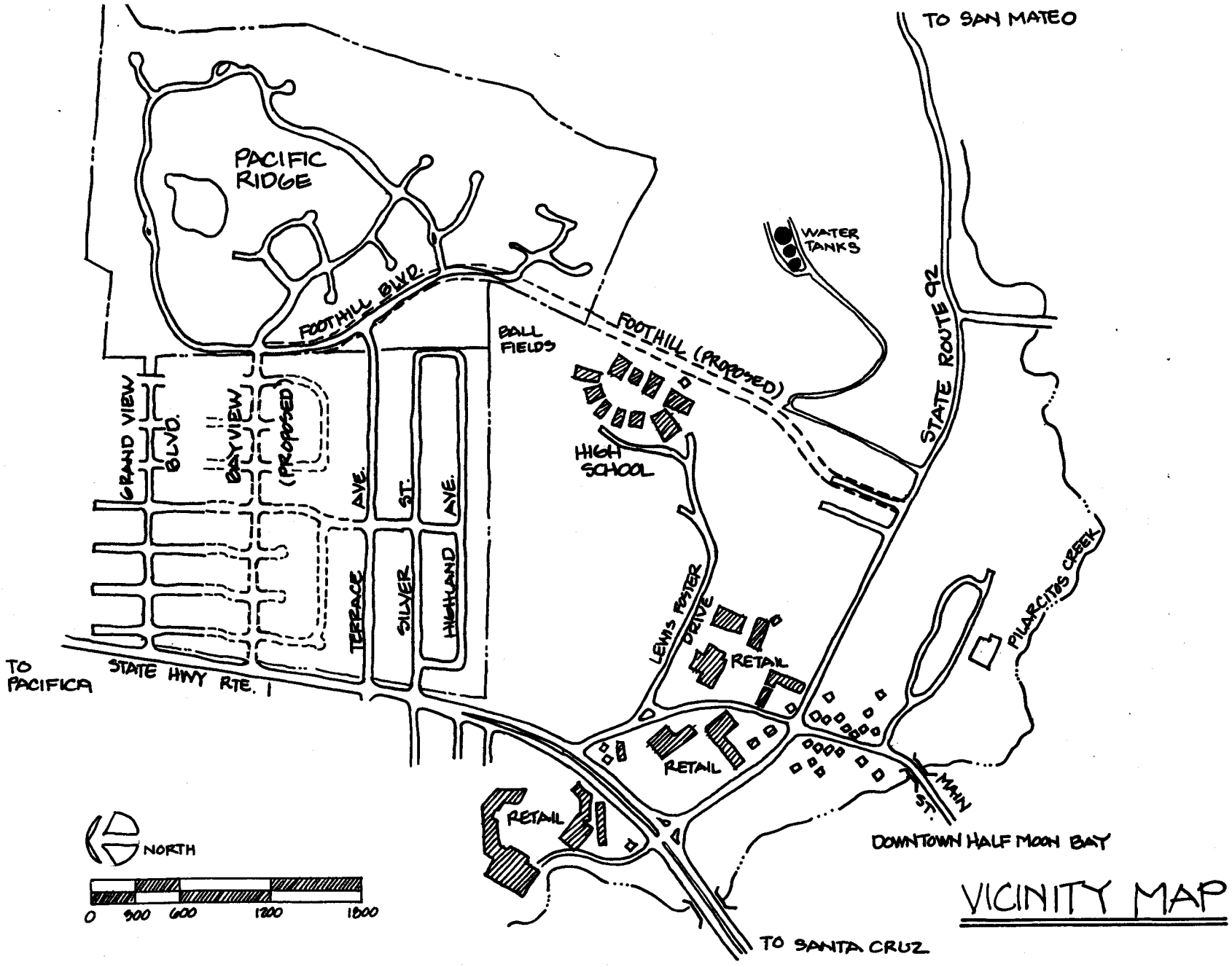


County of San Mateo

Appeal No. A-1-HMB-99-022
EXHIBIT 1



Appeal No. A-1-HMB-99-022
EXHIBIT 2



VICINITY MAP

Appeal No. A-1-HMB-99-022
EXHIBIT 3

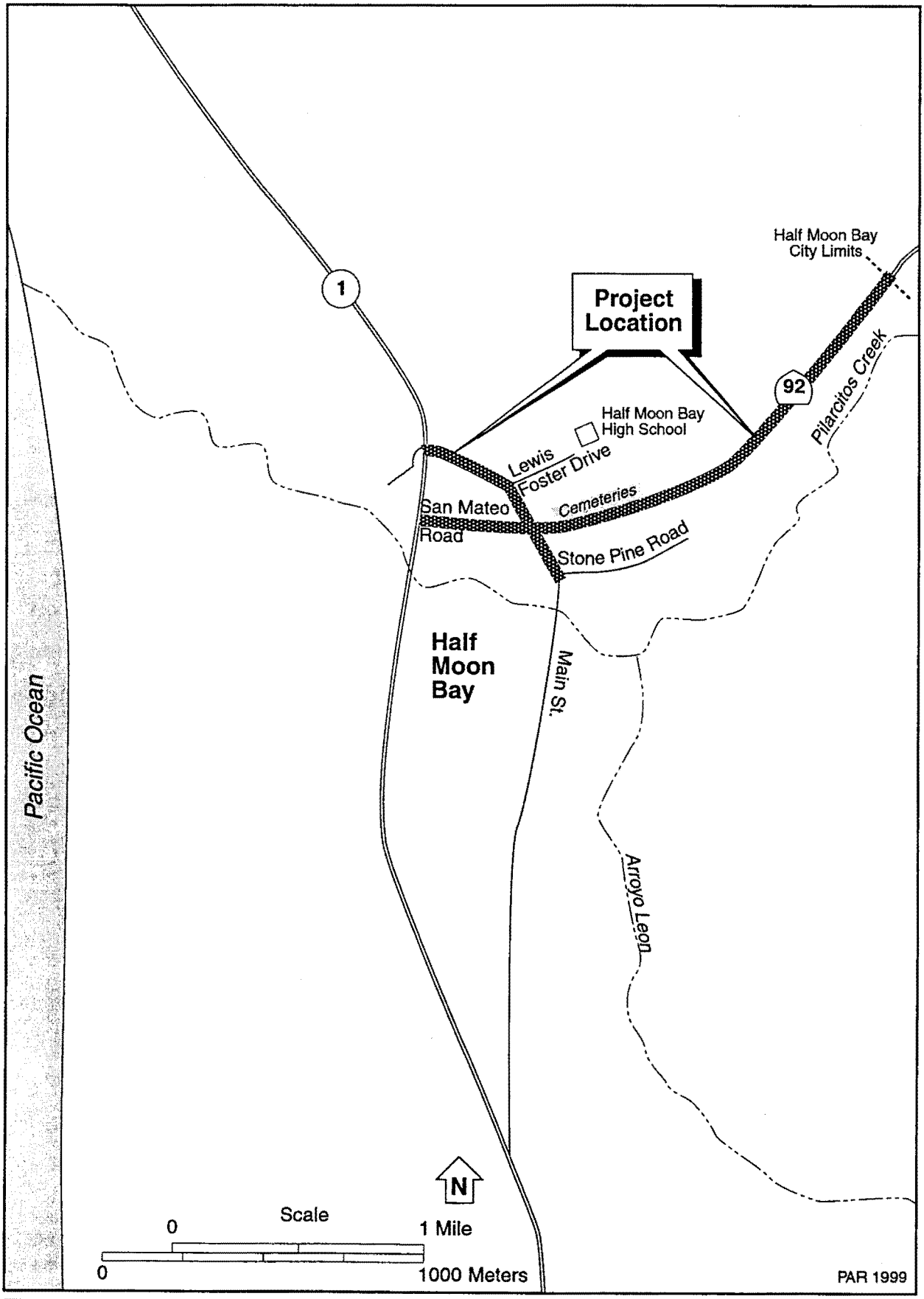


Figure 2. Project Location Map

Appeal No. A-1-HMB-99-022
EXHIBIT 4

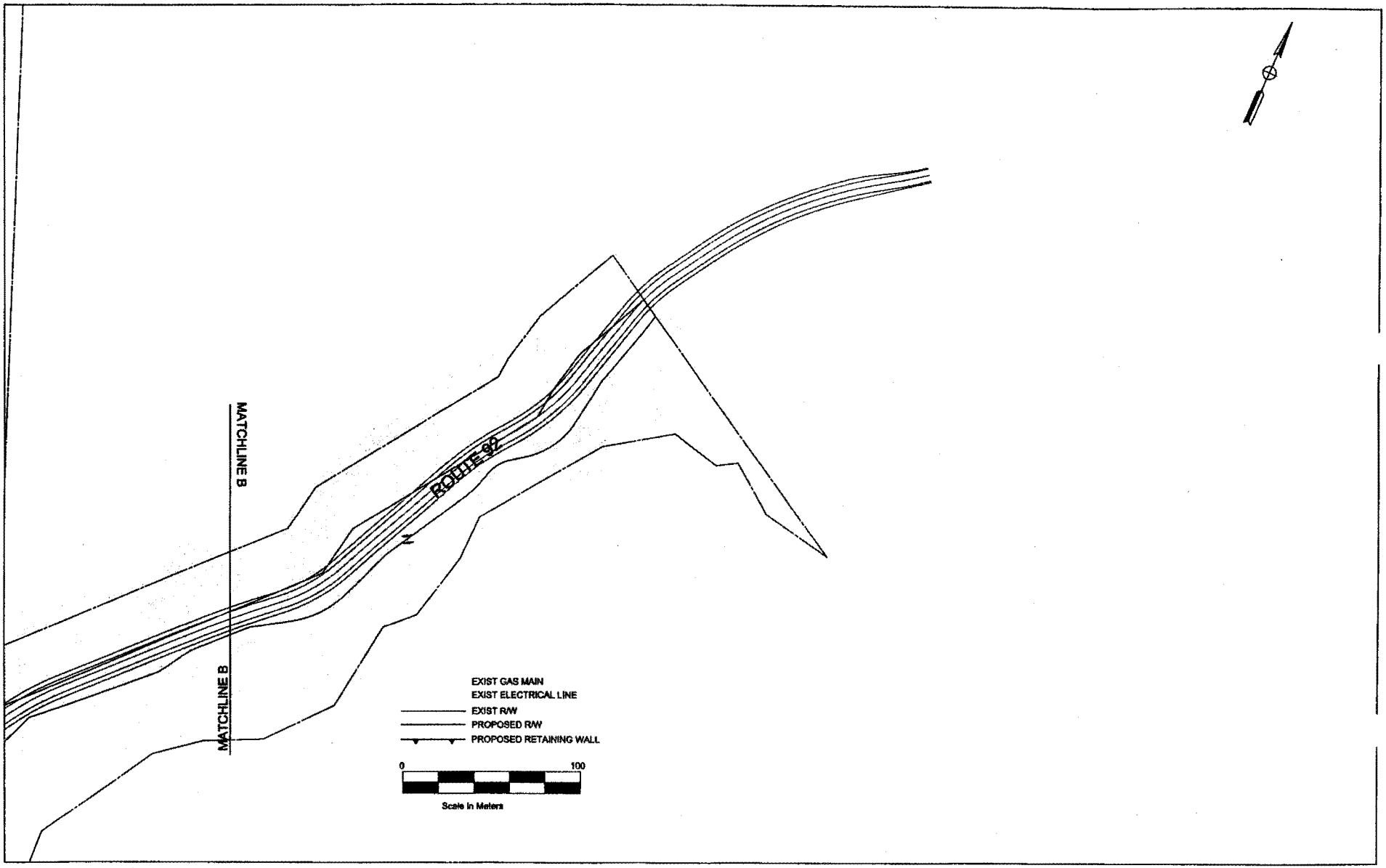


Figure 3c. Proposed Project

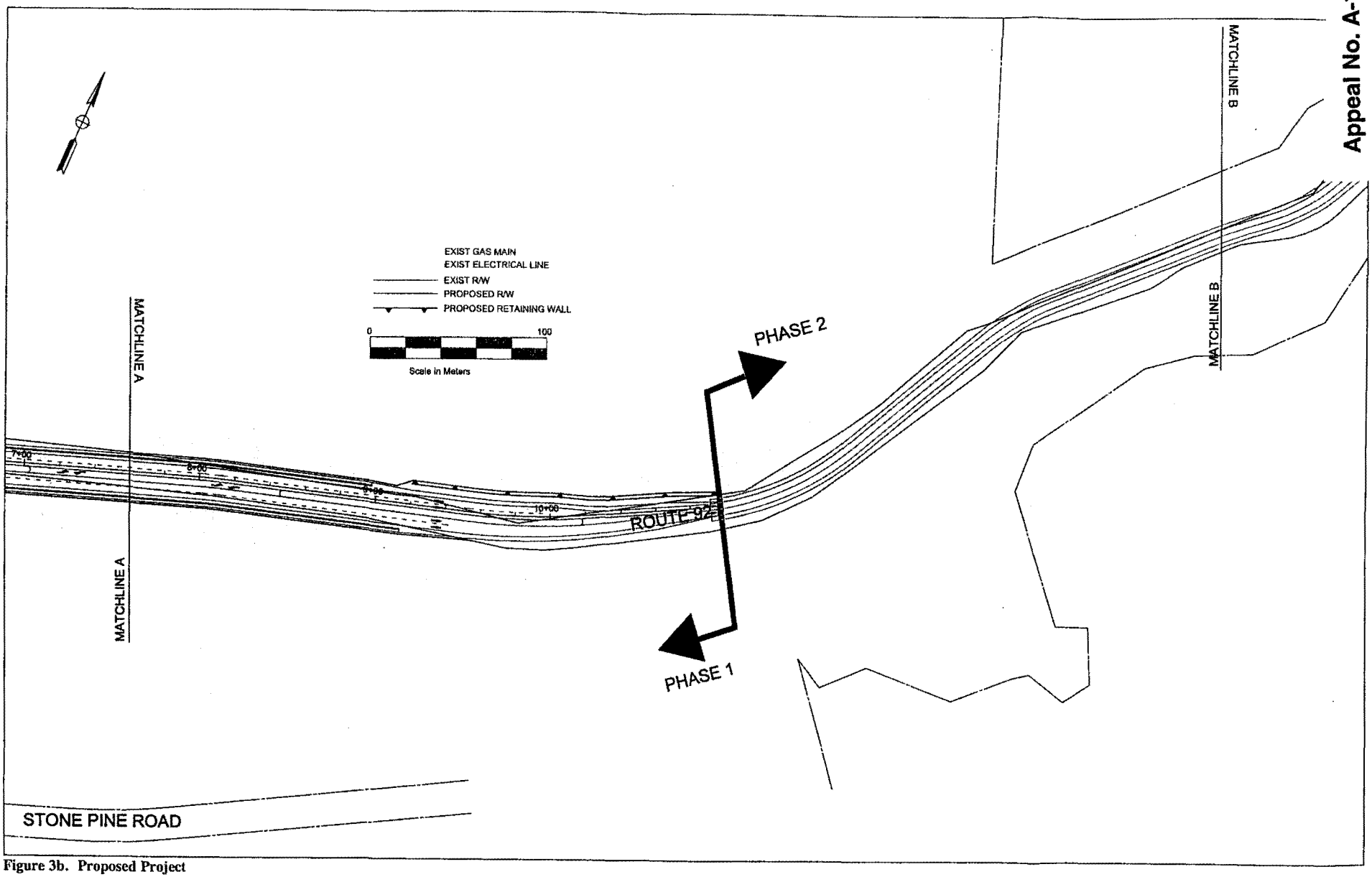
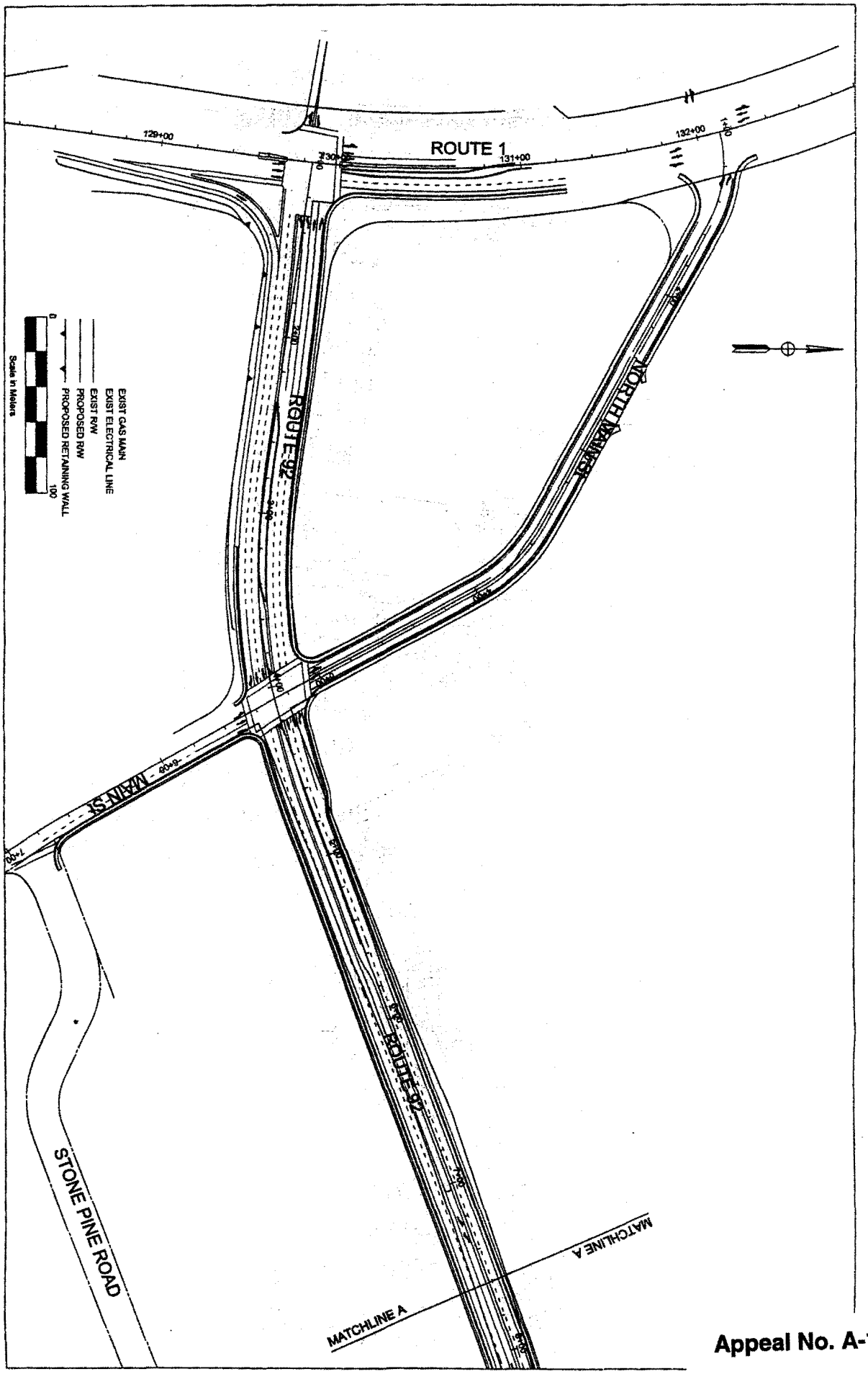
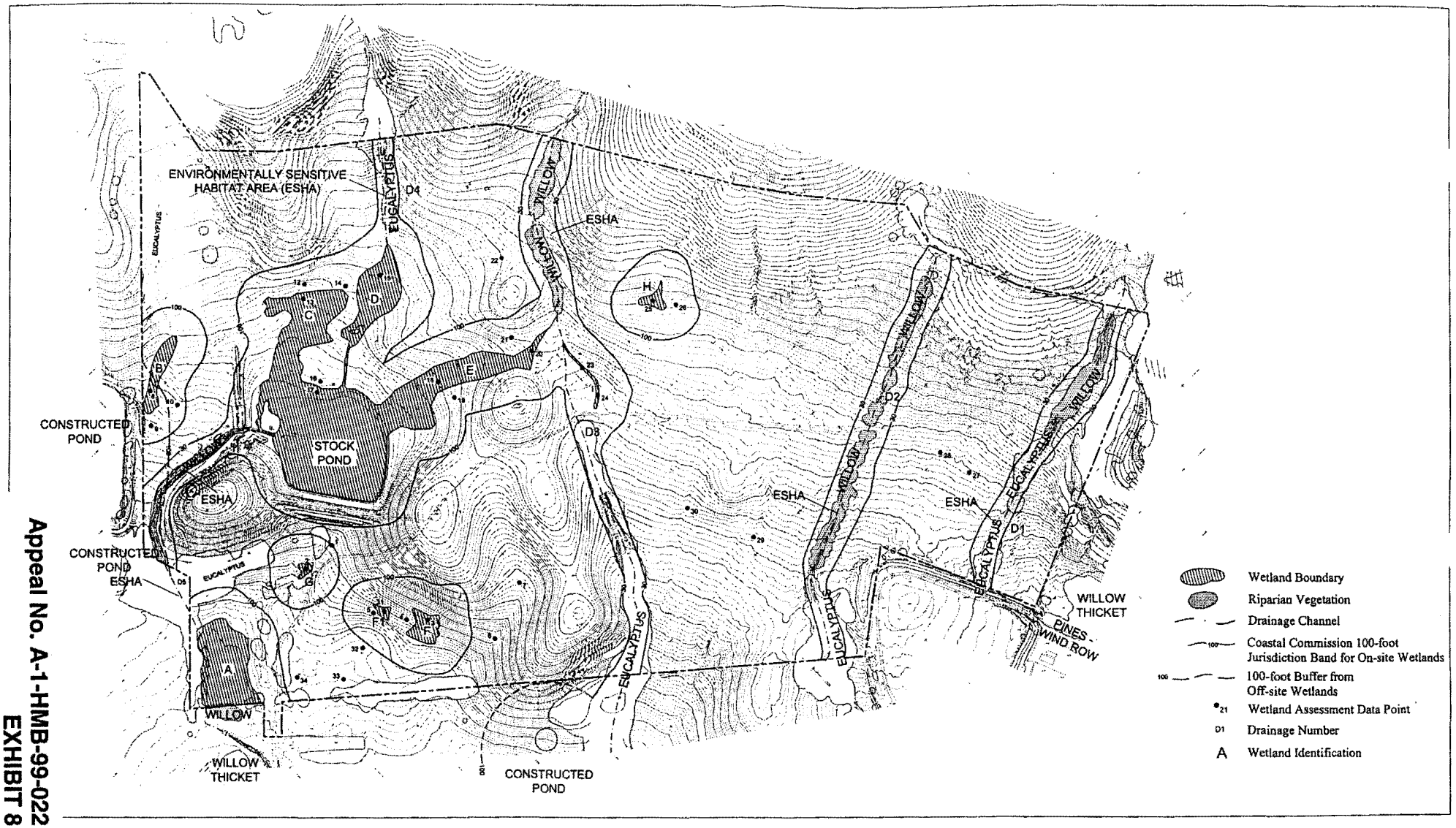


Figure 3b. Proposed Project

Figure 3a. Proposed Project



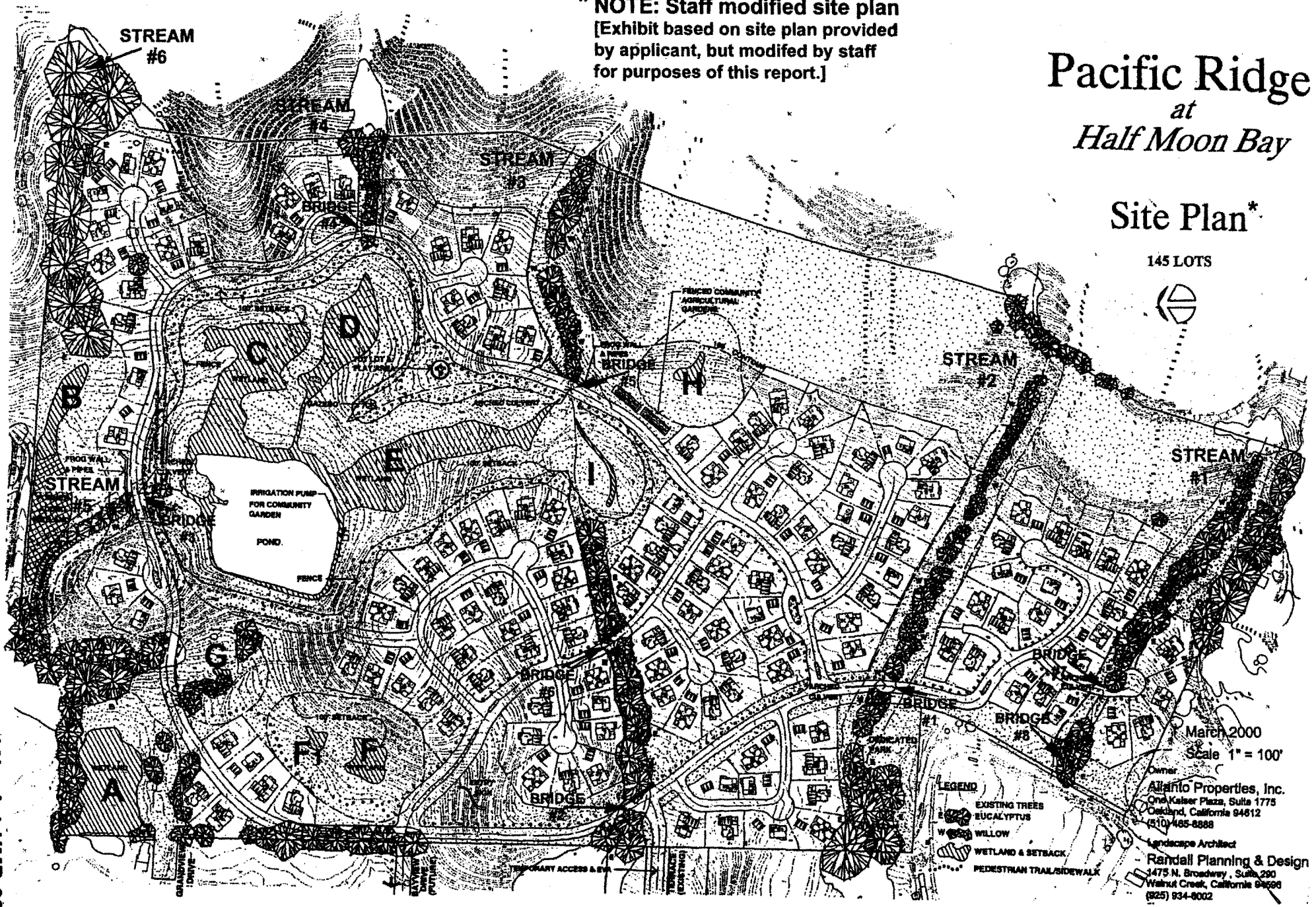
Appeal No. A-1-HMB-99-022
EXHIBIT 7



Appeal No. A-1-HMB-99-022
EXHIBIT 8

LSA
Scale in feet
0 300
N
04-26-00(APR830ExistConTAB.dwg)

Map 2 Pacific Ridge at Half Moon Bay
Existing Conditions and Required Buffer Zones



Appeal No. A-1-HMB-99-022
EXHIBIT 9

Prime Agricultural Soils East of Highway 1
Vicinity of Pacific Ridge Subdivision

Pacific Ridge Subdivision

Prime Agricultural Soils *

N 0 500 1000 Feet

* Prime agricultural soils are also found west of Highway 1 and north of Frenchman's Creek.

- NOTE -
The information depicted on this map is subject to revision. Locations and scale approximate. For illustrative purposes only.

Data Source: Map 2 Pacific Ridge at Half Moon Bay Existing Conditions and Required Buffer Zones. LSA.

Basemap Source: Soil Survey, San Mateo California. USDA, SCS National Cartography and GIS Center, Fort Worth, TX. 1993.

Technical Services Division
California Coastal Commission

JVC, GMB, DR, MAC 4/00

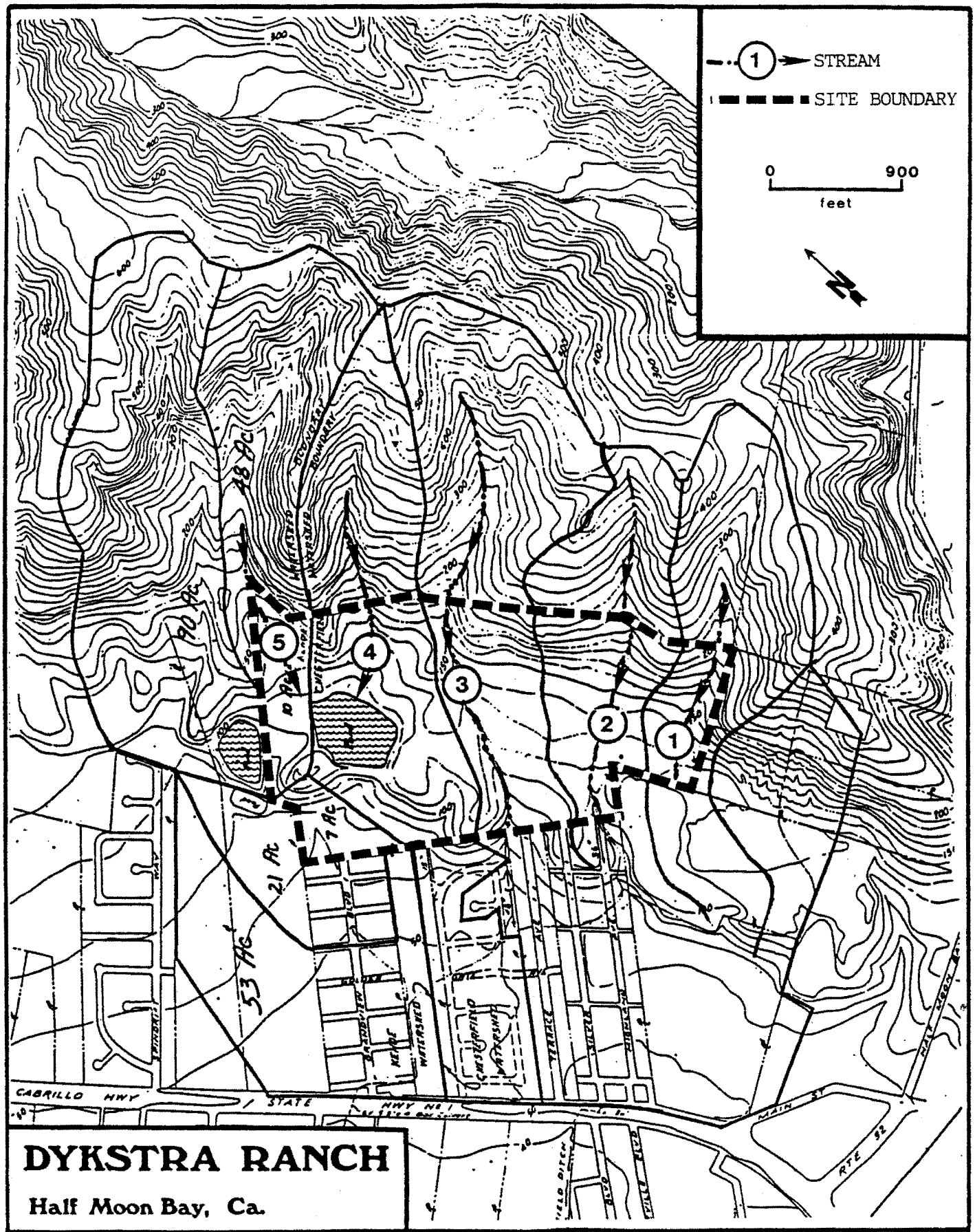
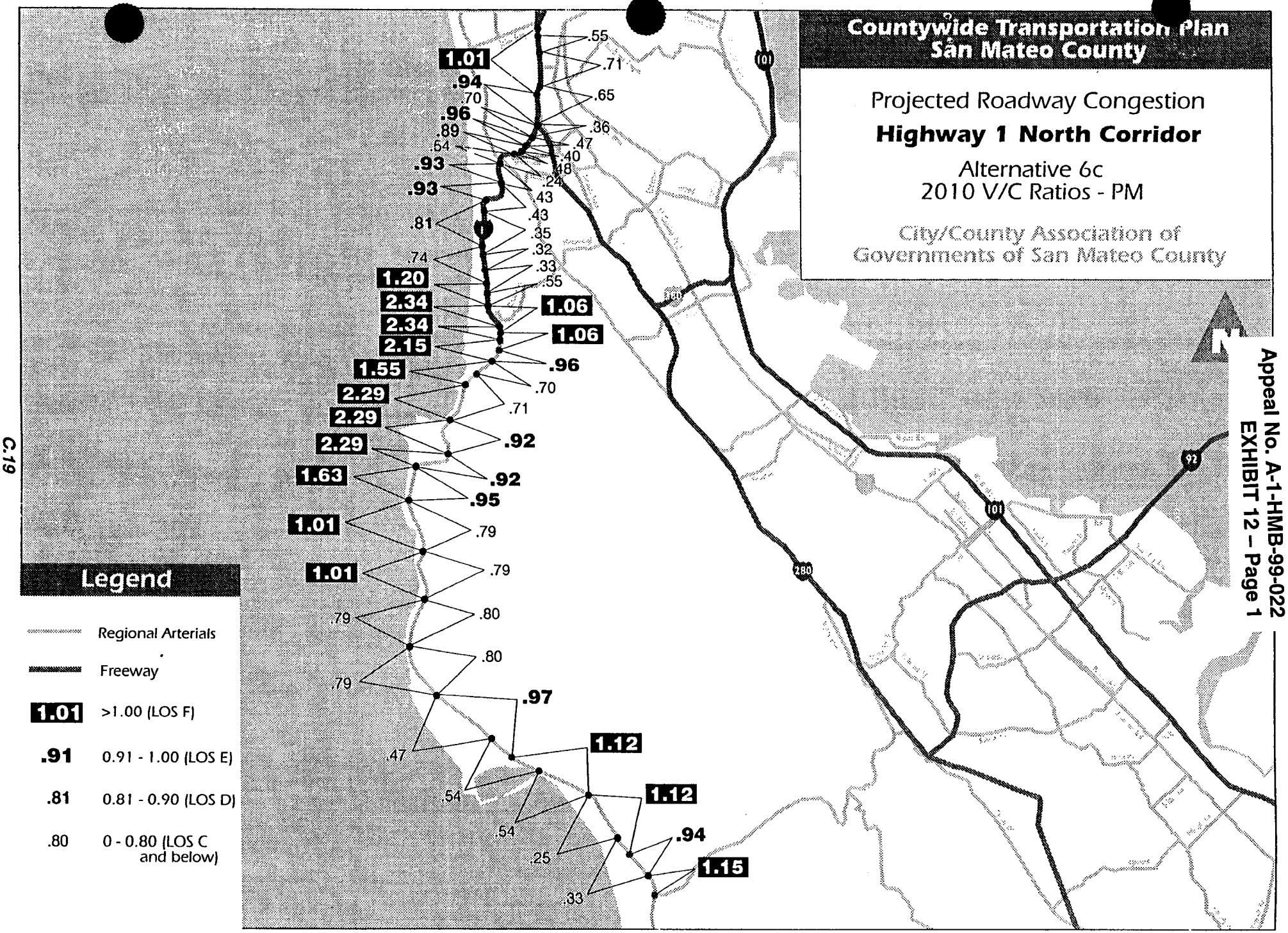


Figure 4.3-2 KEHOE-CHESTERFIELD WATERSHEDS

WESCO

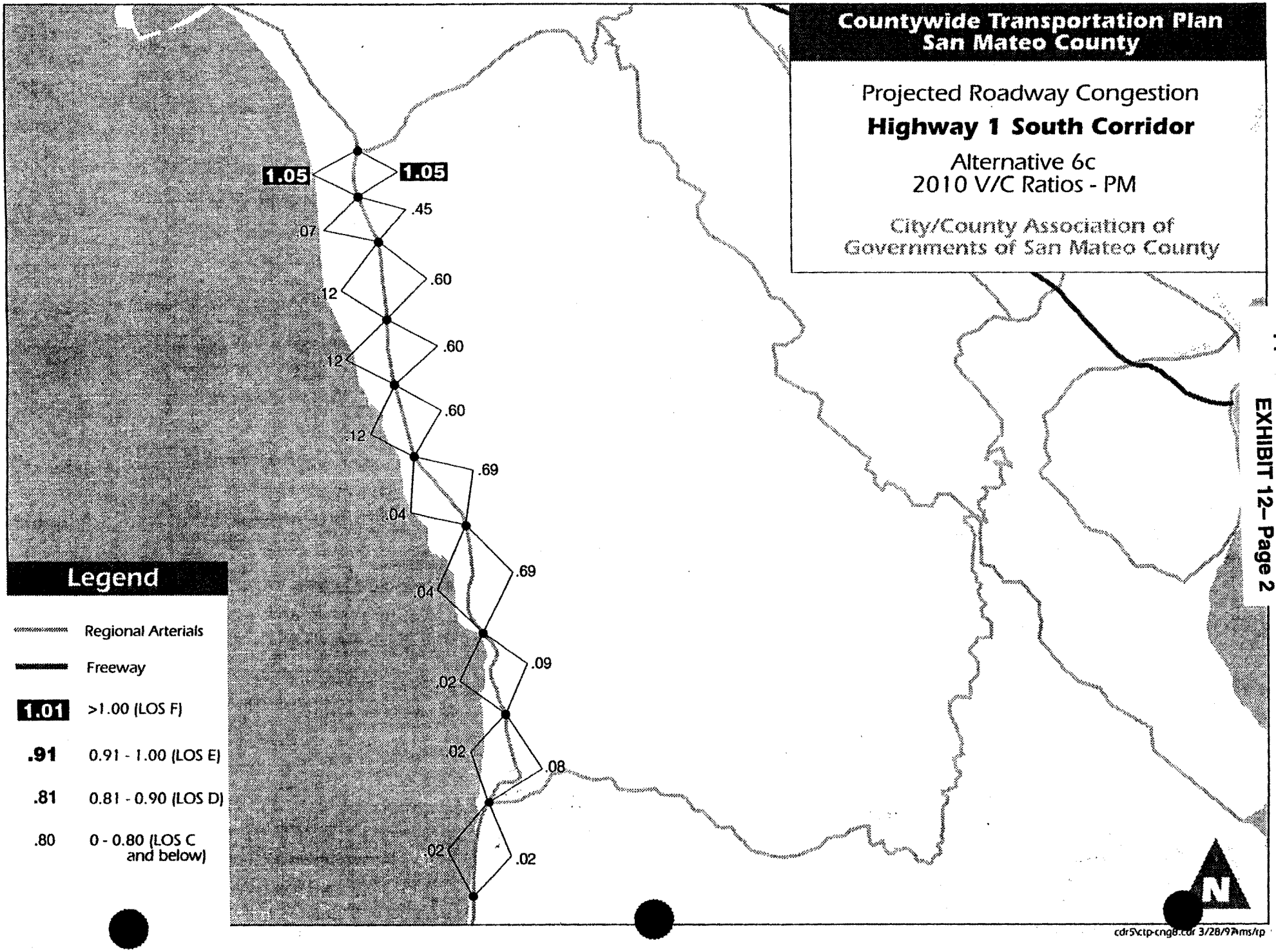
Appeal No. A-1-HMB-99-022
EXHIBIT 11



Appeal No. A-1-HMB-99-022
EXHIBIT 12 – Page 1

C.19

cdr5\ctp-cng7.cdr 3/31/97 ds


Countywide Transportation Plan
San Mateo County
Projected Roadway Congestion
Highway 1 South Corridor
Alternative 6c
2010 V/C Ratios - PM
City/County Association of Governments of San Mateo County
1.05
1.05
.45
.07
.60
.12
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.04
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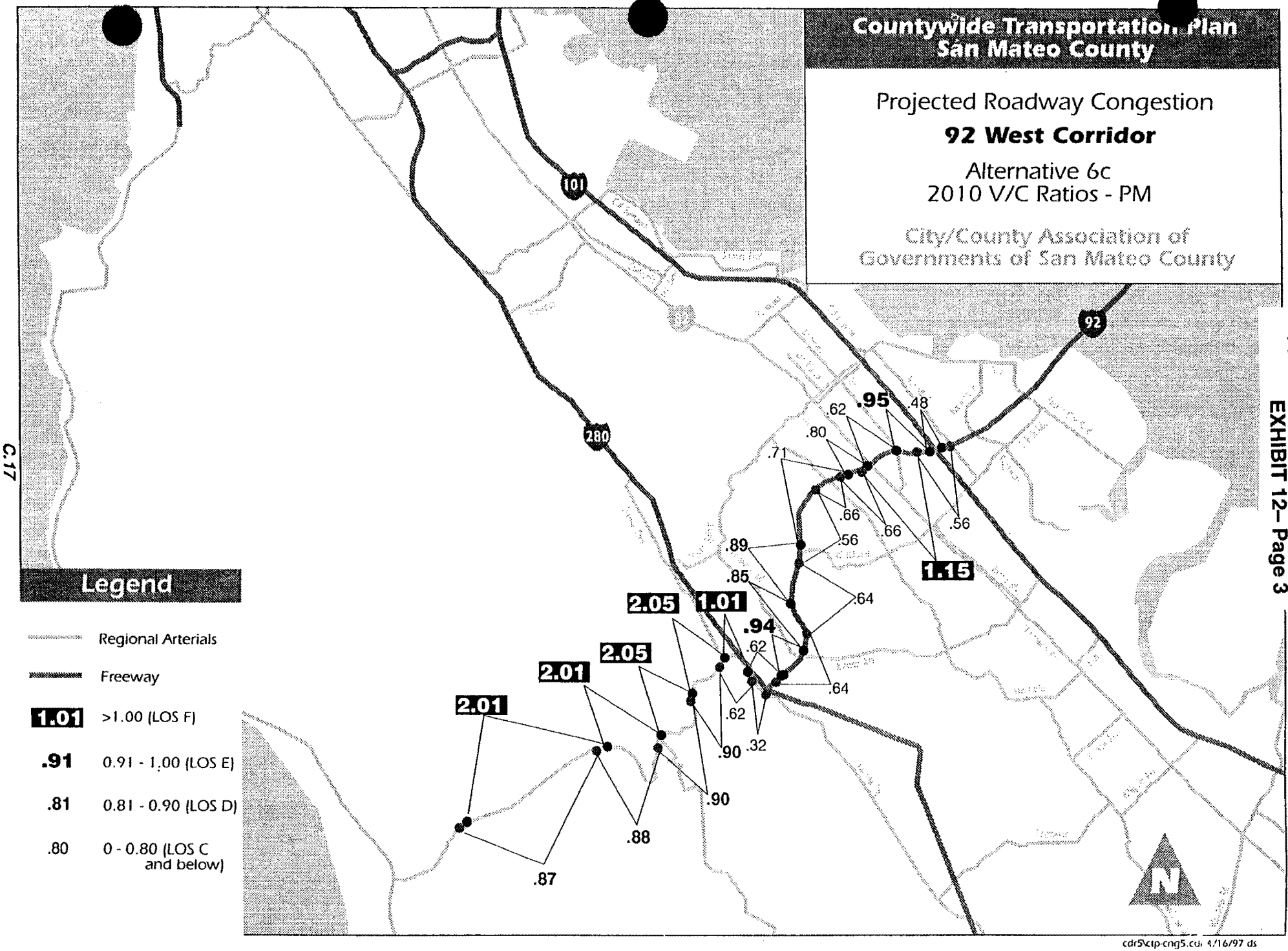
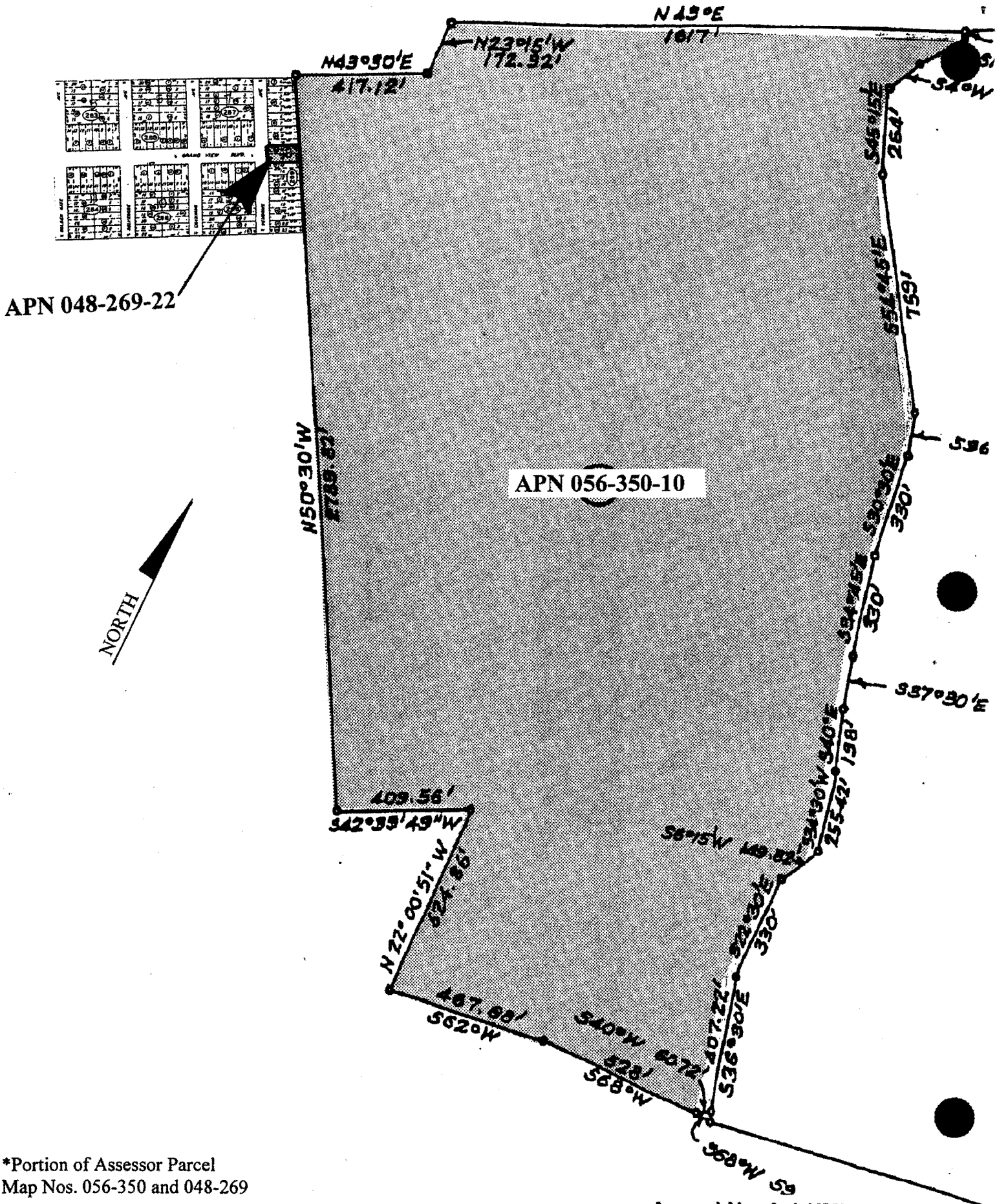
Legend
Regional Arterials
Freeway
1.01 >1.00 (LOS F)
.91 0.91 - 1.00 (LOS E)
.81 0.81 - 0.90 (LOS D)
.80 0 - 0.80 (LOS C and below)
N
cdr5\ctp-cng8.cdr 3/28/97 ms/tp



C17

Appeal No. A-1-HMB-99-022
EXHIBIT 12– Page 3

PACIFIC RIDGE SUBDIVISION
ASSESSOR PARCEL MAP EXHIBIT*



*Portion of Assessor Parcel Map Nos. 056-350 and 048-269

Appeal No. A-1-HMB-99-022
EXHIBIT 13

May 8, 2000

Appeal A-1-HMB-99-022, F7a

VIA FACSIMILE 415-904-5400 (Total of 16 pages)

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Honorable Chair and Commissioners:

Although I am a member of the City of Half Moon Bay's Planning Commission, I am writing you as an individual citizen to oppose the Pacific Ridge Project proposed by Ailanto Properties. The project's inconsistency with Local Coastal Program policies involving limits on circulation, noise and protection of on-site ESHAs has already been raised by the appellants and others, and I will not waste your time repeating them. I am deeply concerned, however, about the impact this project would have on the perennial stream and riparian corridor downstream from the project's storm drainage, and on the health and welfare of the nearby residents.

Water shed by the subject property drains into a storm sewer that passes under CA Highway 1 to reach a stream parallel to and just south of Kehoe Avenue. The Coastal Commission itself acknowledged the riparian quality of this stream on May 11, 1988 when it accepted a riparian corridor deed restriction on the Final Map of St. John Subdivision Unit #4. A copy of the recorded agreement, the map, and a CCC staff discussion of the stream accompany this letter. For at least the past six years this stream has been perennial. It supports an array of willow, cattail and other local plant species that intensifies as the stream flows west and approaches the north side of the SAM (Sewer Authority Mid-Coastside) plant. Although the stream is not shown in Habitat Area & Water Resources Overlay of Half Moon Bay's LCP, policy 3-2 explicitly notes that sensitive habitats are not limited to those shown on the referenced overlay. Policy 3-1 includes such streams, riparian areas and wetlands as sensitive habitats areas.

The Pacific Ridge Project would convert a significant amount of permeable upland acreage into impermeable surfaces, dramatically increasing the volume of either sheet flow or storm sewer flow. This larger and more rapidly flowing volume of water will seriously damage our stream and riparian corridor, which already fills to capacity in heavy rains (at the public hearing I will share photographs of the creek when full), a violation of LCP policy 3-3 . The resulting erosion in the associated buffer zones would violate LCP policy 3-13 by increasing erosion and associated removal of willow trees and other buffer zone vegetation; it would also violate LCP policy 4-9 by increasing runoff that would erode natural drainage courses, exceeding the rate of erosion from undeveloped land, and failing to dissipate destructive offsite water flows.

JAMES BENJAMIN
400 PILARCITOS AVENUE
HALF MOON BAY, CALIFORNIA 94019-1475
(650)691-5598 (W) (650)712-0543 (H)

AILANTO PROPERTIES, INC.
ONE KAISER PLAZA / ORDWAY BUILDING / SUITE 1775
OAKLAND, CA 94612 • (510) 465-8888 • FAX (510) 465-5704

June 6, 2000

Chairperson Sara Wan and
Honorable Members of the
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Appeal No. A-1-HMB-99-022
Pacific Ridge at Half Moon Bay

Dear Chairperson Wan and Commissioners:

The above project was heard as agenda item 7a on Friday, May 12, 2000. Because staff did not make a recommendation in their staff report, the hearing was continued to July. For continuity purposes between these meetings, we would like to assist the Commissioners by providing our May 12th meeting presentation notes and copies of the slides that were shown, which are enclosed for your convenience. Thank you.

Sincerely,

Robert Henry

Robert Henry
Project Manager

Cc: ✓ Chris Kern w/attachments
Anna Shimko w/attachments
Nancy Lucast w/o attachments

Coastal Commission Presentation Notes of 5/12/00, Item 7a
Appeal No. A-1-HMB-99-022 (Ailanto Properties, Pacific Ridge)

HISTORY

- Ailanto Properties purchased the subject property in Half Moon Bay in 1985. **(slide)** The 114-acre property was then known as Dykstra Ranch and it had this approved tentative map for 228 units.
- **(slide)** In 1990, the City Council approved the EIR, Vesting Tentative Map **(slide)** as shown here, and the Planned Unit Development Ordinance for 216 units, finding that the project was consistent with the City's Certified LUP.
- **(slide)** In 1991, the City imposed a sewer moratorium and Ailanto was not able to obtain a CDP or proceed with its development. While the moratorium was in effect, Ailanto was able to obtain all necessary water connection contracts and participate in the wastewater treatment plant expansion assessment district.
- **(slide)** In 1997, Ailanto's environmental consultant performed an updated biological survey, which included a wetland delineation, and an endangered specie survey. That information was used to apply for a U.S. Army Corp of Engineers Section 404 Permit.
- **(slide)** In February of 1998, a California Fish & Game Streambed Alteration Agreement was obtained. Also at this time, the City allowed Ailanto to submit a CDP application to the City for 213 units.
- **(slide)** In December of 1998, a Corp of Engineers Section 404 Permit was issued; and,
- **(slide)** In January of 1999, the Waiver of Waste Discharge and Water Quality Certification letter from the California Regional Water Quality Control Board was also issued.
- **(slide)** Finally, in March of 1999, the City Council did approve our CDP for 197 units, as pictured here.
- Since this appeal was filed over a year ago, we have met numerous times with the Commission Staff and diligently worked to satisfy their concerns. We have submitted revised reports and studies, performed another wetland delineation, and significantly revised the project to exceed all LCP requirements. **(slide)** This work resulted in the revised plan as shown here, dated January 24, 2000. This plan proposes 145 homes having many features which are attractive to empty nesters.

HIGHLIGHTS OF PROJECT

- We believe we have complied with ALL of the LCP's requirements. For example:
  - **1. (slide)** The revised project complies with the 100-foot buffer zone restrictions at all wetlands.
  - **2. (slide)** Riparian buffer zone requirements are all met or exceeded and arched culverts or bridges have been proposed to span over all drainages.
  - **3. (slide)** Upland slopes and visual resources are protected as required by the LCP and Zoning Ordinances by the placement of building footprints below the 160' contour line, meeting building height requirements and using muted paint and roof shingle colors.
  - **4. (slide)** In lieu of a traditional lot pattern, the lots have been clustered to the maximum extent feasible as required by the LCP.

- **5. (slide)** U.S. Fish & Wildlife Service has reviewed the revised project and, although no endangered species have ever been documented at the site, we have incorporated all of their comments for enhancement of wildlife migration corridors.
- **6. (slide)** The project meets or exceeds the 100-foot buffer zone around the on-site pond insisted upon by staff.
- **7. (slide)** The revised site plan now proposes only 145 units; this is a 33 % reduction by 71 units from the 216 approved on our VTM. More than half of the project is now proposed to be open space, which is all accessible to the public, with the exception of the pond and its surrounding area.
- **8a, b, c, d. (slide)** Amenities include an extensive trail network, a tot-lot, a gazebo, community gardens and a park dedicated to the City.

- **TRAFFIC AND ACCESS**
  - **(slide)** Access to the site is proposed to be **Terrace Avenue,** an existing paved road connected to our site, and therefore, the most environmentally superior access, to which we have abutter's rights. To meet all LCP requirements, we have proposed widening of Route 1 **(slide)** for additional drive lanes from North Main Street to approximately 400 feet north of the Terrace intersection before a single home is occupied. With these improvements, this segment of Highway 1 would improve from a Level of Service F to C. The Senior Transportation Engineer for CalTrans has met with Staff and agreed that a stoplight at Terrace and Route 1 may be installed by Ailanto when the signal warrant has been met. This light will improve the Level of Service of the Terrace/Route 1 intersection from F to A. Once Bayview Drive is connected to the Pacific Ridge site as suggested by the City, knock-down barriers are proposed to be installed at the Terrace Avenue and Pacific Ridge property line, thereby converting this access to an emergency vehicle access.
  - Ailanto Properties does not own or control these off-site streets nor did we create the existing traffic problems. In fact, these state highways were operating below the desired LCP standards when the Commission certified the City's LCP! The Commissioners should also be aware that the Appellants live on Terrace Avenue, so they will criticize this plan. But this plan is consistent with the LCP and Coastal Act and it mitigates the project's impacts on Highway 1. Contrary to what the staff report suggests, there is no legal nexus or proportionality upon which the Commission may require Ailanto to undertake additional traffic improvements beyond those already proposed since Ailanto has already volunteered to alleviate far more than the traffic burden caused by this project.

CLOSING

- The project as now proposed conforms to both the LCP and the Coastal Act and incorporates those features recommended by the USFWS and the Coastal Commission Staff. Pacific Ridge is adjacent to existing development and currently has rights to adequate water, sewer, schools and existing road facilities to serve the project. We have experienced extreme hardship in trying to develop the Pacific Ridge project even though we attained our vested rights 10 years ago. We have spent 15 years and substantial resources to get to this point. We respectfully request your favorable approval.

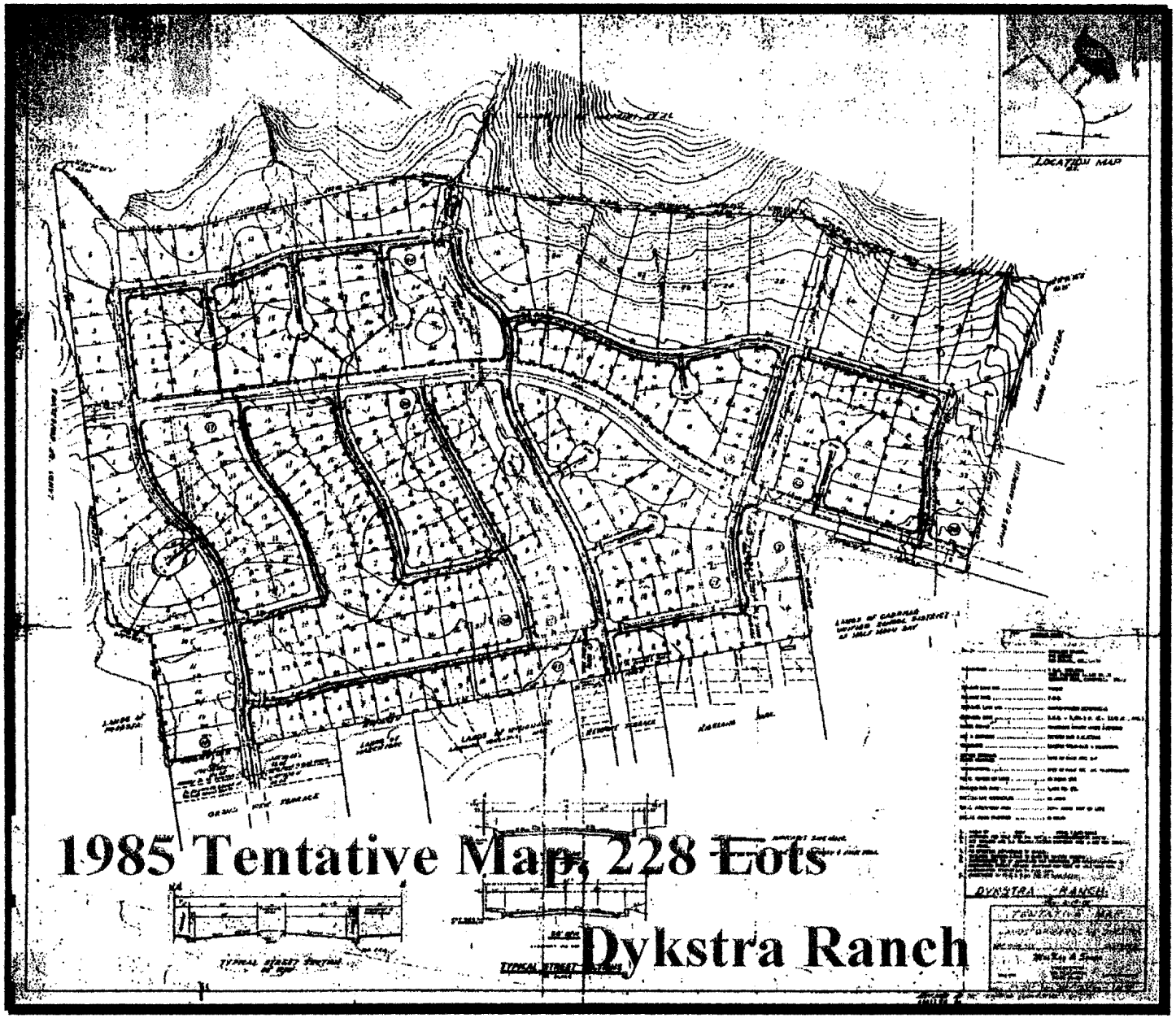
PACIFIC RIDGE at Half Moon Bay

AILANTO PROPERTIES, INC.

HISTORY:

- **1985: Purchased property (228 units)**
- **1990: EIR, Development Ordinance & Vesting Tentative Map Approved (216 units)**
- **1991-1996: Water Connection Contracts & Waste Water Plant Expansion**
- **1997: Biological Survey & USACOE Application for Section 404 Permit**
- **1998: Fish & Game Permit Received & CDP Application Filed With City (213 units)**
- **1998: USACOE Section 404 Permit Issued**
- **1999: RQCB Waiver of Waste Discharge & Water Quality Certification and CDP Received (197 units)**

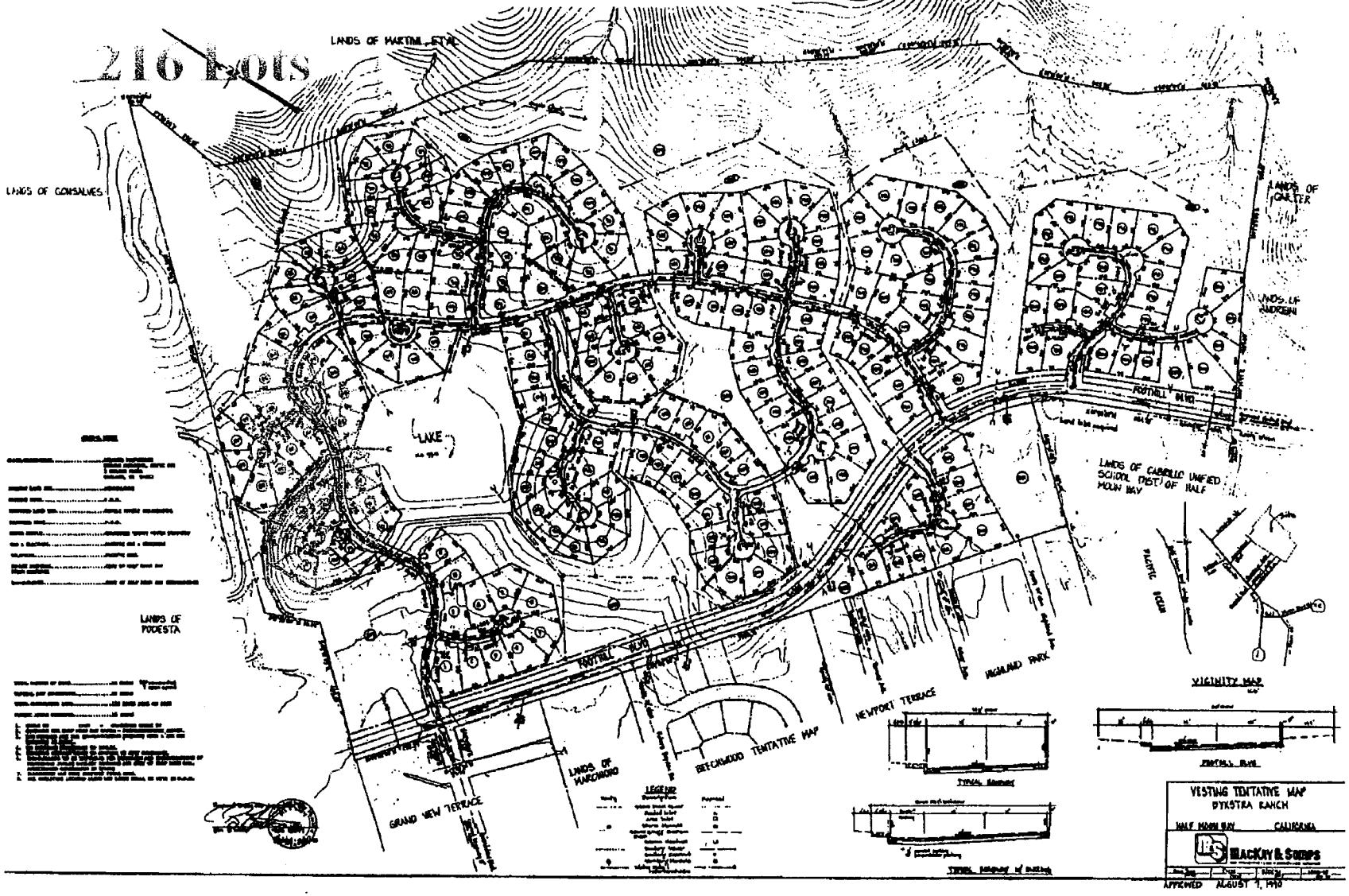
PACIFIC RIDGE at Half Moon Bay



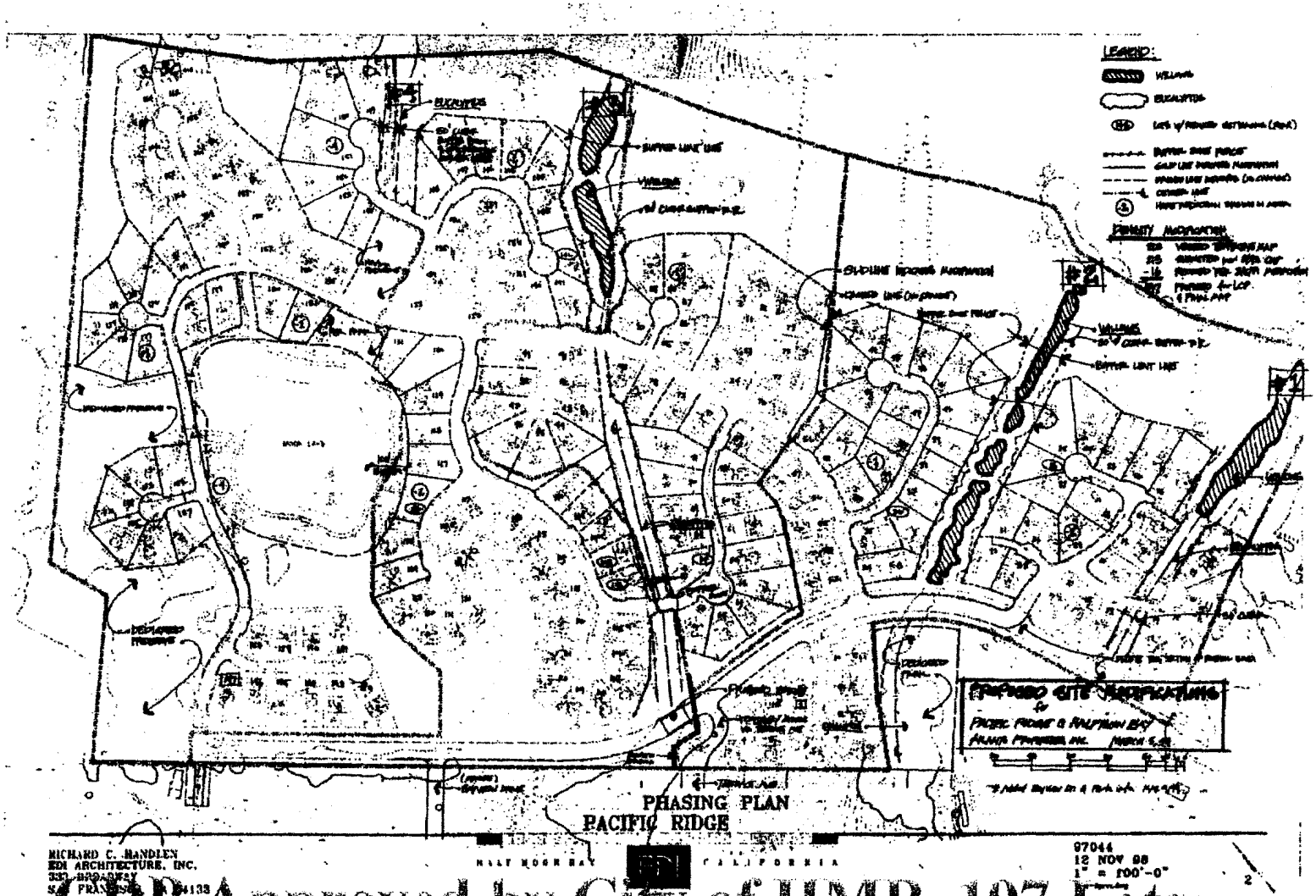
PACIFIC RIDGE at Half Moon Bay

VESTED TENTATIVE MAP APPROVED 1990

216 Lots

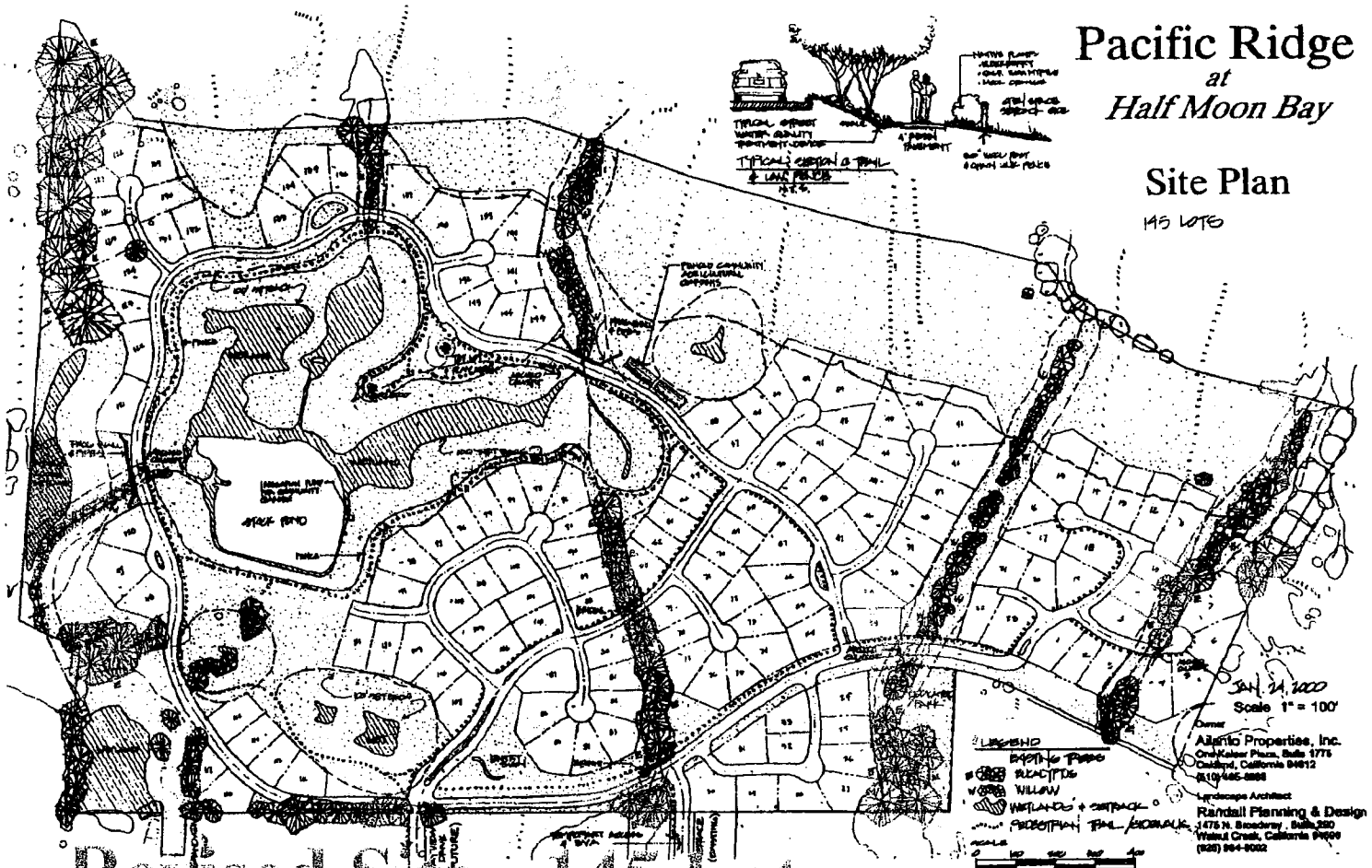


Pacific Ridge



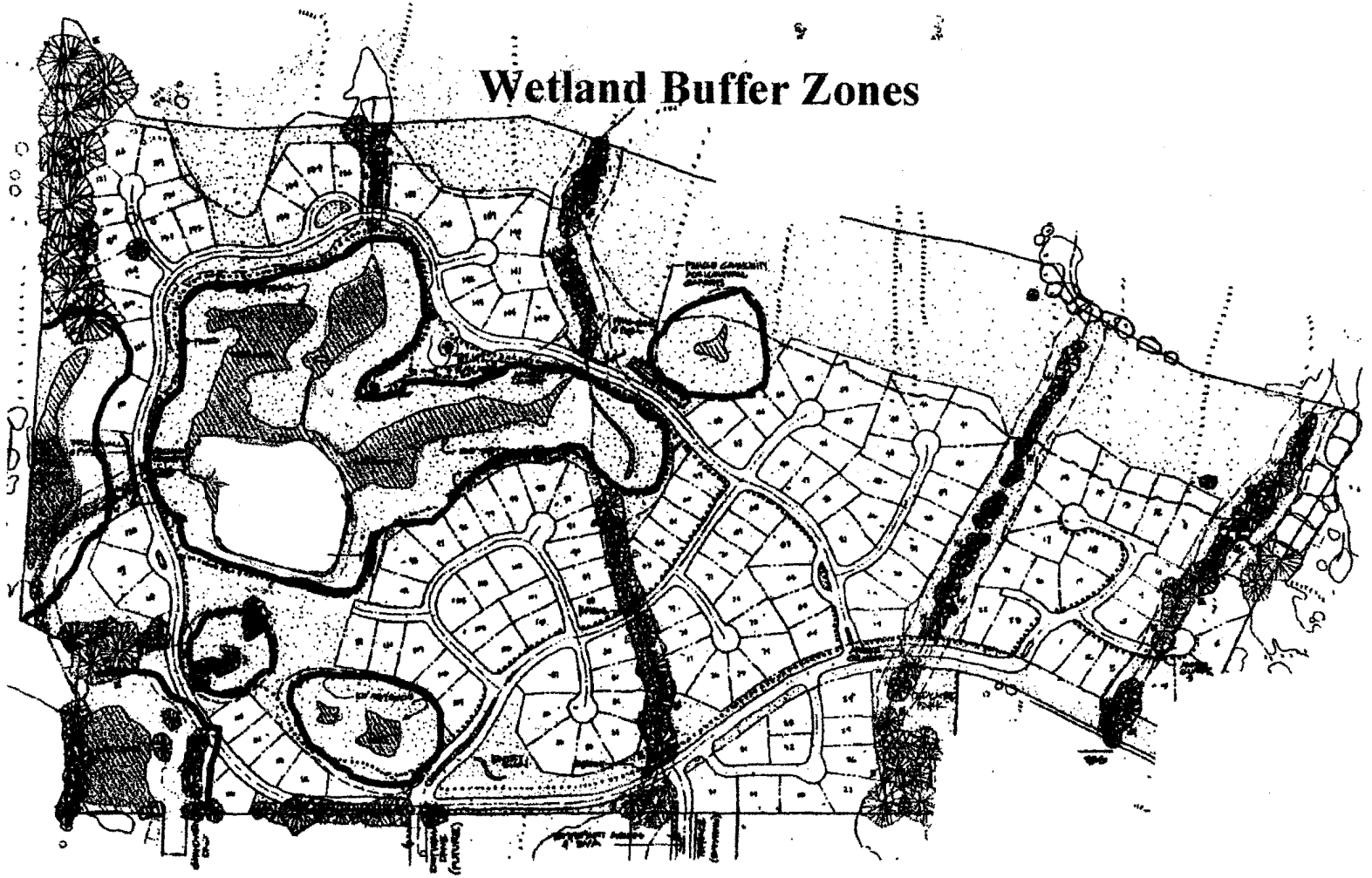
CDP Approved by City of HMB, 197 Lots

Pacific Ridge



Revised Site - 145 Lots

Pacific Ridge



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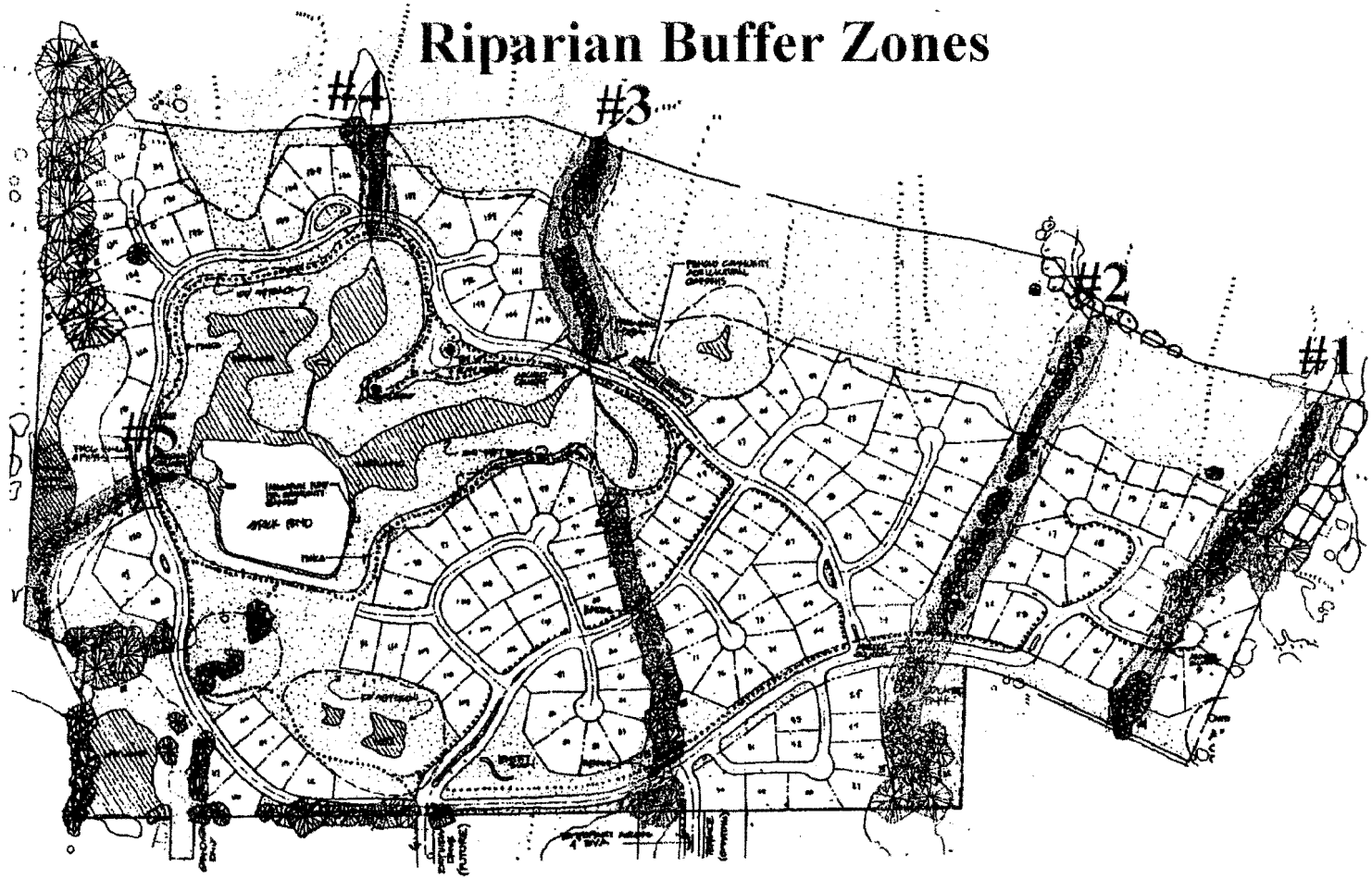

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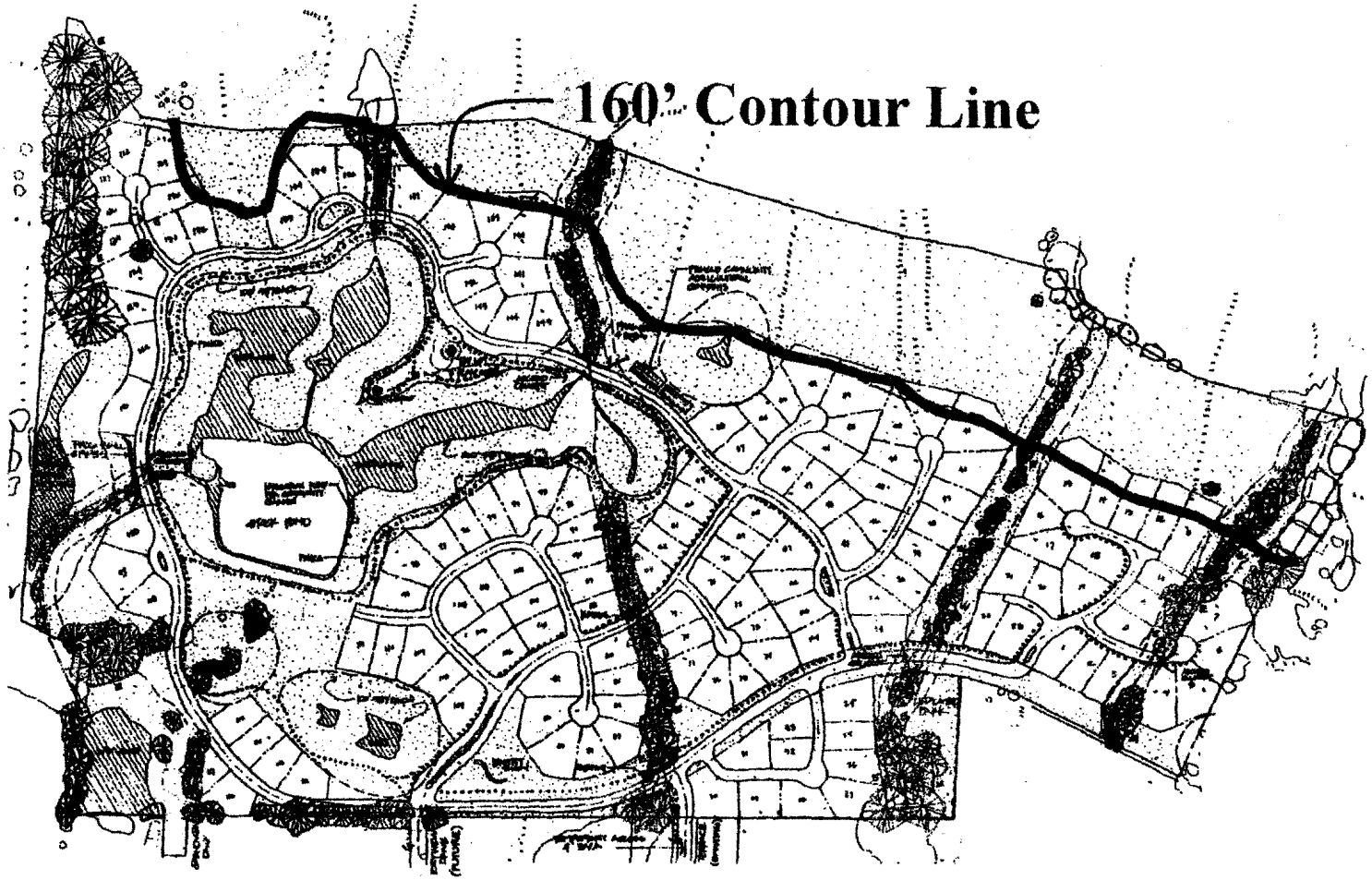

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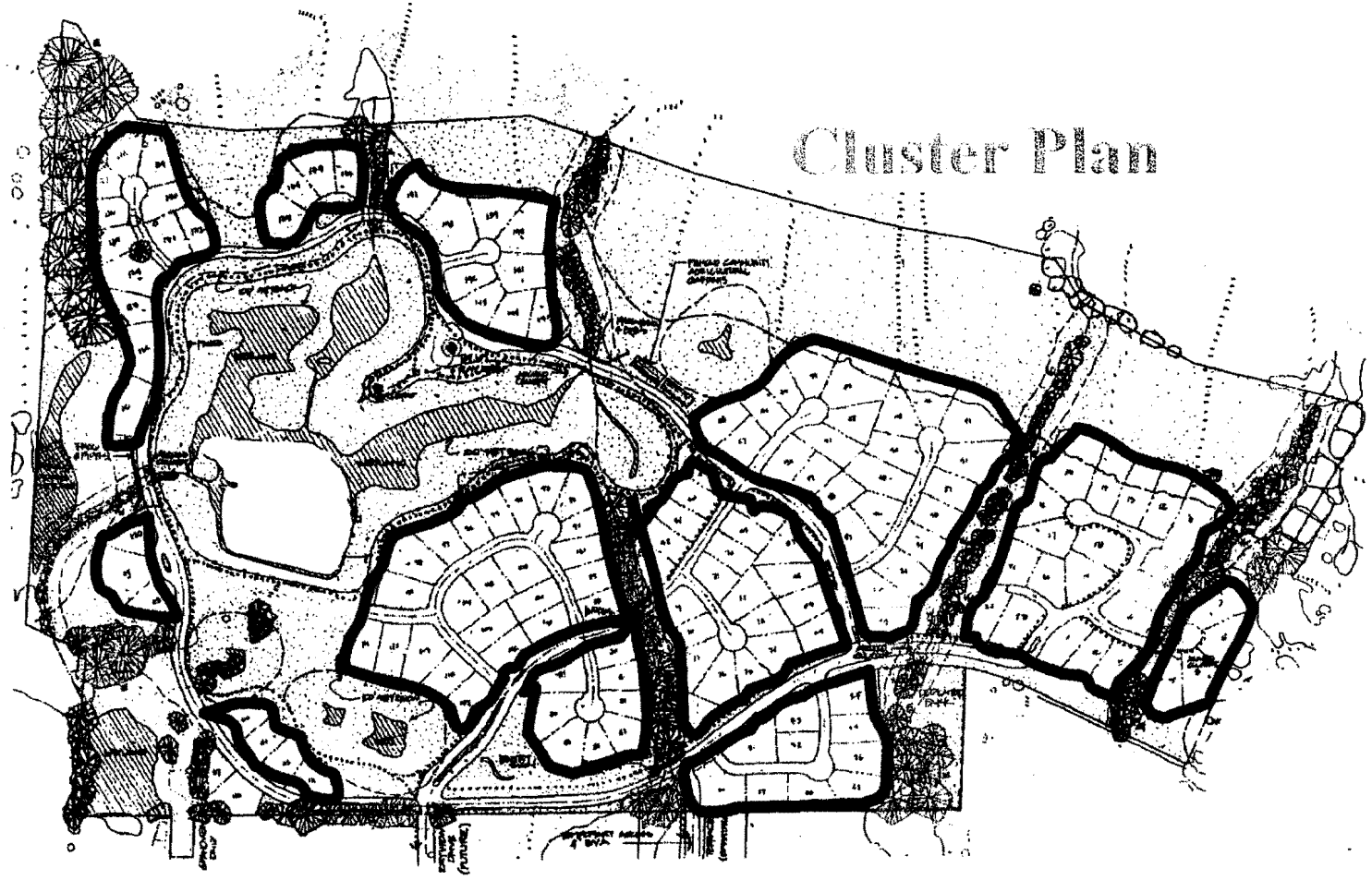

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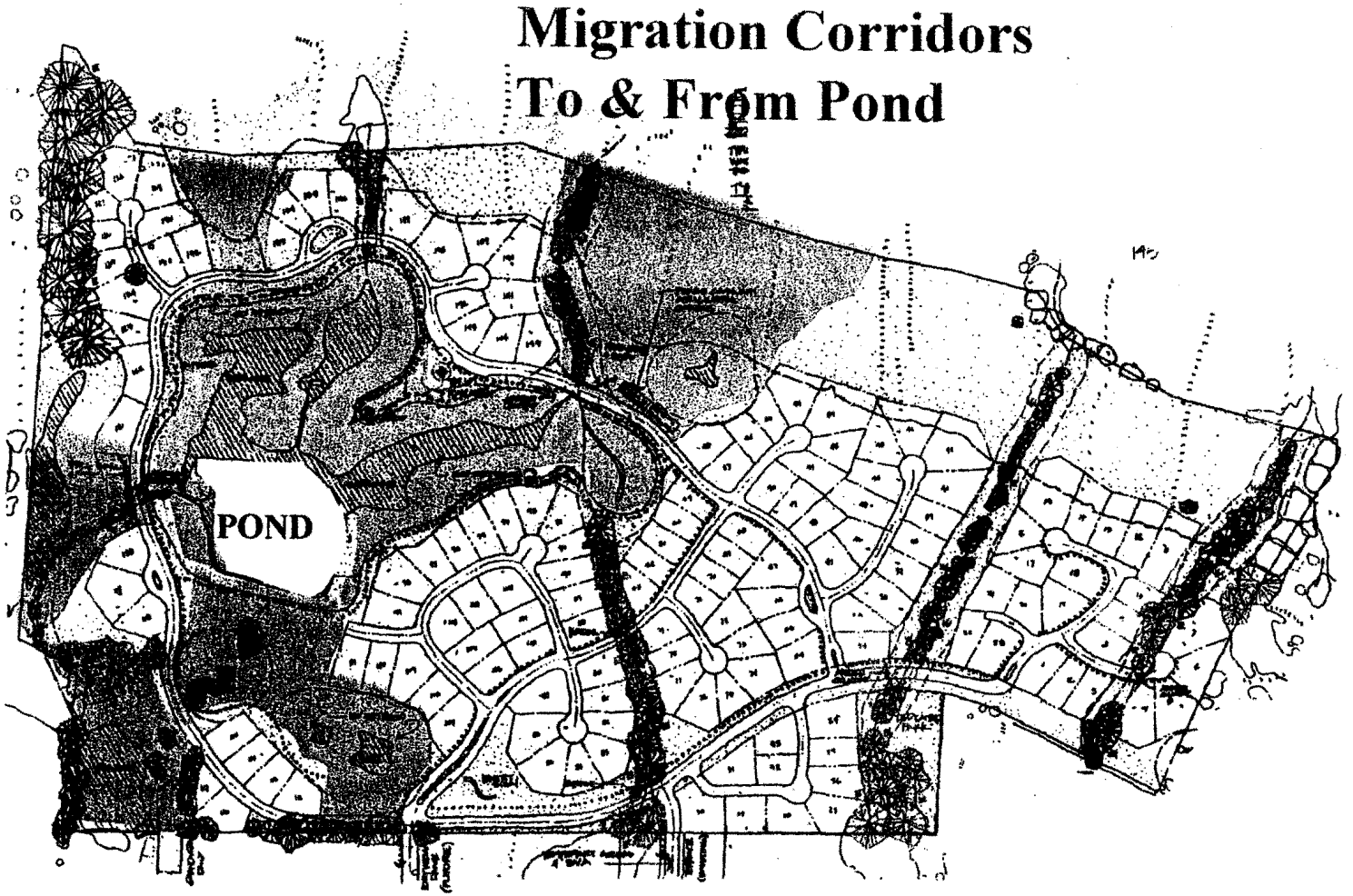

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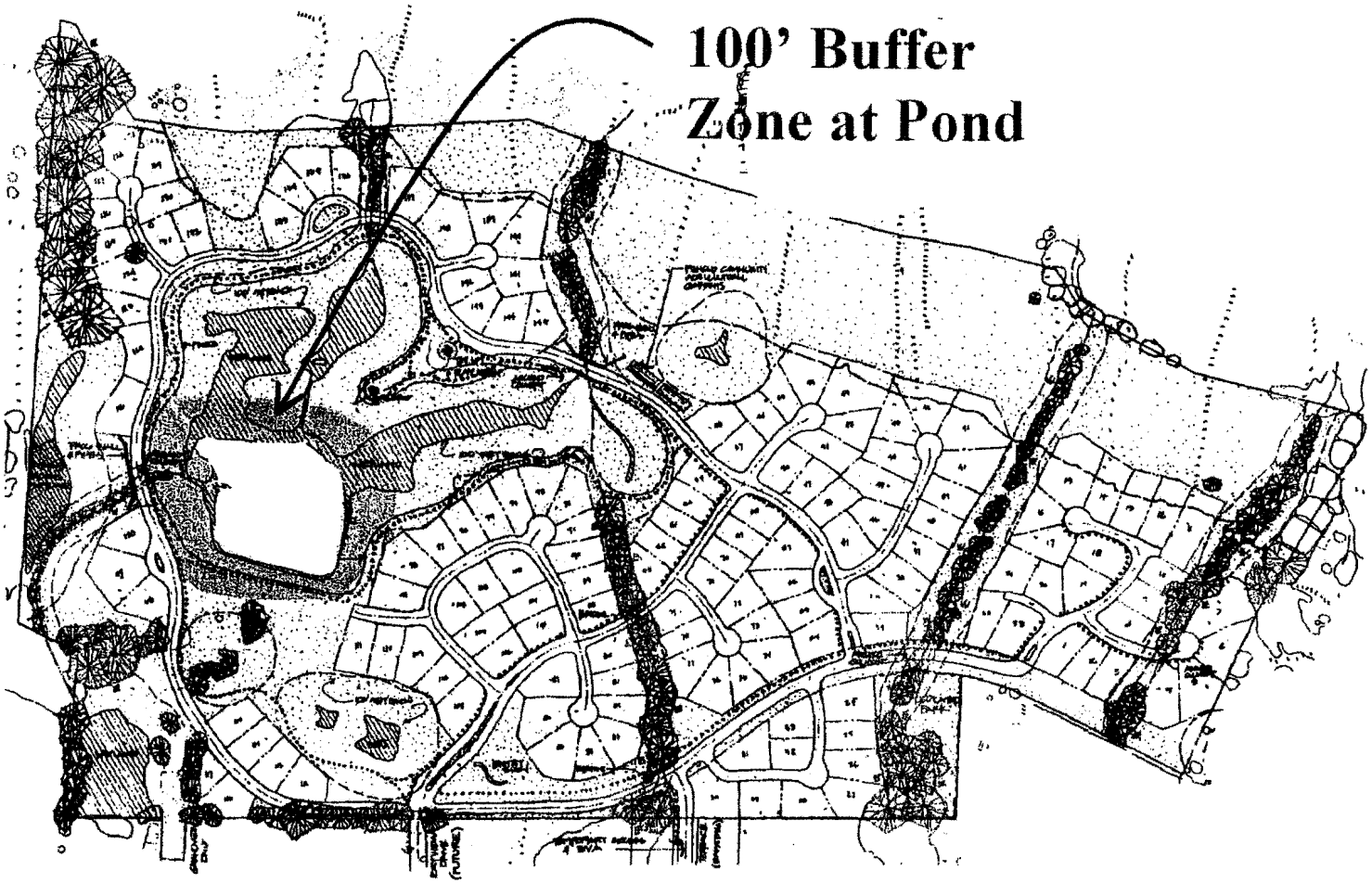
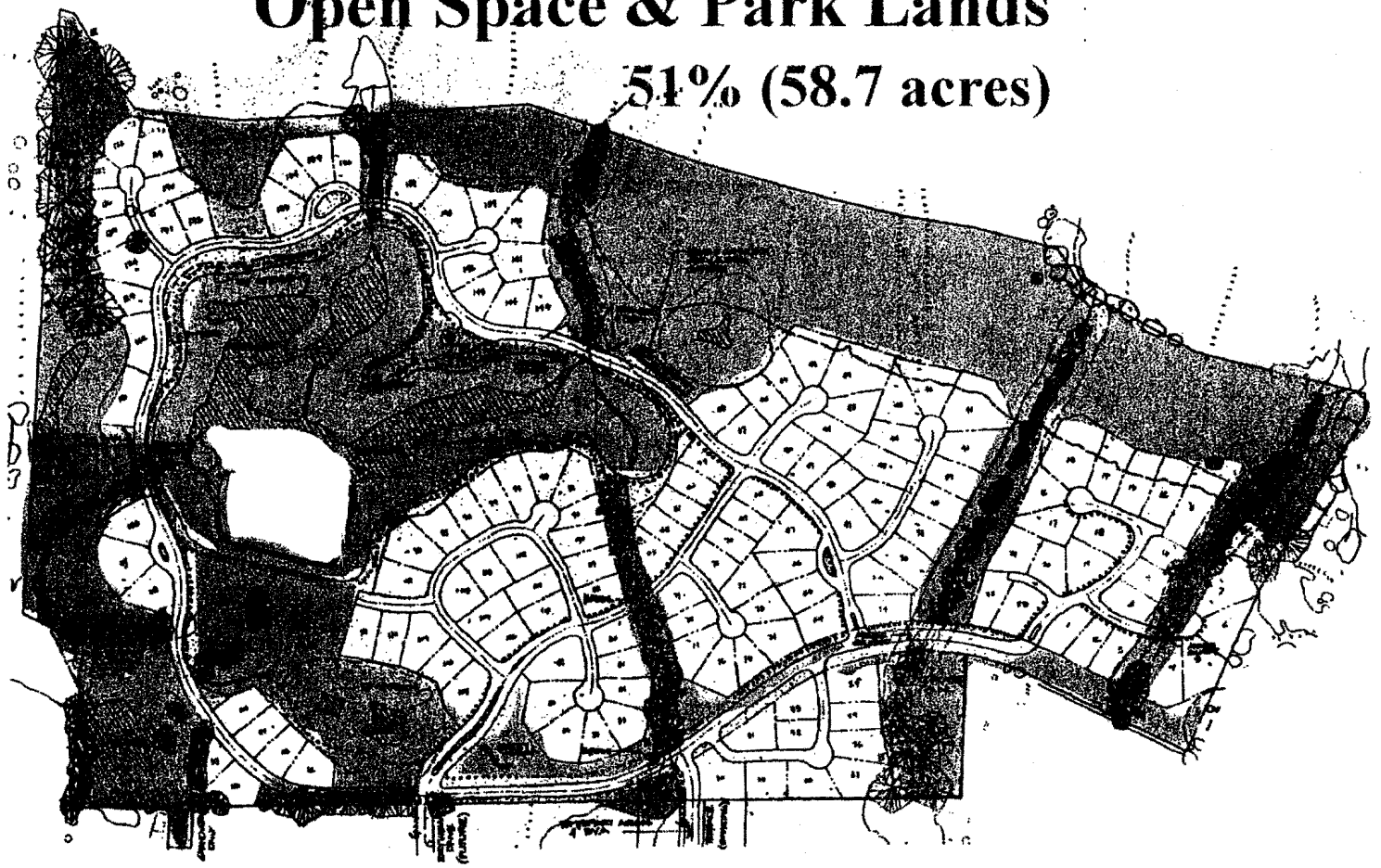


Pacific Ridge

Open Space & Park Lands

51% (58.7 acres)



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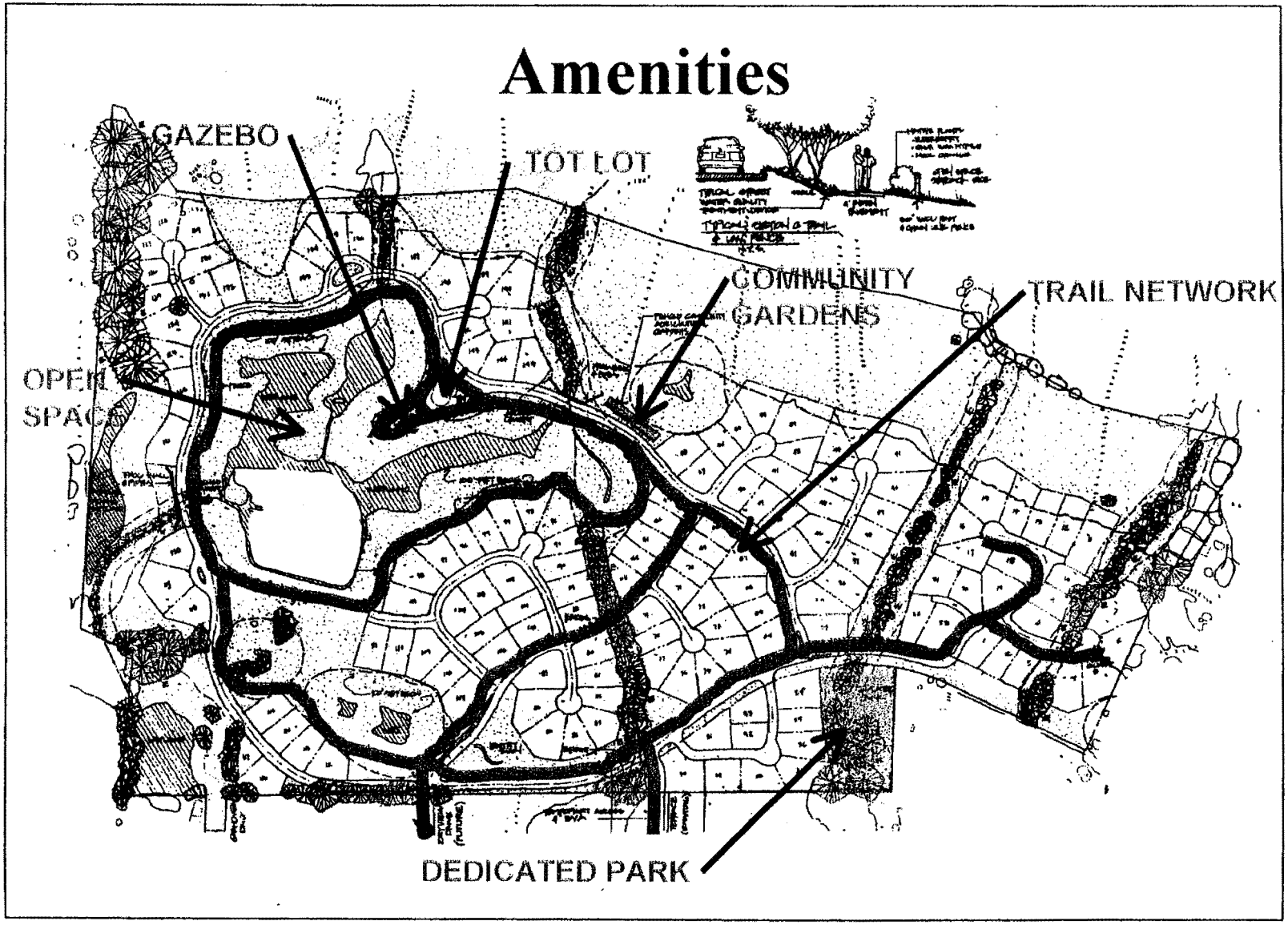

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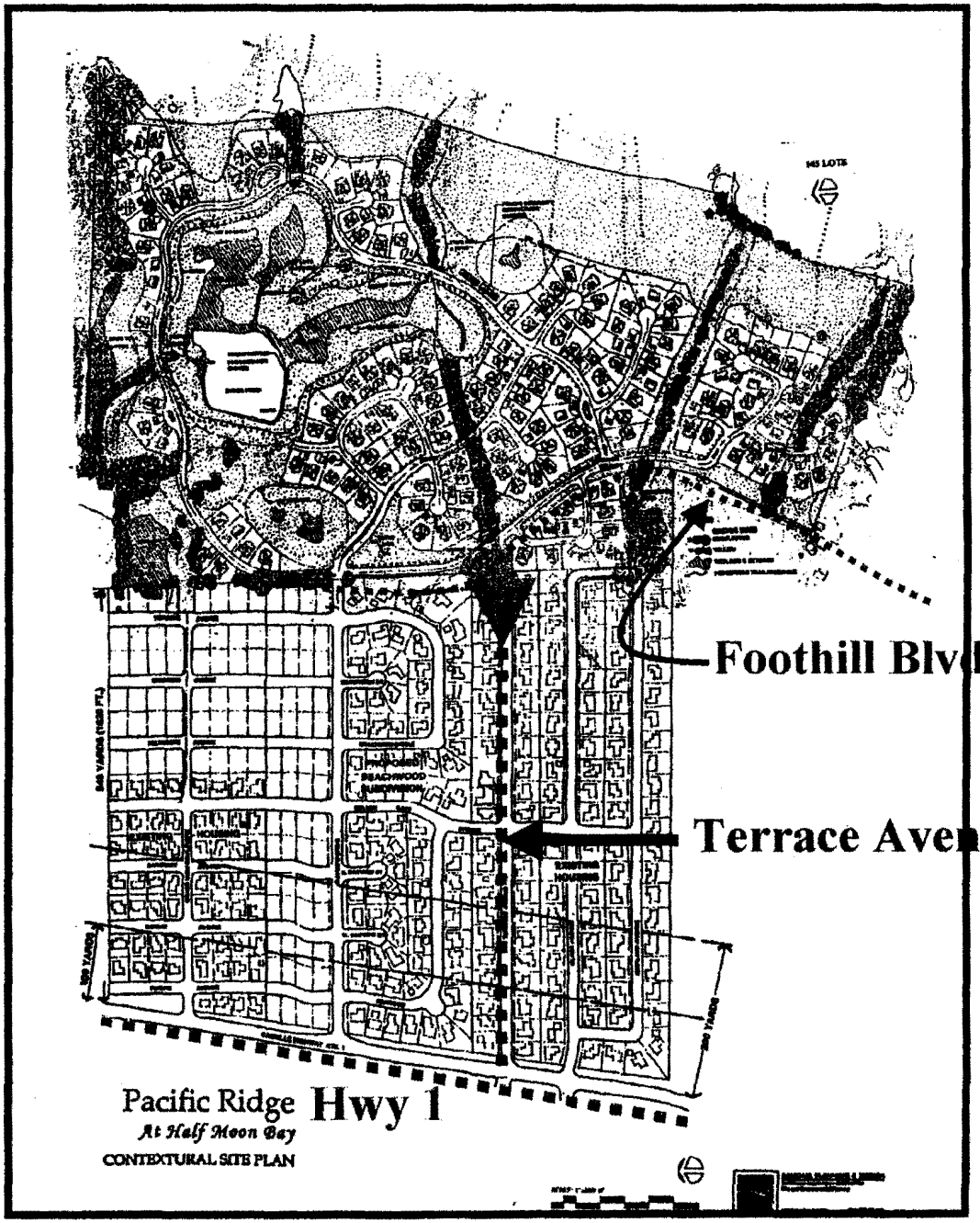

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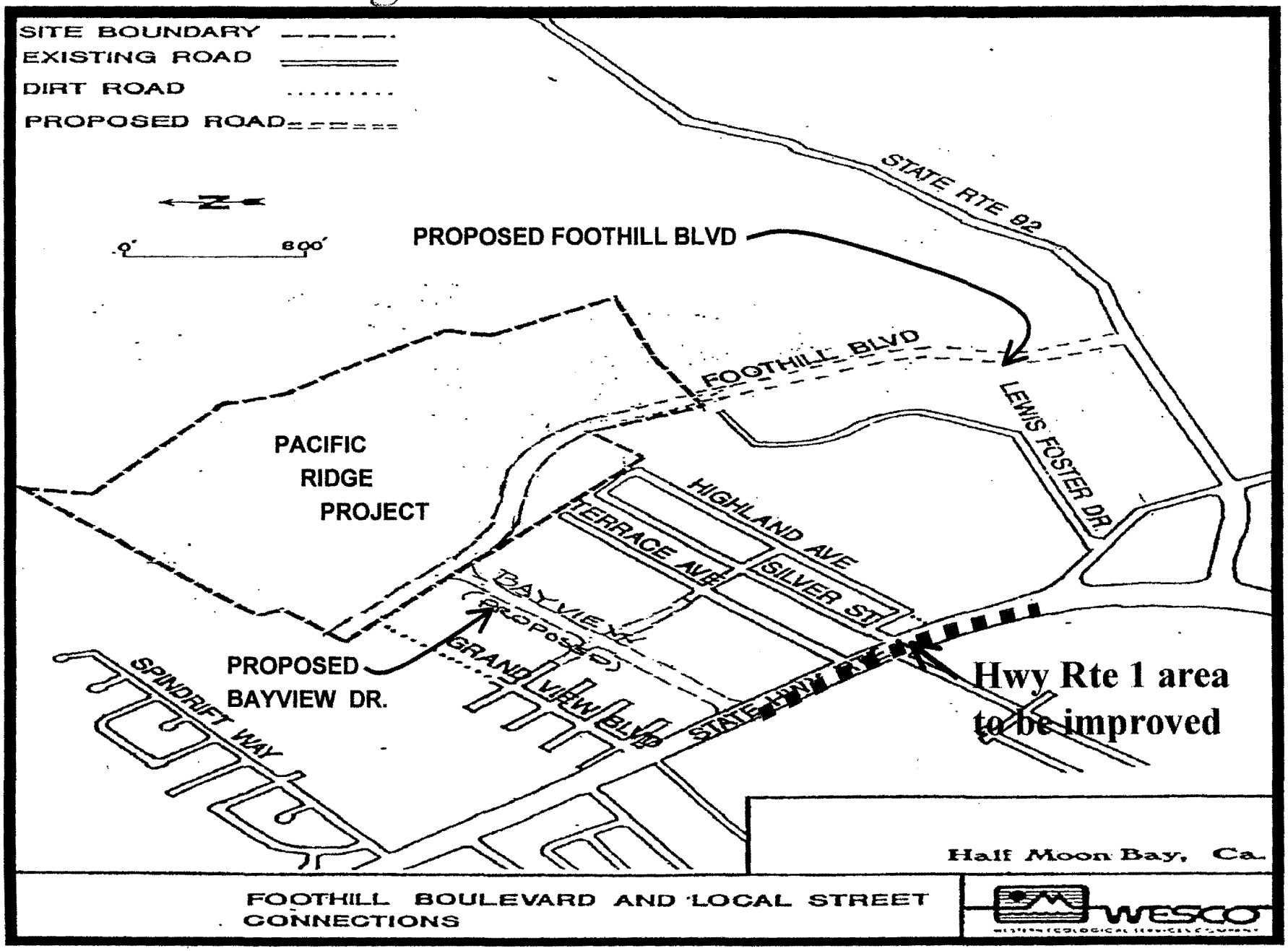

CITY OF HALF MOON BAY

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

June 19, 2000

Robert Henry, Project Manager
Ailanto Properties, Inc.
One Kaiser Plaza
Oroway Building, Ste. 1775
Oakland, CA 94019

Dear Mr. Henry:

I am responding to the mistaken impression created by your letter of 5/17/00 to the Half Moon Bay/Coastside Chamber of Commerce. I am not in the habit of allowing development project applicants to interpret my public positions, including any that may have been taken at the 5/12/00 Coastal Commission meeting in Santa Rosa.

Please be advised that

a) I was not there to speak in favor of the Pacific Ridge project; and

b) I was there to say that City consideration of Coastal Development Permits is a serious process, and we make every attempt to comply with our Local Coastal Program in light of the facts available at our hearings.

I hope this clears things up.

Sincerely,

Deborah Ruddock, Councilmember

cc: HMB/Coastside Chamber of Commerce, California Coastal Commission, Chris Kern