

## CALIFORNIA COASTAL COMMISSION

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

**Th-9a**

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Hearing Date: June 14, 2001

**APPEAL STAFF REPORT  
DE NOVO REVIEW**

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

**APPLICANTS:** Wavecrest Village, L.L.C.  
Cabrillo Unified School District  
Boys and Girls Club of the Coastside

**AGENT:** Patrick Fitzgerald

**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 November 5, 1999.

**PROJECT LOCATION:** Approximately one mile south of downtown Half Moon Bay, bounded by Highway One to the east, Seymour Street right-of-way to the north, the Pacific Ocean to the west, and Marinero Avenue to the south, Half Moon Bay, San Mateo County (**Exhibits 1-3**).

**PROJECT DESCRIPTION:** Re-subdivision of 217 parcels into 235 parcels; construction of 225 single-family market-rate residences; 46 affordable housing residences; Middle School and outdoor recreation on 25.3 acres; Boys and Girls Club on 2.8 acres; community sports fields on 9.8 acres; 10 commercial and retail buildings on 12 acres; open space; stormwater detention basin on 7.7 acres; wetland restoration; onsite lateral public access trails and parking; vertical beach access stairway at Poplar State Beach; improvement and creation of streets; and associated parking, infrastructure improvements and landscaping.

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

**SUBSTANTIVE FILE:** See Appendix A

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## 1.0 EXECUTIVE SUMMARY

### *Project Description and Location*

The proposed development is a large mixed-use project. The staff recommends approval with conditions as summarized below. The project contains residential and community-serving components.

The project includes:

- 225 single-family residences,
- 46 affordable housing units,
- A new middle school for the Half Moon Bay area, with the capacity for 1,150-students,
- A community-serving Boys and Girls Club,
- A public sports field,
- Retirement of 206 lots in an existing antiquated subdivision, and
- Associated road and infrastructure improvements.

Furthermore, the applicants propose to provide public shoreline access improvements, including the construction of a significant segment of Half Moon Bay's Coastside Trail, public parking, and a vertical beach accessway at Poplar State Beach. Additional features of the proposed project include the dedication of more than 90 acres of open space, the creation of a 7.7-acre detention pond to treat stormwater runoff and agricultural drainage, and the creation and restoration of wetland habitat. The development as proposed will be set back a minimum of 1,000 feet from the bluff edge. (See **Exhibit 4**).

The project site is located on a prominent site, lying between Highway 1 and the ocean. The project site comprises a 207.5-acre portion of the 480-acre North Wavecrest Planned Development District (PDD) as defined in the City of Half Moon Bay certified Local Coastal Program Land Use Plan. Resources on the site include scattered wetlands, wide open vistas from Highway 1 to the sea, and visually prominent tree stands that provide habitat for raptors. Informal paths to the beach are evident on the bluffs to the west of the proposed development area, although physical access to the beach is severely constrained by high, unstable bluffs.

**Wetland Fill for Restoration Purposes**

The applicants propose to fill delineated wetlands for restoration purposes in two different areas of the project site for a total of approximately 2.3 acres of wetland fill. The wetlands proposed to be filled include the 1.2-acre former agricultural pond in the Northern Residential Neighborhood site and 1.1 acres of the agricultural drainage ditch that crosses the property.

According to Coastal Act/LUP Policy 30233(a)(7), the Commission may permit the proposed wetland fill if it is necessary for restoration purposes. Proposing fill as fill for "restoration purposes" should not be used as a means to circumvent the strict limits in Section 30233(a) on the purposes for which fill may be placed. It is not enough for an otherwise impermissible use of proposed fill to be allowed as fill for restoration purposes simply because an applicant may provide a substantial amount of mitigation that results in a net enhancement of habitat values. Otherwise, the limits of Section 30233(a) on the uses of fill would have little meaning and the limited amount of wetland acreage that remains in the coastal zone would be viewed as developable for any use so long as mitigation is provided. Wetland fill for restoration purposes as used in Coastal Act Section 30233(a)(7) must therefore substantially increase wetland acreage and values. In addition, wetland fill may not be permitted as restoration under Section 30233(a)(7) unless it is physically necessary to fill wetlands to achieve these wetland restoration goals. Accordingly, in order for fill to qualify as fill for restoration purposes pursuant to Section 30233(a)(7), it must be physically necessary to fill the wetlands in order to substantially increase wetland acreage and values.

With regard to the fill of the proposed drainage ditch, by redirecting runoff to the southern wetland area, the proposed restoration work will provide a permanent water source to support the continued existence of the southern area wetlands independent of water that has been intermittently supplied from nurseries located on a neighboring property. Because providing this permanent water source to the wetlands requires the drainage to be rerouted to the area south of Wavecrest Road, the resulting 1.1 acres of wetland fill is physically necessary to accomplish the wetland restoration goals and objectives of the project. Therefore, the proposed fill of the drainage ditch to redirect runoff to the southern wetland area and provide such wetlands with a permanent water source is fill for restoration purposes.

However, the applicants have not provided a detailed wetland restoration plan, and, as stated above, the wetlands in the southern project area have not been delineated. Without a detailed restoration plan and delineation, the Commission cannot fully assure that the applicants' proposal will substantially increase wetland acreage and values. Therefore, **Special Condition 2** requires the applicants to submit, for the review and approval of the Executive Director, a detailed wetland restoration plan.

With regard to the fill of the agricultural pond, based on the information provided by the applicants, it is not necessary to fill the existing pond to achieve these wetland restoration goals and objectives; these goals can be achieved by restoring the pond in place. Consequently, staff recommends that the Commission find that as proposed, the fill of the agricultural pond fails to qualify as fill for restoration purposes. Because at this time the applicants have not demonstrated that the proposed fill and relocation of the former agricultural pond is necessary to achieve restoration purposes, staff also recommends that the Commission impose **Special Condition 1**. **Special Condition 1** prohibits filling of the pond unless the applicants obtain a permit

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amendment approved by the Commission that demonstrates to the satisfaction of the Commission that the goals and objectives of the restoration project can only be achieved through the fill and relocation of the pond.

The applicants propose to treat the offsite agricultural and stormwater runoff along with the stormwater runoff generated on the development site through the creation of a 7.7-acre detention pond. As proposed by the applicants and as further required by recommended conditions (**Special Conditions 8, 9, and 10**), the stormwater system and detention pond will be designed, monitored, and maintained to improve the quality of the agricultural drainage and stormwater runoff that is currently discharged from the site to the ocean. Therefore, the project will provide substantial benefits to the quality of coastal waters. Only through the implementation of the polluted runoff treatment components of the proposed project will these water quality benefits be provided.

In addition to the water quality benefits that will be provided by the proposed development, the detention pond will provide new wetland habitat. As recommended by staff (**Special Condition 9**), the detention pond will be designed and managed to provide emergent wetlands, riparian habitat, and associated upland habitat useful to California red-legged frogs, San Francisco garter snakes, and wetland bird species. But for the proposed development, this wetland habitat would not be created on the project site. This new wetland is expected to provide habitat superior to that provided by the existing drainage ditch.

***Raptors***

The project area provides nesting, foraging, perching, and roosting habitat for raptors, which are considered a unique species under the LCP. As proposed, the project includes the development of a Boys and Girls Club and affordable housing units south of Wavecrest Road where prominent tree stands affords perching and roosting spots for raptors. Although these trees provide perching and roosting spots for some raptors, the trees do not provide nesting habitat, and the evidence available as of the date of this report does not support a determination that this area is an environmentally sensitive habitat area as defined by the LCP. However, the LCP requires protection of the cypress and eucalyptus tree stands in the North Wavecrest PDD from disturbance, and requires replacement vegetation to mitigate the removal of notable tree stands and windrows. The staff therefore recommends that the Commission impose requirements for the applicants to minimize the removal of existing trees in the Central area, protect existing trees in the Central area to the maximum extent feasible, and replace trees removed in notable tree stands (**Special Condition 4**). The condition requires the submittal of a tree removal and revegetation plan for the Executive Director's review and approval prior to the issuance of the permit. The staff also recommends that the Commission impose prohibitions on development within 650 feet of an active raptor nest in the Western area (**Special Condition 3**).

***Water Quality***

The proposed project will result in a significant increase in impervious surfaces, thus increasing stormwater runoff from the project site. Future irrigation on the site will also increase runoff. Construction activities, vehicles, and other land uses will create the risk of sedimentation and introduction of pollutants into runoff from the site.

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The applicants propose to treat urban runoff through a system of gutters and storm drains, feeding into a 7.7-acre detention pond in the western portion of the project. While an important component of water quality measures on the site, the detention pond should be enhanced with active maintenance and monitoring, to ensure future success at accommodating and treating urban runoff. Thus, the staff recommends that the Commission require additional water measures, such as the preparation of a grading plan, an erosion control plan, a stormwater pollution prevention plan, and a water quality monitoring plan (**Special Conditions 6, 7, 8, and 10**).

***Public Access and Recreation***

The proposed development includes a variety of activity-generating land uses. Additional residents and visitors on the property will place significant increased demands on public beach access in the project vicinity.

Both the Coastal Act and the Half Moon Bay Local Coastal Program require access to be provided to and along the shoreline as a condition of the development of the project site. For instance, LUP Policy 9.3.6(g) requires that as a part of any new development in the Wavecrest District, vertical accessways shall be constructed down the bluff to the beach. Section 30252(6) of the Coastal Act requires that new development maintain and enhance public access to the coast by assuring that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with the provision of recreational facilities to serve the new development.

The applicants propose to dedicate and improve a system of public access paths to provide vertical access from Highway 1 to the top of the bluff (but not down to the beach) at the northern boundary of the development. The applicants also propose to provide a vertical beach accessway at Poplar State Beach, or alternatively, an unspecified "fair share" contribution towards the future development of a vertical beach accessway at the end of Redondo Beach Road. Finally, the applicants propose construction of a north-south path that would serve as a link in the City's Coastsides Trail.

Provision of vertical access to the bluff and lateral access through the property, as proposed, is necessary, but not sufficient, to meet the goal of the Coastal Act to maximize public access. Therefore, the staff recommends that in addition to the proposed lateral public access improvements, the Commission require the applicants to either construct beach access facilities at the end of Redondo Beach Road, including a stairway and/or ramp to the beach, or to provide to the City sufficient funds to complete these improvements and parking prior to the construction of any residential unit (**Special Condition 11**). The staff further recommends that the Commission require the applicants to install public access signage to direct the public to the Coastsides Trail and other lateral access trails and the vertical beach accessway in the vicinity of Redondo Beach Road (**Special Condition 14**). Lastly, the staff recommends that the Commission require the applicants to submit a Public Parking Plan for the provision of 225 public parking spaces at the end of Wavecrest Road to meet the needs of users of public access and recreation in the project area (**Special Condition 12**).

### **Visual Resources**

The project site, which slopes downward slightly from Highway 1 to the bluffs, affords broad coastal views of significant tree stands, the sea, and the coastal horizon. Heading north on Highway 1, Pillar Point is visible across the project site. The bay after which the town of Half Moon Bay is named is visible from only a few locations on Highway 1, this site being one of them. Furthermore, this site is one of the few remaining undeveloped areas in the City located seaward of Highway 1. To protect views from Highway 1 to the ocean, the applicants propose to dedicate a view corridor at the intersection of Highway 1 and the Main Street extension.

The project site, which is essentially undeveloped, presents an opportunity to design the development in a manner that will preserve the open space character of the site and protect public views of the coast, while allowing the proposed intensity of land use. Therefore, the staff recommends the preparation of a Scenic Corridor Plan (**Special Condition 15**) and a Landscaping Plan (**Special Condition 5**) designed to maintain the open views currently existing at the site.

### **Traffic**

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, 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. Creation of new residential lots through subdivisions such as this one would significantly contribute to the long-term worsening of traffic congestion and a consequent limitation on the ability of the general public to reach area beaches and shoreline.

As proposed, the development would create 225 market-rate single-family residences, and retire 206 existing legal lots in the Redondo View Subdivision, with a net increase of 19 lots. Consequently, the project as proposed would not adequately offset its contribution to regional traffic congestion and would result in significant adverse cumulative impacts to public access and recreation. Therefore, the staff recommends that the Commission require the applicants to either: (1) reduce the number of new lots for market-rate residential development to 206, or (2) retire the development rights for an additional number of existing legal lots in the Mid-Coast Region, up to a maximum of 19, and equal to the number of new lots over 206 that are to be created for the construction of market rate single-family residences (**Special Condition 17**).

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Each mitigation lot must be an existing legal lot or combination of contiguous lots in common ownership and must be zoned to allow development of a detached single-family residence.

**Housing**

Of the 271 new housing units proposed by the applicants, 46 units are proposed as affordable housing. The LCP requires that at least 20 percent of the residential units developed within the Wavecrest PUD must be affordable to persons of low and moderate income. However, the 46 affordable units proposed represent only 17 percent of the 271 total. Thus, the proportion of market rate to affordable housing units as proposed by the applicants is insufficient to satisfy Zoning Code Section 18.35.020.A. Therefore, the staff recommends the Commission impose **Special Condition 18** requiring the applicants to submit for the review and approval of the Executive Director, prior to issuance of the permit, revised plans demonstrating that a minimum of 20 percent of the total number of dwelling units to be developed shall be priced at levels which are affordable to Low and Moderate Income households as defined by Zoning Code Section 18.35.015. To ensure that the subject housing units remain affordable for the life of the development and conform to all other applicable housing policies in the LCP, **Special Condition 18** requires the applicants to submit evidence that they have executed and recorded an Affordable Housing Agreement with the City consistent with the provisions of the City Zoning Code. In addition, in order to ensure that the affordable housing units remain affordable in perpetuity as a condition of the CDP and to provide future owners of the property notice of the affordable housing restrictions, the applicants must execute and record a deed restriction reflecting such restrictions.

**2.0 STAFF RECOMMENDATION**

The staff recommends that the Commission approve Coastal Development Permit Application A-1-HMB-99-0-51, subject to conditions, as follows:

**MOTION:**

I move that the Commission approve Coastal Development Permit No. A-1-HMB-99-051 subject to conditions pursuant to the staff recommendation.

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development

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on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**2.1 Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**2.2 Special Conditions**

**1. Agricultural Pond in Northern Area**

- A. The proposed fill of the former agricultural pond located in the Northern Residential Neighborhood area as generally depicted on **Exhibit 10** is prohibited unless authorized by the Commission through an amendment to this coastal development permit.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** applicants shall submit, for the review and approval of the Executive Director, **Revised Plans** for the northern project area demonstrating that no development other than the uses allowed within wetland buffers pursuant to Zoning Code Section 18.38.080 shall occur within 100 feet of the former agricultural pond in its existing location and configuration in the Northern Residential Neighborhood area as generally depicted on **Exhibit 10**. The permittee shall undertake development in accordance with the final revised plans approved by the Executive Director. No proposed changes to the final plans approved by the Executive Director shall occur without a Commission amendment to this coastal development permit.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over the former agricultural pond and within 100 feet of the pond,

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reflecting the above restrictions on development in the pond and buffer areas. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the identified areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**2. Southern Project Area Wetlands**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a detailed **Wetland Restoration Plan** for the restoration of all wetlands located in the Pasture and Central Areas south of Wavecrest Road as generally depicted on **Exhibit 11**. The plan shall also assure the creation of a minimum of 1.1 acres of functional wetlands in addition to the existing wetlands in this area of the project site. The Wetland Restoration Plan for the restored and created wetland areas (Wetland Restoration Area) shall include all of the following:

1. Adequate baseline data regarding the biological, physical, and chemical criteria for the restoration area, including, but not limited to a delineation undertaken in accordance with the definition of wetlands contained in the certified City of Half Moon Bay Local Coastal Program of all wetlands currently present in area South of Wavecrest Road;
2. Sufficient technical detail in the project design including, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on a base map of the restoration area, and maintenance techniques;
3. Detailed goals and objectives consistent with regional habitat goals. These goals and objectives must identify functions and or habitats most in need of enhancement or restoration, including but not necessarily limited to providing essential aquatic habitat suitable for the California red-legged frog with a permanent water source, control of non-native predators, and as further defined in Federal Register Notice 66 FR 14626-14758;
4. Documentation that the Wetland Restoration Area will continue to function as a viable wetland over the long term;
5. Documentation of performance standards that provide a mechanism for making adjustments to the Wetland Restoration Area when it is determined through monitoring, or other means that the restoration techniques are not working. Performance standards shall include specific time periods by which goals must be met to identify when remediation is necessary;
6. Documentation of the necessary management and maintenance requirements, and provisions for remediation as needed to ensure that the performance standards are fully satisfied;

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7. An implementation plan that demonstrates there is sufficient scientific expertise, supervision, and financial resources to carry out the proposed activities;
  8. A monitoring program that provides for independent monitoring of the restoration area to verify that the objectives of the restoration project are successfully met.
- B.** No development other than that authorized by the approved Wetland Restoration Plan required by Subsection A shall occur within the Wetland Restoration Area identified in Subsection A.
- C.** No development other than that allowed within wetland buffers pursuant to Zoning Code Section 18.38.080 shall occur within 100 feet of the Wetland Restoration Area identified in Subsection A.
- D. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** applicants shall submit, for the review and approval of the Executive Director, **Revised Plans** for the southern project area demonstrating that no development other than the uses allowed within wetland buffers pursuant to Zoning Code Section 18.38.080 shall occur within 100 feet of the either the restored or existing wetlands located in the Wetland Restoration Area identified in Subsection A. The permittee shall undertake development in accordance with the final revised plans approved by the Executive Director. No proposed changes to the final plans approved by the Executive Director shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- E. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over the Wetland Restoration Area and within 100 feet of the Wetland Restoration Area, reflecting the above restrictions on development in the Wetland Restoration and buffer areas. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the identified areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**3. Raptor Protection in Western Area**

Within thirty days prior to any clearing, grading or other construction or heavy activity within the Western Area as generally depicted on **Exhibit 20**, a qualified biologist shall survey the entire Western Area proposed for grading or construction, including trees and other vegetation, and the area within 650 feet of the proposed development for signs of raptor nesting. All development is prohibited within a radius of 650 feet of nesting raptors until a qualified biologist determines that the fledglings have left the nest and the nest has been abandoned.

**4. Tree Protection Plan for Central Area**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicants shall provide, for the review and approval of the Executive Director, a **Tree**

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**Protection Plan** for the Central Area located south of Wavecrest Road and generally depicted on **Exhibit 19** that includes but is not limited to the following components:

1. The plan shall be designed to retain the maximum number of existing trees in the Central Area as depicted on **Exhibit 19**, but in no event shall the plan protect fewer than 65 trees in the Central Area of the project site.
2. The plan shall be designed to allow maximum use of the trees and vicinity by raptors.
3. Each removed tree shall be replaced by a tree of a native or other appropriate species at a ratio of 1:1 within 200 feet of the original tree, to the maximum extent feasible. If such a distance is infeasible, the replacement tree shall be planted within the Wavecrest Village Project area as identified under this permit.
4. The applicants shall plant trees of varying ages and sizes.
5. The applicants shall manage the replacement trees for the life of the development. Any replacement tree that dies during establishment shall be replaced.
6. The plan shall show the locations, size, and species of all new and replacement plantings.

**B.** The permittee shall undertake development in accordance with the final plans approved by the Executive Director. No proposed changes to the final plans approved by the Executive Director shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**5. Landscaping Plan**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Final Landscaping Plan** for all open space and common areas on the entire project site. The landscaping plan shall be designed to maintain open views to the coast and the bluffs seaward of the developed areas, and shall maximize use of drought tolerant native species. Planting of invasive exotic species is prohibited throughout the development site.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the project site, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicants' entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**6. Grading Plan**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Final Grading Plan** specifying:

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1. The respective quantities of cut and fill and the final design grades and locations for all building foundations, streets, public accessways, the detention pond, and drainage pipes; and
  2. The phasing of all grading during construction consistent with all terms and conditions of A-1-HMB-99-051.
- B.** Grading shall be conducted in strict conformity with the approved Grading Plan, Erosion Control Plan, SWPPP, and Wetlands Protection Plan. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**7. Erosion Control**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall provide, for the review and approval of the Executive Director, an **Erosion Control Plan** to reduce erosion and, to the maximum extent practicable, retain sediment on-site during and after construction. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. The Erosion Control Plan shall incorporate the Best Management Practices (BMPs) specified below.

**1. Erosion & Sediment Source Control**

- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. Land clearing activities should only commence after the minimization and capture elements are in place.
- b. Time the clearing and grading activities to avoid the rainy season (October 15 through April 30).
- c. Minimize the area of bare soil exposed at one time (phased grading).
- d. Clear only areas essential for construction.
- e. Within five days of clearing or inactivity in construction, stabilize bare soils through either nonvegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- f. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- g. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.

- h. Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from any wetlands or drainages. Stockpiled soils shall be covered with tarps at all times of the year.
- i. Excess fill shall not be disposed of in the Coastal Zone unless authorized through either an amendment to this coastal development permit or a new coastal development permit.

**2. Runoff Control and Conveyance**

- a. Intercept runoff above disturbed slopes and convey it to a permanent channel or stormdrains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- b. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.

**3. Sediment-Capturing Devices**

- a. Install stormdrain inlet protection that traps sediment before it enters the storm sewer system. This barrier could consist of filter fabric, straw bales, gravel, or sand bags.
- b. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
- c. Construction of the detention pond and constructed wetlands, as further described in **Special Conditions 2 and 9**, shall be completed during the first phase of project grading. Sediments collected in the detention pond during project construction shall be removed prior to occupancy of the residential neighborhood.
- d. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences should be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.

**4. Chemical Control**

- a. Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.
- b. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
- c. Develop and implement spill prevention and control measures.
- d. Provide sanitary facilities for construction workers.
- e. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be

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disposed of at a location not subject to runoff and more than 50 feet away from a stormdrain, open ditch or surface water.

- f. Provide adequate disposal facilities for solid waste, including excess asphalt, produced during construction.
- g. Develop and implement nutrient management measures. Properly time applications, and work fertilizers and liming materials into the soil to depths of 4 to 6 inches. Reduce the amount of nutrients applied by conducting soil tests to determine site nutrient needs.

**B. Erosion Control Monitoring and Maintenance.**

- 1. Throughout the construction period, the applicants shall conduct regular inspections of the condition and operational status of all structural BMPs provided in satisfaction of the approved Erosion Control Plan. The applicant shall report the results of the inspections in writing to the Executive Director prior to the start of the rainy season (no later than October 15<sup>th</sup>), after the first storm of the rainy season, and monthly thereafter until April 30<sup>th</sup> for the duration of the project construction period. Major observations to be made during inspections and reported shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed.
  - 2. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed property entry as needed to conduct on-site inspections throughout the construction period.
  - 3. All BMP traps/separators and/or filters shall be cleaned at minimum prior to the onset of the storm season and no later than October 15<sup>th</sup> each year.
  - 4. Sediment traps/basins shall be cleaned out at any time when 50% full (by volume).
  - 5. Sediment shall be removed from silt fences at any time when it reaches 1/3 the fence height.
  - 6. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.
  - 7. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described above.
- C.** The applicant shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan and the Wetlands Protection Plan.
- D.** The permittee shall undertake development in accordance with the final erosion control plans approved by the Executive Director. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**8. Stormwater Pollution Prevention**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a **Stormwater Pollution Prevention Plan (SWPPP)**. The SWPPP shall demonstrate that the approved development shall maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels, and reduce the post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings. The SWPPP shall incorporate the Best Management Practices (BMPs) described below.

**1. Minimize Creation of Impervious Surfaces**

- a. Design residential streets for the minimum required pavement widths needed to comply with all zoning and applicable ordinances to support travel lanes, on-street parking, emergency, maintenance and service vehicle access, sidewalks, and vegetated open channels.
- b. Minimize the number of residential street cul-de-sacs and incorporate landscaped areas to reduce their impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and vehicle turnarounds. Alternative turnarounds shall be employed where allowable.
- c. Avoid curb and gutter along driveways and streets where appropriate.
- d. Incorporate landscaping with vegetation or other permeable ground cover in setback areas between sidewalks and streets.
- e. Use alternative porous material/pavers (e.g., hybrid lots, parking groves, permeable overflow parking, crushed gravel, mulch, cobbles) to the extent practicable for sidewalks, driveways, parking lots, or interior roadway surfaces.
- f. Reduce driveway lengths, and grade and construct driveways to direct runoff into adjacent landscaped areas.
- g. Direct rooftop runoff to permeable areas rather than driveways or impervious surfaces in order to facilitate infiltration and reduce the amount of stormwater leaving the site.

**2. Roads and Parking Lots**

- a. Install vegetative filter strips or catch basin inserts with other media filter devices, clarifiers, grassy swales and berms, or a combination thereof to remove or mitigating oil, grease, hydrocarbons, heavy metals and particulates from stormwater draining from all roads and parking lots.
- b. Roads and parking lots should be vacuum swept monthly at a minimum, to remove debris and contaminant residue.

**3. Landscaping**

- a. Native or drought tolerant adapted vegetation should be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.

- b. Where irrigation is necessary, the system must be designed with efficient technology. At a minimum, all irrigation systems shall have flow sensors and master valves installed on the mainline pipe to ensure system shutdown in the case of pipe breakage. Irrigation master systems shall have an automatic irrigation controller to ensure efficient water distribution. Automatic irrigation controllers shall be easily adjustable so that site watering will be appropriate for daily site weather conditions. Automatic irrigation controllers shall have rain shutoff devices in order to prevent unnecessary operation on rainy days.

**B. Stormwater Pollution Prevention Maintenance and Monitoring**

1. The applicant shall conduct an annual inspection of the condition and operational status of all structural BMPs provided in satisfaction of the approved SWPPP including the detention basin. The results of each annual inspection shall be reported to the Executive Director in writing by no later than June 30<sup>th</sup> of each year for the following the commencement of construction. Major observations to be made during inspections and reported shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed property entry as needed to conduct on-site inspections of the detention basin and other structural BMPs.
2. All BMP traps/separators and/or filters shall be cleaned prior to the onset of the storm season and no later than October 15<sup>th</sup> each year. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.
3. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described above.

**C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the project site, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicants' entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**9. Detention Pond**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide, for the review and approval of the Commission, after consultation with the USFWS and the Department of Fish and Game, a **Detention Pond Plan** for the design, construction, maintenance and monitoring of the proposed detention pond in the Western Area as generally depicted on **Exhibit 20** to provide:

1. Wetland habitat suitable for use by California red-legged frogs.

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2. Habitat suitable for use by San Francisco garter snakes.
3. Habitat suitable for use by wetland bird species.
4. Emergent wetlands, riparian habitat, and associated upland.
5. A minimum 100-foot buffer around the perimeter of the detention basin vegetated with a mixture of dense native riparian and upland shrubs and low trees typical of natural coastal bluff terrace, riparian, and wetland communities in this region.
6. Improved water quality through removal of fine sediments, phosphorous, and nitrogen.
7. Regular maintenance of the detention basin in perpetuity, including sediment removal and mowing to maintain the water quality treatment and habitat functions.
8. A permanent funding source for the long-term maintenance of the detention basin.
9. Ensure the detention basin shall be sized appropriately to treat 100% of the agricultural drainage conveyed through the development site and, consistent with the terms of the proposed project description, the runoff generated from up to and including the 1.2-inch, 24-hour rainfall event.

**B. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the applicant shall construct the detention pond in accordance with the plan approved by Commission. No changes to the detention pond plan approved by the Commission shall occur without a Commission amendment to this coastal development permit.

**C.** No development, as defined in section 30106 of the Coastal Act shall occur in the detention pond except for maintenance in accordance with Subdivision 9.A.7 of this permit condition above.

**D. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and after the Commission has approved the plan for the detention pond required by **Special Condition 9.A**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over the entire project site, reflecting all restrictions on development in the detention pond. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the detention pond. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**10. Water Quality Monitoring**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director a **Water Quality Monitoring Plan (WQMP)**. The WQMP shall be designed to evaluate the effectiveness of the SWPPP to protect the quality of surface and groundwater and shall provide the following:

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1. The WQMP shall specify **sampling** locations appropriate to evaluate surface and groundwater quality throughout the project site, including, but not limited to the detention pond outlet, sports fields, Wetland Restoration Area required by **Special Condition 2**, and major storm drains.
  2. The WQMP shall specify **sampling** protocols and permitted standards for all identified potential pollutants including, but not necessarily limited to: heavy metals, pesticides, herbicides, suspended solids, nutrients, oil, and grease.
- B.** Beginning with the start of the first rainy season (October 15 - April 30) following commencement of development and continuing until three years following completion of all grading, landscaping and other earth disturbing work, surface water samples shall be collected from the detention pond outlet during the first significant storm event of the rainy season and each following month through April 30. Sampling shall continue thereafter in perpetuity on an annual basis during the first significant storm event of the rainy season.
- C.** If an exceedance of any water quality standards specified in the WQMP occurs, the applicant shall conduct an assessment of the potential sources of the pollutant and the potential remedies. If it is determined based on this assessment that applicable water quality standards have not been met as a result of inadequate or failed BMPs, corrective actions or remedies shall be required.
- D.** If potential remedies or corrective action constitute development, as defined in Section 30106 of the Coastal Act, an amendment to this permit shall be required.
- E.** Results of monitoring efforts shall be submitted to the Commission upon availability.
- F. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the project site, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicants' entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**11. Vertical Access**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall obtain Commission authorization of a **Beach Access Plan** for the design and construction of a public beach accessway at the end of Redondo Beach Road from the top of the bluff to the beach. The Beach Access Plan shall include but is not limited to the following components:
1. Alternative designs and locations for a stairway, ramp, or combination of stairs and ramps from the top of the coastal bluff at the end of Redondo Beach Road to the beach. One alternative considered shall be as generally depicted in **Exhibit 25**.

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2. Improvements to the existing parking lot at the end of Redondo Beach Road to provide 50 public access parking spaces.
3. Public beach access signage at the intersection of Redondo Beach Road and Highway 1 and at the end of Redondo Beach Road to inform the public of the right to use pedestrian access to the shoreline near the end of Redondo Beach Road.
4. Evidence that the County, City, and/or other private landowners agree to the construction of the access improvements on publicly-owned and privately-owned land as needed to implement the access improvement plan.
5. An assessment of any potential impacts to environmentally sensitive habitat areas as defined LUP Policy 3-1 within the region of any proposed trail, stairway, and/or ramp from Redondo Beach Road to the beach.
6. A detailed budget and schedule for the construction of the improvements described in the plan including the costs of obtaining easements or other property interests as needed.

**B. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the permittees shall either:

1. Complete the construction of the trail and stairways/ramps from the existing parking area at the end of Redondo Beach Road to the beach in accordance with the approved plan; or
2. Provide to the City of Half Moon Bay, in accordance with a letter of agreement between the Executive Director, the City and the applicants, sufficient funds to complete the construction of the trail and stairways/ramps from the existing parking area at the end of Redondo Beach Road to the beach in accordance with the approved plan.

**12. Public Parking**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Public Parking Plan** for the design and construction of public parking lots at Wavecrest Road near the sports fields and other areas within the project site as necessary to provide a minimum of 225 public parking spaces in perpetuity to serve the active recreation and open space areas within the Wavecrest Village project site. The Public Parking Plan shall include adequate signage to clearly indicate the areas available for public parking within the project site.
- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the permittees shall complete the construction of at least

225 public parking spaces and installation of associated signage in accordance with the approved Public Parking Plan.

**C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over the property containing the public parking area(s) identified in the approved Public Parking Plan, restricting these areas exclusively for public parking use in perpetuity. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the identified public parking areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**13. Coastside Trail and Evidence of Easement Dedication**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and as indicated in the proposed project description, the applicants shall submit, for the review and approval of the Executive Director, written evidence that a public access easement for the Coastside Trail has been dedicated in perpetuity to the City of Half Moon Bay. The easement shall consist of a 15-foot-wide public access easement for the Coastside Trail, as shown in the Public Coastal Access Route and generally depicted in **Exhibit 22**, and as further described as follows:

1. The northerly Coastside Trail segment shall be aligned to meet the accessway bridge across the County drainage channel, at the northerly boundary of the Western Area.
2. The blufftop Coastside Trail segment shall maintain a 100-foot setback from the edge of the top of bluff. A connecting trail link to the public bluff top leading to a vista point near the southwesterly corner of the Western Area may be permitted to be located within the 100-foot bluff edge setback area.
3. The north-south Coastside Trail segment between the Western Area and Redondo Beach Road shall be located outside any delineated wetland, but may be located in the 100-foot-wide buffer of any delineated wetland.

**B.** The recorded document shall include legal descriptions of the applicants' entire parcel(s) and the easement area. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition.

**C. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the applicants shall complete construction of a 10-foot-wide, all-weather surface pathway within the Coastside Trail easement, open the trail to the public, and install public access signage as specified in **Special Condition 14** below.

**14. Public Access Signage**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Public Access Signage Plan** that includes written evidence of Caltrans approval of any encroachment permit(s) required for signs proposed to be located within the Highway 1 right-of-way. The signage plan shall be designed to direct the public to the Coastside Trail and the Redondo Beach Accessway with appropriately sized signs to be installed at the following locations:

1. In or adjacent to the Highway 1 right-of-way north and south at appropriate locations to indicate the public accessways at the Main Street extension (Smith Parkway), Wavecrest Road, and Redondo Beach Road;
2. In or adjacent to the intersection of the Main Street extension and Street C;
3. In or adjacent to the intersection of Wavecrest Road and Street C;
4. In or adjacent to the intersection of the Occidental Street right-of-way and Redondo Beach Road;
5. At the parking lot at the end of Wavecrest Road;
6. In or adjacent to the Coastside Trail bridge over the County drainage channel, north of Parcel I, at the southerly terminus of the Coastside Trail on Parcel I; and
7. At all Coastside Trailheads.

**B. PRIOR TO COMMENCEMENT OF CONTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the applicants shall complete the installation of all public access signage indicated in the approved signage plan. The signs shall be maintained by the applicant for the life of the development authorized by A-1-HMB-99-051. No changes to the signage plan approved by the Executive Director shall occur without a Commission amendment to this permit unless the executive director determines no amendment is required.

**15. Offer to Dedicate Scenic Corridor Easement**

**A.** No development, including landscaping, within the Scenic Corridor identified in the May 2001 Wavecrest Village Illustrative Plan (**Exhibit 4**), shall interfere with or in any way block the existing views of the ocean from the intersection of Highway 1 and Main Street that are documented pursuant to Subdivision B of this permit condition.

**B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director: (1) photo

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documentation of the existing views of the ocean from the intersection of Highway 1 and Main Street; and (2) evidence that development to be constructed pursuant to A-1-HMB-99-051 will not interfere with or in any way block the existing views of the ocean from the Intersection of Highway 1 and Main Street.

- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record, for the review and approval of the Executive Director, an irrevocable offer to dedicate a Scenic Corridor Easement in perpetuity over the scenic corridor identified in May 2001 Wavecrest Village Illustrative Plan (**Exhibit 4**). The recorded document shall include legal descriptions of the applicants' entire parcel(s) and the easement area. The recorded document shall also reflect that development in the easement area is restricted as set forth in Subdivision A of this permit condition. The offer shall be recorded free of prior liens and encumbrances which the executive director determines may affect the interest being conveyed. The offer shall run with the land in favor of the people of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

**16. Evidence of Open Space Fee Title and Easement Dedications**

**A. Open Space Fee Title Dedications**

1. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and as indicated in the proposed project description generally depicted in **Exhibit 4**, the applicants shall submit, for the review and approval of the Executive Director, written evidence that dedication of fee title to the riparian preserve parcel in the Pasture Area, the City sportsfields parcel in the western Ballfields Area, and the blufftop, partial bluff face, and view corridor open space parcel in the Western and Northeastern Areas has been dedicated to the City of Half Moon Bay in perpetuity for open space and conservation purposes.
2. No development, as defined in section 30106 of the Coastal Act shall occur in any of the fee title dedication areas identified in A.1 above except for:
  - a. Vegetation removal for fire management in accordance with a written weed abatement order from the Half Moon Bay Fire District and any coastal development permit required by the City of Half Moon Bay.
  - b. Development and maintenance of detention pond on the Western Area consistent with **Special Condition 9**.
  - c. Landscaping undertaken consistent with the approved Final Landscaping Plan.
  - d. Routine maintenance of the sportsfields.

AND

3. The following development, if approved by a coastal development permit:
  - a. Minor construction associated with the sportsfields.
4. The recorded document shall include legal descriptions of the applicants' entire parcel(s) and the fee title dedication areas. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The recorded document shall also reflect that development in the fee title dedication areas is restricted as set forth in this permit condition.

**B. Open Space Easement Dedications**

1. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and as indicated in the proposed project description as generally depicted in **Exhibit 4**, the applicants shall submit, for the review and approval of the Executive Director, written evidence that easements have been dedicated to the City of Half Moon Bay in perpetuity for open space and conservation purposes, over the following geographical areas:
  - a. The landscape corridor along Highway 1 north of the Main Street extension and along the north side of the Smith Parkway/Main Street extension, between Highway 1 and the intersection with Street C;
  - b. The Smith Parkway/Main Street extension; and
  - c. Any neighborhood parks located in the northern residential area.
2. No development, as defined in section 30106 of the Coastal Act shall occur in any of the easement dedication areas identified in B.1 above except for:
  - a. Vegetation removal for fire management in accordance with a written weed abatement order from the Half Moon Bay Fire District and any coastal development permit required by the City of Half Moon Bay.
  - b. Landscaping undertaken consistent with the approved Final Landscaping Plan.
  - c. Grading, paving, installation of drainage and utilities, and other improvements associated with the development of the Smith Parkway/Main Street extension.

AND

3. The following development, if approved by the Coastal Commission as an amendment to this coastal development permit:

- a. Minor construction related to the development of any neighborhood park.

**17. Cumulative Public Access Impact Mitigation**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit evidence, for the review and approval of the Executive Director, that the development rights have been permanently extinguished on at least 225 legal lots as specified herein such that the subdivision of property for market rate residences shall not result in a net increase of developable lots. If the applicants choose to reduce the number of new lots created for market rate residential development, the number of lots required to be extinguished may be reduced proportionately on a 1:1 basis such that the subdivision of property authorized herein shall not result in a net increase of legal lots for market rate residential development within that geographical area. The lots shall be extinguished only in the Mid-Coast Region of San Mateo County, an area that is generally depicted on **Exhibit 26** and that is primarily served by the segment of Highway 1 between its intersection with Highway 92 and Devil's Slide and/or by the segment of Highway 92 west of Highway 280. Each mitigation lot shall be an existing legal lot or combination of contiguous lots in common ownership and shall be zoned to allow development of a detached single-family residence. The legality of each mitigation lot shall be demonstrated by the issuance of a Certificate of Compliance by the City or County consistent with the applicable standards of the certified LCP and other applicable law.
- B. For each development right extinguished in satisfaction of subdivision A of this permit condition, the applicants shall, prior to issuance of the coastal development permit execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an open space or scenic easement to preserve the open space and scenic values present on the property that is the source of the development right being extinguished and to prevent the significant adverse cumulative impact to public access to the coast that would result as a consequence of development of the property for residential use. Such easement shall include a legal description of the entire property that is the source of the development right being extinguished. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition. Each offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.
- C. For each development right extinguished in satisfaction of subdivision A of this permit condition, the applicants shall, prior to issuance of the coastal development permit, also execute and record a deed restriction, in a form and content acceptable to the Executive Director, requiring the applicants to combine the property that is the source of the development right being extinguished with an adjacent already developed lot or with an

adjacent lot that could demonstrably be developed consistent with the applicable certified local coastal program. The deed restriction shall include legal descriptions of all combined and individual lots affected by the deed restriction. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

- D.** As an alternative to the method described in subsection B and C above, the applicants may instead, prior to issuance of the coastal development permit, purchase legal lots that satisfy the criteria in subsection A above and, subject to the review and approval of the Executive Director, dedicate such lots in fee to a public or private land management agency approved by the Executive Director for permanent public recreational or natural resource conservation purposes.

**18. Housing**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, **Revised Plans**, demonstrating that a minimum of 20 percent of the total number of dwelling units to be developed shall be priced at levels that are affordable to Low and Moderate Income households as defined by Zoning Code Section 18.35.015.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record an Affordable Housing Agreement with the City of Half Moon Bay in a form and content acceptable to the Executive Director, reflecting the following affordable housing requirements and restrictions.
1. At least 25 percent of the affordable units shall be priced at levels that are affordable to Very Low and Low Income households as defined in Zoning Code Section 18.35.015.
  2. All affordable housing units constructed under this permit condition shall only be occupied by the qualified buyer or tenant, as defined by Zoning Code Sections 18.35.015.G and 18.35.015.H. Ownership units shall be owner-occupied. No sub-leasing or other transfer of tenancy of any ownership or rental unit is permitted.
  3. The affordable housing units constructed under this permit condition may be resold at any time on the open market to a qualified buyer as defined pursuant to Zoning Code Section 18.35.015.G.
- E. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above affordable housing requirements and restrictions or development of the property. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the areas subject to the restriction. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the

enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**19. Caltrans Approval**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall provide, for the review and approval of the Executive Director, written evidence of Caltrans final approval of any encroachment permit(s) required for construction proposed within the Highway 1 right-of-way.

**20. Revised Vesting Tentative Tract Map**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a revised vesting tentative tract map approved by the City of Half Moon Bay which conforms with and reflects all conditions of approval of A-1-HMB-99-051.

**21. Scope of Permit Approval**

This permit authorizes only the development specifically identified in the Commission's findings. All development not specifically identified in the Commission's findings must obtain coastal development permits separate from this permit authorization.

**3.0 PROJECT SETTING AND DESCRIPTION**

**3.1 Standard of Review<sup>1</sup>**

The Wavecrest Village Project is located within the City of Half Moon Bay in the California coastal zone. 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. The standard of review for this project is therefore the certified Local Coastal Program (LCP) of the City. Pursuant to Section 30604(c) of the Coastal Act, the public access and recreation policies of the Coastal Act (Sections 30210 through 30224) are also the standard of review because the project is located between the first public road and the ocean.

Pursuant to Policy 1-1 of the City's certified Land Use Plan (LUP), the City has adopted the coastal planning and management 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.

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<sup>1</sup> The full text of the LCP and Coastal Act referenced herein are attached as Appendix B of this report.

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The project site is located within the Planned Development District (PDD) designated in the City's LUP as the Wavecrest PDD. Section 9.3.6 of the LUP specifically addresses the development of the Wavecrest PDD, 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 (r) contained in LUP Section 9.3.6 are included in the standard of review for this proposed project and are hereinafter referred to as LUP Policies 9.3.6(a) through 9.3.6(r).

Finally, the proposed Wavecrest Village Planned Unit Development/Specific Plan identifies standards which are not included within the certified LCP. Because the Specific Plan includes development standards which are different from those contained in the certified LCP, the Specific Plan can be considered an amendment to the certified LCP. Pursuant to Section 30514 of the Coastal Act, LCP amendments shall not take effect until certified by the Commission. Because the Specific Plan has not been certified by the Coastal Commission as an amendment to the LCP, it is not the standard of review for this coastal development permit application. Instead, as mandated by Sections 30604(b) and (c) of the Coastal Act, the proposed development will be assessed for its consistency with the certified LCP and the access and recreation policies of the Coastal Act.

## **3.2 Background**

### **Appeal**

On July 6, 1999, the City of Half Moon Bay approved a Specific Plan Development Agreement and associated coastal development permits (CDPs) for development of the 207.5 acre North Wavecrest Village area. The City's specific actions are listed in *Wavecrest Village Specific Plan, 1996* below.

Pursuant to Coastal Act Section 30603, an action taken by the City on a CDP application is appealable to the Coastal Commission for developments between the sea and the first public road paralleling the sea, and for developments located within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. Leonard Beuth, et al.; Helen J. Carey; Wayward Lot Investment Co. and San Mateo Land Exchange; and Commissioners Sara Wan and Shirley Dettloff appealed the City's approvals to the Commission within the Commission's appeal period. The appellants alleged that the project raised issues with the certified Local Coastal Program and the public access policies of the Coastal Act. Specifically, the appellants' contentions concerned the project's inconsistencies with policies regarding protection of sensitive habitats, provision of public access, protection of visual resources, new development and the availability of public services contained in the LCP, and inconsistencies with several Coastal Act policies cited in the City's LCP.

The Commission consolidated the separate permit approvals and heard the appeal on November 5, 1999. (The October 20, 1999 Adopted Findings staff report is contained in the administrative

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record.) The Commission found that the appeals raised a **substantial** issue regarding the conformance with the policies of the certified Local Coastal Program and the public access policies of the Coastal Act. As a result of the appeal and **finding** of substantial issue, the City's approvals of the CDPs have been stayed and are not effective. The Commission must now consider the entire **application de novo** (PRC §§ 30603, 30621, and 30625, 14 CCR § 13115).

**3.3 Project Location**

The Wavecrest Village Project is located entirely within the City of Half Moon Bay, approximately one mile south of downtown, at the intersection of Highway 1 and Main Street (**Exhibit 3**). The 207.5-acre site is bounded by Highway 1 to the east, the Seymour Street right-of-way to the north, the Pacific Ocean to the west, and Marinero Avenue to the south. Automobile access to the site is currently from Highway 1 via Wavecrest Road.

The surrounding land uses include passive open space, open space reserve, planned development, exclusive floriculture, visitor-serving commercial, and single-family residential areas. Passive open space exists to the north of the project site along the bluff. The West of Railroad Avenue PDD and Arleta Park, a residential neighborhood, is located to the north. A church is located on the adjacent mostly vacant parcel at the intersection of Highway 1 and the Seymour Street right-of-way.

To the east of Highway 1 and east of the project site are commercial general development, planned development, and open space reserve. An automobile dealership is located at the intersection of Main Street and the Seymour Street right-of-way. Commercial greenhouses exist adjacent to the project area's southeastern boundary, between Wavecrest Road and Redondo Beach Road. A church, daycare center, horse riding stable, and restaurant are also located in this area.

Ocean Colony, a private residential community, is located to the south of the Wavecrest Village Plan area.

The project area's western boundary abuts the Pacific Ocean. Approximately one-third of the blufftop is in the project area. The blufftop area south of the project area consists mostly of undeveloped gently sloping coastal bluff terrace. A model airplane runway and informal trails exist in this area.

**Wavecrest Planned Development District (PDD)**

The 207.5-acre Wavecrest Village Project is located within the 620-acre area designated in the LCP as the Wavecrest Restoration Project Planned Development District (PDD). The Wavecrest PDD consists of two project areas: the North Wavecrest Area (about 480 acres north of the Ocean Colony development) and the South Wavecrest Area (approximately 140 acres south of the Ocean Colony development). The Wavecrest Village Project is in the North Wavecrest Area, occupying the northern and central portion of the PDD.

The LUP designates seventeen areas of the City as PDDs. As defined in the LUP, a "Planned Development District" refers to:

*... generally large, undeveloped parcels and areas suitable for residential use, with possible inclusion of neighborhood recreation facilities, commercial recreation, and*

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*office/industrial. The purpose of this designation is to prevent piecemeal development and to replan old subdivisions by requiring that the entire area or parcel be planned as a unit and be developed in accordance with such a plan. Use of flexible and innovative design concepts is encouraged. Refer to Section 9.3.2 for detailed requirements and permitted uses.*

Zoning Code Section 18.15.015 supports the Planned Development District designation by zoning these areas as Planned Unit Development Districts (PDD) in the City's Implementation Plan and Zoning Map.

Section 9.3.2 explains the intent of the Planned Development District designation:

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

Section 9.3.6 of the LUP discusses the goals of planned development specific to the Wavecrest PDD (referred to as the Wavecrest Restoration Project) and the opportunities and constraints of the North and South Wavecrest Project Areas, and imposes 18 development conditions on the PDD. These conditions were adopted as LUP policies solely pertaining to development in the Wavecrest PDD.

The PDD designation is intended to achieve five goals: the consolidation and replatting of about 1,400 substandard lots in paper subdivisions; provision of public access to the coast; restoration and protection of riparian corridors and bluffs; establishment of a stable Urban/Rural Boundary to preserve the potential for agricultural use of vacant and idle land south of the City; and generation of funds to protect lands with agricultural potential located outside of the project area.

**Projects in the Wavecrest Planned Development District**

***Wavecrest Restoration Project, 1981***

The Wavecrest Restoration Project is one of seventeen areas designated for Planned Development in the City's LUP. The California Coastal Conservancy sponsored this project, which was approved by the Conservancy, the Coastal Commission, and the City in 1981, prior to the certification of the LUP in 1985 (Brady LSA January 1999 p.35; City of Half Moon Bay 1993). The project is intended to restore a large portion of small-lot subdivisions and deteriorated natural conditions to meet Coastal Act and Coastal Conservancy objectives, and to

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generate revenue to acquire prime agricultural land in the City which would otherwise be developed (Sanger 1981). Although references to the Conservancy Plan or to the Wavecrest Restoration Project are throughout the LUP, the project as planned never materialized. The Project Plan, however, was adopted as part of the LCP (**Exhibit 4**).

**South Wavecrest Redevelopment Area, 1994**

The South Wavecrest Redevelopment Project proposed the division of the South Project Area into two lots for the construction of an 18-hole golf course on approximately 122 acres. The construction included tree removal, grading, and onsite mitigation and restoration for riparian and wetland disturbance. The project also included the extension of Miramontes Point Road, construction of a golf cart/pedestrian bridge, offers to dedicate vertical and lateral public access easements, and the reservation of a parking lot for public use by recording a deed restriction. The construction of public access improvements included a 15-car public parking lot off Miramontes Point Road, two portable toilets permanently located near the parking lot, vertical trails between the parking lot and the bluff, a lateral blufftop trail, three scenic overlooks, and a connecting stairway to the beach). The Coastal Commission approved the CDP with conditions in December, 1994.

**North Wavecrest Redevelopment Plan, July 1995**

In 1994, the Community Development Agency of the City of Half Moon Bay prepared a Redevelopment Plan for the Half Moon Bay North Wavecrest Redevelopment Project. The Redevelopment Plan addressed the 480-acre north project area, and proposed the development of up to 750 housing units; an 18-hole golf course and driving range; a 10-acre RV park; a 35-acre community park; an 8-12-acre school site; and various visitor-serving commercial uses.

The Redevelopment Plan was adopted by the City Redevelopment Agency and the City Council in July 1995, subject to voter referendum. The voters rejected the Redevelopment Plan in November 1995.

In March 1994, the Redevelopment Agency had entered into an agreement (the First Amended and Restated Agreement for Advance Funds) with the North Wavecrest major property owners. The funding agreement included an agreement that if a Redevelopment Plan was not adopted by December 31, 1995, the Agency would work with the owners to replan their property to permit its development, consistent with the LCP. The Agency would further allow the owners to use data, reports, and studies undertaken in connection with the Redevelopment Plan to process development approvals on the property. The City joined in the agreement via a Cooperation Agreement. The project was not adopted.

**Wavecrest Village Specific Plan, 1996**

In June, 1996, Concar Enterprises, Inc. and North Wavecrest Partners, L.P. submitted an application to the City of Half Moon Bay for a Specific Plan Planned Unit Development Coastal Development Permit (CDP-11-96). The 1996 Specific Plan proposed the following on 178.3 acres: 345 medium-density residential units; visitor-serving commercial uses including retail, cabins or campsites, a recreational vehicle park, and landscaped areas. The Planning Commission took no action on this Plan, but gave the applicants and City staff further direction

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to continue working on issues of concern. A Wavecrest Subcommittee was formed to work with the applicants, and based on its recommendations, the City requested that the proposed Specific Plan be revised to better reflect the City's objectives for the property (City of Half Moon Bay Planning Department April 1999). In response, the applicants prepared a revised Specific Plan. The July, 2000 version of the Wavecrest Village Specific Plan is a revision of the 1996 Specific Plan.

A Draft EIR for the Wavecrest Village Specific Plan circulated for public review in February and March of 1999. The Final EIR with responses to comments was released in June 1999. The City Council recertified the Final EIR on July 6, 1999.

On July 1, 1999, the Planning Commission approved the following nine CDPs, subject to the City Council's approval of the Planned Unit Development and CDP for the Wavecrest Village Specific Plan:

1. certification of a Final Environmental Impact Report and approval of a Planned Unit Development and CDP for the Wavecrest Village Specific Plan;
2. approval of a CDP and Use Permit for the North Residential Neighborhood;
3. CDP and Use Permit for the South Residential Neighborhood (Market Rate Units);
4. CDP and Use Permit for the South Residential Neighborhood (Below-Market Rate Units);
5. CDP and Use Permit for Community Open Space;
6. CDP, Use Permit, and Site Design Permit for Middle School;
7. CDP, Use Permit, and Site Design Permit for Boys and Girls Club;
8. CDP and Use Permit for Community Park and Ball Fields; Phase 1-A, 1-B, and 1-C Vesting Tentative Maps and Coastal Development Permit; and
9. Development Agreement and Development Phasing Plan for the entire Wavecrest Village Specific Plan area.

On July 6, 1999, the City Council approved the CDPs listed above and signed Resolution C-56-99, the Wavecrest Village Specific Plan Planned Unit Development Permit and Coastal Development Permit, in which the City Council ratified and adopted the findings and decisions of the Planning Commission as set forth in Resolutions P-(22-28)-99. Four parties appealed to the Coastal Commission the City's approvals of the CDPs related to this project.

### **3.4 Project Description**

**Exhibit 4** is a site plan showing the proposed project under consideration by the Commission for a coastal development permit. For ease of identification, **Exhibit 5** labels the geographic areas of the proposed project. The Northeastern area is further divided into the northern residential area and the mixed-use area to the east. The components generally consist of the following on 206.7 acres in the Wavecrest PDD in the City of Half Moon Bay:

- Creation of 235 parcels from the existing 217 parcels in the applicants' legal interest<sup>2</sup>;

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<sup>2</sup> The applicants' agent states that the merging of lots in the Redondo View antiquated subdivision to create Parcel C would not affect the City's transportation access easement to the privately-owned parcels in the subdivision that are not considered part the project.

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- Retirement of 206 lots in an antiquated subdivision located in the Central wetland area;
- Construction of public streets: the Smith Parkway/Main Street extension, Street C, Wavecrest Road, and the portion of Redondo Beach Road between Occidental Street right-of-way and Highway 1;
- Construction of private streets in the northern and southern residential areas as indicated on **Exhibit 4**;
- Construction of 46 affordable housing units (townhomes and apartments) on two parcels in the mixed-use and Central project areas on a total of about 3 acres;
- Construction of 156 market-rate single family homes on 156 residential lots of approximately 7,200 square feet each in the northern project area on 31 acres;
- Construction of 34 market-rate single family homes on 34 residential lots of approximately 7,200 square feet each in the southern project area on 7.6 acres;
- Construction of 35 market-rate single family homes on 35 residential lots of approximately 7,200 square feet in the mixed-use area on about 4 acres;
- Construction of Middle School with sports fields and 101 parking spaces on 25.3 acres;
- Reconfiguration and construction of 9.8-acre community ballfields;
- Construction of 26,850-square-foot Boys and Girls Club and 56 parking spaces on 2.8 acres;
- Fee-simple dedication to the City of riparian area and open space in the Western project area;
- Dedication of easements for public access of community open space, including ballfields, open space east of the western boundary of the ballfields, Highway 1 buffer, and 1.1 acres in the proposed residential subdivision;
- Construction of 7.7-acre detention pond;
- Installation of traffic improvements, including a four-way traffic signal at the intersection of Highway 1 and Smith Parkway/Main Street extension and turn lanes on Highway 1 and project area streets;
- Lateral extension of the Coastside Trail and other trails;
- Construction of vertical beach access at Poplar State Beach or the provision of sufficient funds to construct vertical access at the end of Redondo Beach Road;
- Installation of utilities (storm drain, sanitary sewer, and water); and
- Associated landscaping.

See **Exhibits 6** through **9** for the relevant project descriptions as submitted by the applicants.

### **3.5 Components Not Considered Under This CDP and Standard of Review**

All development not specifically identified in the Commission's findings for this coastal development permit application must obtain coastal development permit(s) separate from this permit authorization.

Five parcels in the Redondo View antiquated subdivision south of Wavecrest Road are under private ownership and are not included in the proposed project.

## **4.0 FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **4.1 Wetland Fill for Restoration Purposes**

#### **4.1.1 Issue Summary**

The applicants propose to fill delineated wetlands for restoration purposes in two different areas of the project site for a total of approximately 2.3 acres of wetland fill. The wetlands proposed to be filled include the 1.2-acre former agricultural pond in the Northern Residential Neighborhood site and 1.1 acres of the agricultural drainage ditch that crosses the property (**Exhibits 10 and 11**).

Coastal Act/LUP Policy 30233(a) prohibits filling of wetlands except for specific express purposes. Coastal Act/LUP Policy 30233(a)(7) provides that one of the purposes for which wetlands may be filled is "restoration purposes". Thus, the Commission may permit the proposed wetland fill if it is necessary for restoration purposes.

Although restoration as used in Section 30233(a)(7) is not specifically defined in the Coastal Act or the Commission's regulations, past Commission actions provide the Commission with guidance in applying this term. In addition, the California Wetlands Conservation Policy (Executive Order W-59-93) requires that all agencies of the State conduct their activities to ensure no overall net loss and a long-term gain in the quantity, quality, and permanence of wetland acreage and values. Based on these sources, the Commission finds that wetland fill for restoration purposes as used in Coastal Act Section 30233(a)(7) should substantially increase wetland acreage and values.

In addition, the Commission has previously found that wetland fill may not be permitted as restoration under Section 30233(a)(7) unless it is physically necessary to fill wetlands to achieve these wetland restoration goals (see for example CDP1-95-40, City of Pacifica.). Any other interpretation would circumvent the resource protection requirements of this policy by allowing fill for otherwise unpermitted uses, such as residential development, as long as the project includes a proposal to reconstruct wetlands in another location. Such an interpretation would be particularly damaging to wetland resources because wetland restoration projects are notoriously unsuccessful. The National Academy of Sciences report Restoration of Aquatic Resources states, for example,

*Mitigation efforts cannot yet claim to have duplicated lost wetland functional values. It has not been shown that restored wetlands maintain regional biodiversity and recreate functional ecosystems (Zedler and Weller, 1989). There is some evidence that created wetlands can look like natural ones; there are few data to show that they behave like natural ones.*

Thus, fill and relocation of functional wetlands simply to accommodate otherwise impermissible development would be inconsistent with the goal of substantially increasing wetland acreage and

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values. Rather, the fill must be necessary to accomplish the wetland restoration goals and objectives of the project.

Therefore, the Commission finds that to allow fill for restoration purposes in accordance with Coastal Act/LUP Policy 30233(a)(7): (1) the proposed fill must be physically necessary to accomplish the wetland restoration goals and objectives of the project, and (2) the restoration project will substantially increase wetland acreage and values.

**4.1.2 LCP Standards**

Pursuant to LUP Policy 1-1, the City adopted Coastal Act Policies 30210 through 30264 as guiding policies of the Land Use Plan. Thus, these specific policies are considered as LUP policies and are referenced as LUP/Coastal Act policies. LUP/Coastal Act Policy 30231 requires that the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes must be maintained in order to maintain optimum populations of marine organisms and to protect human health.

LUP/Coastal Act Policy 30233 limits the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes to specific purposes where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.

LUP Policy 3-11 and Zoning Code Section 18.38.080(D), prohibit development within 100 feet of wetlands.

Appendix A of the LUP defines wetland as 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.

Zoning Code Section 18.02.040 defines wetland to be that 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.

Zoning Code Section 18.8.010(J) states that the purpose and intent of the LCP's Coastal Resource Conservation Standards are to balance Coastal Act requirements for protection of fragile resources with requirements for the provision of shoreline access, acknowledging that the highest priority is given to environmentally sensitive habitat protection.

Zoning Code Section 18.38.020 defines coastal resource areas to include wetland. As defined in Appendix A of the LUP and 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.

**4.1.3 Discussion**

***Drainage Ditch***

The southern portion of the site south of Wavecrest Road contains wetlands that have not been specifically delineated for purposes of this coastal development permit application (**Exhibit 12**). These wetlands are located in a low-lying area that drains to the beach through a deep arroyo.

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These physical features indicate that the wetland conditions present in this area are due, in part at least, to the site's natural drainage patterns. In addition, irrigation drainage from two commercial nurseries immediately to the east of the site provides a significant volume of water to this area. This artificial water source supports the continuance of wetland habitat in the southern project area and has probably increased the aerial extent of wetlands on the site.

The applicants propose to fill the wetlands in order to redirect storm water runoff and irrigation runoff from irrigated fields inland of Highway 1 to the wetlands in the southern project area (Exhibit 13). Currently, this runoff enters the site through a culvert beneath the highway, crosses the project site through an approximately 4,600-foot-long unlined drainage ditch and is discharged over the bluff through an eroded gully at the northwest corner of the Wavecrest Restoration Area (Exhibit 12)

The drainage course is vegetated predominantly with plants that typically grow in water or wet ground (hydrophytes) and is wet throughout most or all of the year. The presence of wetland plants in the drainage, in conjunction with the hydrology to support the growth of these plants, qualify the drainage ditch as wetlands under the Half Moon Bay LCP. The proposed redirection of the drainage would comprise approximately 1.1 acres of wetland fill. The applicants propose to redirect the runoff from the drainage to restore wetlands in the southern project area. As discussed above, the Commission must evaluate whether the proposed fill of the drainage: (1) is physically necessary to accomplish the wetland restoration goals and objectives of the project, and (2) would substantially increase wetland acreage and values.

***Fill is Physically Necessary for Wetland Restoration***

By redirecting runoff to the southern wetland area, the proposed development will provide a permanent water source to support the continued existence of the southern area wetlands independent of water that has been intermittently supplied from nurseries located on a neighboring property. Without a permanent water source, the wetlands in the southern project area would be dependent on the continued discharge of irrigation water from the nurseries. The nurseries that supply water to this wetland area are not located on the applicants' property and are neither owned nor operated by the applicants. Thus, the applicants currently lack the ability to control the discharge of irrigation water from the nurseries to the wetland habitat in the southern project area. Without the permanent water source that can be provided by rerouting the drainage ditch, any significant decrease in the nursery discharge to the wetlands would threaten the continued existence of the wetland acreage and values in this area. Because providing this permanent water source to the wetlands requires the drainage to be rerouted to the area south of Wavecrest Road, the resulting 1.1 acres of wetland fill is physically necessary to accomplish the wetland restoration goals and objectives of the project. Therefore, the Commission finds that the proposed fill of the drainage ditch to redirect runoff to the southern wetland area and provide such wetlands with a permanent water source is fill for restoration purposes.

***Restoration Provides a Net Gain in Wetland Acreage and Values***

The proposed wetland fill would assure the continuance of the existing wetlands by providing a permanent water source that is within the applicants' control. As such, the proposal would ensure the permanence of wetland acreage and values, consistent with one of the goals of the California Wetlands Conservation Policy. While there is a potential that the adjacent nurseries

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will either cease to operate or to discharge irrigation water into the southern area wetlands, it is not known if this will happen in the foreseeable future.

As stated above, in addition to ensuring that the proposed fill is physically necessary to achieve the restoration goals and objectives, the Commission must ensure that restoration goals and objectives are actually achieved. With regard to this latter requirement, the Commission must ensure that the diverted drainage will substantially increase wetland acreage and values. It is therefore crucial that the Commission evaluate the applicant's proposal to ensure that the proposed wetland fill would truly restore wetlands.

The applicants have not provided a detailed wetland restoration plan, and, as stated above, the wetlands in the southern project area have not been delineated. Without a detailed restoration plan and delineation, the Commission cannot fully assure that the applicants' proposal will substantially increase wetland acreage and values. Therefore, **Special Condition 2** requires the applicants to submit, for the review and approval of the Executive Director, a detailed wetland restoration plan.

As further specified in **Special Condition 2**, the restoration plan must provide for the creation of new essential aquatic habitat, including breeding habitat, suitable for the California red-legged frog as defined in the U.S. Fish and Wildlife Service Critical Habitat Designation for this species (66 FR 14626-14758). The critical habitat designation provides a detailed description of the characteristics of essential aquatic habitat and breeding habitat for the frog. Aquatic habitat essential to the red-legged frog, as further described in the critical habitat designation must include a low-gradient fresh water body, a permanent water source, and be free of non-native predators. To provide breeding habitat, the restored wetland must include an area with a minimum deep water depth of 0.5 meters and maintain water during the entire tadpole rearing season (at least March through July). By providing essential aquatic habitat for the red-legged frog, the restoration project will provide wetland habitat values and functions typical of functional wetlands in the Mid-Coast. To ensure that these restoration goals are met, **Special Condition 2** specifies that the restoration plan must include the following basic elements:

- Sufficient technical detail in the project design including, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the base map, and maintenance techniques;
- Adequate baseline data regarding the existing biological, physical, and chemical characteristics of the restoration area;
- Detailed objectives and goals consistent with regional habitat goals. These objectives and goals must identify functions and or habitats most in need of enhancement or restoration;
- Documentation that the project will continue to function as a viable wetland over the long term;
- Documentation of performance standards, including time periods, that provide a mechanism for making adjustments to the restoration site when it is determined through monitoring, or other means that the restoration techniques are not working;

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- Documentation of the necessary management and maintenance requirements, and provisions for remediation should the need arise;
- An implementation plan that demonstrates there is sufficient scientific expertise, supervision, and financial resources to carry out the proposed activities; and
- A monitoring program that provides for independent monitoring of the restoration area to verify that the objectives of the restoration project are successfully met.

The requirements of **Special Condition 2** are necessary to ensure that the diversion of the drainage ditch will substantially increase wetland acreage and values. Therefore, the Commission finds that as conditioned, the proposed 1.1 acres of wetland fill is allowable as fill for restoration purposes under Coastal Act/LUP Policy 30233(a)(7).

***Alternatives Analysis***

In accordance with Section 30233(a), wetland fill for restoration purposes may only be permitted if there is no less environmentally damaging feasible alternative. Therefore, while the proposed redirection of the drainage ditch, as conditioned, qualifies as fill for restoration purposes, it cannot be permitted unless the Commission determines that there is no less environmentally damaging feasible alternative to achieve the restoration goals and objectives of the project.

The restoration goals and objectives for the southern project area require that an additional and more secure source of water be provided for this area. Without this additional water source, the restoration project would not provide a net gain in wetland acreage and values. Thus, the no project alternative would not achieve the project goals.

The ditch is an artificial feature, averages only several feet wide, is straight-sided, has no associated riparian vegetation or ponded areas. Thus, although the proposed diversion of the drainage ditch would result in 1.1 acres of wetland fill, the environmental damage resulting from this wetland fill would be insignificant. There is also no evidence in the record that a less environmentally damaging feasible alternative exists to provide the additional water source to the wetlands that is necessary to achieve the restoration project objectives. Therefore, the Commission finds that the proposed fill of the drainage ditch meets the alternatives analysis requirement of Coastal Act/LUP Policy 30233(a).

***Mitigation Measures***

Coastal Act/LUP Policy 30233(a) also requires that for any allowable wetland fill, the project provide feasible mitigation measures to minimize adverse environmental effects. As discussed above, the drainage ditch provides only very limited wetland habitat functions because of its unnatural configuration. As conditioned, the proposed wetland restoration project would substantially increase wetland acreage and values. The approved restoration plan required pursuant to **Special Condition 2** will ensure that the restored wetlands provide a more functional wetland ecosystem than the existing drainage ditch provides. In addition, the approved restoration plan also requires the creation of 1.1 acres of functional wetlands in addition to the restoration of the existing wetlands in the southern area of the project site. Thus, the Commission finds that the proposed restoration project, as conditioned, will provide

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environmental benefits adequate to offset the adverse environmental effects of the proposed wetland fill consistent with the mitigation requirement of Coastal Act/LUP Policy 30233(a).

**Buffers**

In accordance with LUP Policy 3-11 and Zoning Code Section 18.38.080(D), development is prohibited within 100 feet of wetlands. Because a wetlands delineation has not been submitted for the southern project area, the Commission cannot evaluate whether the development proposed in this area will conform with the 100-foot wetland setback requirement specified under Zoning Code Section 18.38.080. Furthermore, the wetland restoration plan for this area will increase the aerial extent of these wetlands. However, because the applicants have not yet provided a detailed wetland restoration plan, there is no way at this time to determine specific wetland and corresponding wetland buffer boundaries. Therefore, as proposed, the Commission cannot find the proposed development to be in conformance with the wetland buffer requirements of the LCP.

**Special Condition 2** requires the applicants to submit a wetland delineation that maps the wetlands currently present in the southern project area and a wetland restoration plan with sufficient detail to determine the boundaries of the wetland habitat as restored consistent with the criteria required by **Special Condition 2**. Pursuant to **Special Condition 2**, no development is permitted within 100 feet of the existing and future wetlands as established by the approved wetland delineation and restoration plan. If necessary, the applicants shall relocate or delete any development that does not meet the buffer requirement. Following the submittal of the wetland delineation and restoration plan, **Special Condition 2** requires the applicants to submit revised project plans demonstrating that the proposed development conforms with the 100-foot wetland buffer required under the LCP. Therefore, as conditioned, the Commission finds that the proposed development in the southern project area is consistent with the LCP wetland buffer requirement.

**Former Agricultural Pond**

A former agricultural pond is located in site of the Northern Residential Neighborhood. The pond was constructed between 1948 and 1958 to store groundwater for irrigation (Brady/LSA 1999). Although the pond was originally created for agricultural purposes, this use has been discontinued, and the proposed development will not continue any agricultural use of the site. Approximately 1.2 acres of the former agricultural pond is wet enough long enough to support the growth of hydrophytic plants and is therefore a wetland under the LCP.

The Commission's Regulation Section 13577(b)(2) provides that wetlands 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]

Although the pond was originally created for agricultural purposes, the pond is no longer used for agricultural purposes and the proposed development will not continue this or any other

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agricultural use on the site. Since the pond is no longer used for agricultural purposes, the existing wetland habitat is no longer associated with an agricultural pond. Therefore, the Commission finds that the exemption provided in Section 13577(b)(2) does not apply to the subject wetlands that continue to exist independent of and disassociated from agricultural activities. In addition, filling of the former agricultural pond would support residential, not agricultural activities. The Commission thus finds that the exemption in CCR §13577(b)(2) is inapplicable to wetland fill for other than agricultural purposes. Consequently, the pond is subject to the wetland protection policies of the LCP.

The former agricultural pond is located within the area of the project site that the applicants propose to subdivide and construct 156 market rate detached single-family homes and associated street and utility improvements to create the Northern Residential Neighborhood (**Exhibit 4**). The pond is surrounded by six-foot tall earthen berms that prevent runoff from entering the pond and limit its value as wetland habitat. As proposed, the development of the Northern Residential Neighborhood would include relocating and reconfiguring the former agricultural pond, resulting in 1.2 acres of wetland fill. The applicants propose that this wetland fill would be for restoration purposes and thus permissible under Coastal Act Section 30233(a)(7). As discussed above, the Commission finds that to allow fill of the former agricultural pond for restoration purposes: (1) the proposed fill must be physically necessary to accomplish the wetland restoration goals and objectives of the project, and (2) the restoration project must substantially increase wetland acreage and values.

***Fill is Not Necessary for Wetland Restoration***

Based on the information provided at the time of the writing of the staff recommendation, the proposed relocation of the former agricultural pond is not necessary to accomplish the wetland restoration goals and objectives of the project. The applicants have provided a conceptual plan for the proposed restoration of the former agricultural pond (**Exhibit 29**). This conceptual plan states:

*The overall goal for the restoration of the pond is to construct a wetland that is sustainable over time and which gradually transitions into surrounding upland—thereby providing habitat for wildlife that may use the seasonal wetland.*

The plan specifies that these goals will be accomplished by excavating a similarly-sized area in a more natural configuration than the existing agricultural pond, diverting storm water runoff from the Northern Residential Neighborhood to the excavated area, transplanting wetland vegetation from the existing pond to the new pond and planting native coastal terrace species within the surrounding uplands.

Based on the information provided by the applicants, it is not necessary to fill the existing pond to achieve these wetland restoration goals and objectives; these goals can be achieved by restoring the pond in place. Consequently, the Commission finds that as proposed, the fill of the agricultural pond fails to qualify as fill for restoration purposes.

Because at this time the applicants have not demonstrated that the proposed fill and relocation of the former agricultural pond is necessary to achieve restoration purposes, the Commission must impose **Special Condition 1**. **Special Condition 1** prohibits filling of the pond unless the applicants obtain a permit amendment approved by the Commission that demonstrates to the

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satisfaction of the Commission that the goals and objectives of the restoration project can only be achieved through the fill and relocation of the pond. Therefore, the Commission finds that the proposed relocation of the former agricultural pond is prohibited as the proposed fill needed to relocate the pond is inconsistent with the allowable use limitations contained in Coastal Act/LUP Policy 30233(a)(7).

***Restoration Provides a Net Gain in Wetland Acreage and Values***

The conceptual restoration plan provided by the applicants does not include sufficient detail concerning the restoration project goals, design criteria, performance standards, methodologies, maintenance, remediation, or monitoring to demonstrate that the project would provide a net gain in wetland acreage and values. Without a detailed restoration plan that includes all of these elements, the Commission cannot find that the proposed 1.2 acres of wetland fill is allowable as fill for restoration purposes under Coastal Act/LUP Policy 30233(a)(7). As stated above, **Special Condition 1** prohibits filling of the pond unless the applicants obtain a permit amendment approved by the Commission that demonstrates to the satisfaction of the Commission that the goals and objectives of the restoration project can only be achieved through the fill and relocation of the pond. Likewise, in conjunction with any permit amendment to fill the agricultural pond as a necessary component of a bona fide restoration project, the applicant must submit a detailed wetland restoration plan that demonstrates that the project will substantially increase wetland acreage and values. Therefore, the Commission finds that the proposed relocation of the former agricultural pond cannot be allowed consistent with Coastal Act Section 30233(a)(7).

***Alternatives Analysis***

In accordance with Section 30233(a), wetland fill for restoration purposes may only be permitted if there is no less environmentally damaging feasible alternative. The Commission may not therefore permit the proposed fill and relocation of the former agricultural pond unless it determines that there is no less environmentally damaging feasible alternative to achieve the restoration goals and objectives of the project.

As discussed above, the applicants have not provided sufficient evidence to demonstrate that it is physically necessary to fill and relocate the existing pond to achieve the wetland restoration goals and objectives. The applicants have not shown that it would be either more environmentally damaging or infeasible to restore the pond at its existing location. Without specific evidence to the contrary, the Commission must assume that the least environmentally damaging feasible alternative would be to restore the wetland in place. Consequently, the Commission finds that as proposed, the fill of the agricultural pond is not the least environmentally damaging feasible alternative.

Because at this time the applicants have not demonstrated that the proposed fill and relocation of the former agricultural pond is the least environmentally damaging feasible alternative, the Commission finds the proposed relocation of the former agricultural pond is prohibited as the proposed fill needed to relocate the pond is inconsistent with the fill limitations contained in Coastal Act/LUP Policy 30233(a).

### **Buffers**

In accordance with the project plans submitted, the proposed fill and relocation of the pond would provide for the LCP required 100-foot buffer between the development in the Northern Residential Neighborhood and the relocated pond. However, as discussed above, **Special Condition 1** prohibits the proposed fill and relocation of the pond.

The project as proposed would result in the creation of lots and the construction of residences, streets and other infrastructure within the existing pond and its buffer in conflict with the LCP wetland fill and buffer policies. Therefore, **Special Condition 1** specifies that the applicant must submit revised plans for the Northern Residential Neighborhood demonstrating that no development shall occur within 100 feet of the former agricultural pond in its existing location. As conditioned, the Commission finds that the proposed development is consistent with the LCP wetland buffer requirement.

## **4.2 Raptors and Other Wildlife**

### **4.2.1 Issue Summary**

The project area provides nesting, foraging, perching, and roosting habitat for raptors, which are considered a unique species under the LCP. Saltmarsh common yellowthroat, a small warbler, is a California Department of Fish and Game (DFG) species of special concern known to breed in the wetland area of the Central project area. Additionally, although the LCP does not identify monarch butterflies as an endangered, threatened, rare, or unique species, its overwintering use of the tree stands in the North Wavecrest PDD is recognized as regionally important. The LCP considers areas supporting unique species to be environmentally sensitive habitats that warrant protection from significant adverse impacts caused by land use or development. As proposed, the project includes the development of a Boys and Girls Club and affordable housing units south of Wavecrest Road where prominent tree stands afford perching and roosting spots for raptors. Although these trees provide perching and roosting spots for some raptors, the trees do not provide nesting habitat, and the most recent evidence available as of the date of this report does not support a determination that this Central area south of Wavecrest Road is an environmentally sensitive habitat area as defined by the LCP. However, the LCP requires protection of the cypress and eucalyptus tree stands in the North Wavecrest PDD from disturbance, and requires replacement vegetation to mitigate the removal of notable tree stands and rows. The Commission therefore imposes **Special Condition 4** to require the applicants to minimize the removal of existing trees in the Central area, protect existing trees in the Central area to the maximum extent feasible, and replace trees removed in notable tree stands. The condition requires the submittal of a tree removal and revegetation plan for the Executive Director's review and approval prior to the issuance of the permit. Additionally, the Commission imposes **Special Condition 3** to prohibit development within 650 feet of an active raptor nest in the Western area. As conditioned, the proposed project conforms with the LCP policies that protect wildlife habitat and notable tree stands.

### **4.2.2 LCP Standards**

The LUP references the definition of "environmentally sensitive area" in Policy 30107.5 of the Coastal Act. An environmentally sensitive area is defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in

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an ecosystem and which could be easily disturbed or degraded by human activities and developments.

LUP Policy 3-1 defines sensitive habitats to include riparian areas, wetlands, sand dunes, marine habitats, sea cliffs, and habitats supporting rare, endangered, and unique species.

LUP Policy 3-3 prohibits any land use and/or development that would have significant adverse impacts on sensitive habitat areas, and states that development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. Furthermore, all uses shall be compatible with the maintenance of biologic productivity of such areas.

LUP Policy 3-4 permits only resource-dependent or other uses which will not have a significant adverse impact on sensitive habitats and are consistent with US Fish and Wildlife and State Department of Fish and Game regulations.

LUP Policy 3-33 allows limited uses in unique species habitat, such as education and research; hunting; fishing; pedestrian and equestrian trails with no adverse impact on unique species or its habitat; and fish and wildlife management to the degree specified by existing governmental regulations.

LUP Policy 7-9 requires new development to be sited and designed to avoid or minimize destruction or significant alteration of significant plant communities, including notable tree stands.

LUP Policy 9.3.6(n) states that development in the Wavecrest PDD shall give maximum consideration to preserving the cypress and eucalyptus hedgerows at the west end of the L.C. Smith property (The L.C. Smith property is the northern portion of the proposed project area).

Zoning Code Section 18.37.045 defines significant plant communities to include the cypress and eucalyptus stands or rows in the North Wavecrest PDD. Significant plant communities include notable tree stands in the City, and unique species such as Monterey pine and wild strawberry. The Zoning Code requires the preservation of these plant communities wherever possible, and includes preservation guidelines for notable tree stands or hedgerows, riparian vegetation, and wild strawberry. Zoning Code Section 18.37.045 also prohibits development from disturbing tree stands including their root systems, and from intruding upon riparian vegetation or the habitat of existing unique vegetative species. However, where there is no feasible alternative to development, permits for the removal and replacement of vegetation must be obtained by the applicant.

Zoning Code Section 18.38.090(A) defines unique species as those organisms which have scientific or historic value, few indigenous habitats, or characteristics that draw attention or are locally uncommon. The Zoning Code considers raptors (owls, hawks, eagles, and vultures), California red-legged frog, and sea mammals as unique species. The unique plant species in Half Moon Bay are California wild strawberry and Monterey pine.

Zoning Code Section 18.38.090(C) requires the prevention of development, trampling or other destructive activity that would destroy any unique plant species. Plants identified as being valuable shall be successfully transplanted to another suitable site.

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Zoning Code Section 18.38.090(E) states that it is not desirable to encourage wholesale removal of existing stands of blue gum eucalyptus trees, but **that** removal of blue gum seedlings to prevent the spread of the species is encouraged. The code requires the City to discourage private landowners from planting blue gum eucalyptus on private property.

LUP/Coastal Act Policy 30240 protects environmentally sensitive habitat areas from significant disruption of habitat values. The policy allows only resource-dependent uses in ESHAs, and requires development adjacent to ESHAs to be sited and designed to be compatible with and prevent impacts to ESHAs.

#### **4.2.3 Background**

The September 28, 2000 Commission staff report states that the construction of the proposed Boys and Girls Club would require the removal of a substantial number of trees south of Wavecrest Road. Because the City Zoning Code permits tree removal where no feasible alternative exists, and because the applicants proposed to mitigate for the removal of these trees by planting a mixture of native trees along the borders of the Boys and Girls Club site to replace the non-native species proposed for removal, the Commission staff recommended approval of the previously-proposed development with a condition requiring the applicants to submit a tree removal plan that minimized the removal of existing trees. The condition further required the protection of potential habitat trees to the maximum extent feasible. As conditioned, staff contended that the proposed tree removal for the development of the Boys and Girls Club was consistent with the City of Half Moon Bay LCP.

However, at the October 12, 2000 hearing for the Wavecrest Village Project, the Commission requested additional information on raptor habitat in the project area. In turn, the Commission staff requested that the applicants submit a raptor survey for the Wavecrest Village Project area. The survey was to include a description of the portions of the project area used by the raptors, the raptor activities occurring at these locations, an assessment of the raptor habitat, and an evaluation of the potential habitat impacts resulting from the proposed development.

#### ***Site Information***

##### **Tree and Grassland Locations**

A vegetation map in the January 1999 Wavecrest Village Specific Plan Draft Environmental Impact Report shows the locations of tree stands, grassland, and riparian scrub in the project area (Exhibit 14).

The project area contains several tree stands. The largest stand is a J-shaped windrow of Monterey cypress and blue-gum eucalyptus along the northern boundary of the western project area. Another windrow of cypress runs along the southern boundary of the westernmost project portion. Two cypress stands exist along Wavecrest Road, and a grove consisting of black acacia, eucalyptus, and cypress trees stands to the south of the road. Small stands of acacia and cypress are scattered over the Central project area, and one group of eucalyptus is located at the northern project boundary.

Annual and perennial grassland exists in the vicinity of the ballfields and in the western, Central, and Pasture areas. Cropland (generally grassland) is located in the northern and eastern portions of the project area.

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**April 2001 Raptor Survey**

In April, 2001, the applicants' biological consultant submitted a raptor survey to Commission staff. The consultant conducted five daytime surveys and one nighttime survey using methodologies recommended by a specialist on the California Department of Fish and Game raptor survey protocol design team. The survey noted that "special attention was devoted to raptor activity within and adjacent to the proposed development footprint, especially eucalyptus and cypress groves (WRA 2001)."

The consultant observed three species of raptors directly on or over the project area or in the immediate vicinity: red-shouldered hawk, red-tailed hawk, and turkey vulture. Two pairs of red-tailed hawks and one red-shouldered hawk have territories within or overlapping the project site. The consultant further located one red-tailed hawk nest in the northernmost eucalyptus tree stand of the project area (**Exhibit 5**). One pair of red-tailed hawks foraged in the tree stands near the nest and in several trees north of the nest. The pair exhibited mating behavior, territorial behavior near the nest, and reluctance to leave the tree stand. In mid-April, the consultant observed one hawk incubating eggs in the nest.

The consultant also observed other red-tailed hawks circling the Pasture and Central areas. One red-shouldered hawk was spotted perching and flying between the eucalyptus tree stands in the Western and Central areas and to the southwestern edge of the Pasture Area. The red-shouldered hawk was also observed feeding in the Central area tree stand. One turkey vulture was observed circling west of the Pasture area and in the eucalyptus stand in the Central area. While the consultant did not locate any owl species, the consultant found owl pellets in the grassland areas in the Western and Northwestern areas of the project site.

**Raptor Information from Previous Reports**

The Wavecrest Village Specific Plan Draft Environmental Impact Report (DEIR) dated January 1999 notes that the trees on the project site "provide shelter, foraging and nesting habitat for woodland-adapted wildlife species, including nesting habitat for raptors (Brady/LSA 1999)". A survey conducted on August 21, 1998 revealed that red-tailed hawk frequent the grassland in the western, Central, and Pasture areas of the project, and that small rodents probably inhabit the grassland and provide food for raptors like the white-tailed kite, northern harrier, and red-tailed hawk. Northern harrier may potentially nest in the cropland in the western and Central project area and in the northern project area. The northern area may also provide foraging habitat for the harrier and white-tailed kite. The DEIR further states:

*The large stands of eucalyptus and Monterey cypress trees on the site provide potential nesting habitat for raptors and other birds, and shelter for birds migrating through the area or migrant birds that remain in the area during the winter months.*

The consultant observed red-tailed hawk and evidence of great horned owl (a feather) among the tree stands in the project area. The DEIR states that the large trees in the project area potentially provide suitable nesting habitat for white-tailed kite and Cooper's hawk. Lastly, the DEIR notes that uprooted trees and brush piles in the western project area provide perching and roosting areas for raptors such as white-tailed kite and American kestrel.

A biological assessment of special status species habitat was conducted at the project site on February 20, 1998 by the same biological consultant that conducted the April 2001 raptor survey.

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The assessment defines special status species as plants and animals formally listed or proposed for listing as endangered or threatened under the federal or state Endangered Species Acts and federal and California Department of Fish and Game (DFG) species of special concern. At the time of the assessment, one northern harrier, a DFG species of special concern, was observed in the Wavecrest Village Project area in the northwestern grasslands near the coastline, and west of the existing ballfields, outside of the project area. The assessment lists red-tailed hawk, white-tailed kite, and American kestrel as other raptors observed during the survey, and states that suitable foraging habitat among the trees in the western parcel of the project site exists for sharp-shinned hawk and Cooper's hawk, two DFG species of special concern, although none were observed during the visit. The assessment does not specifically address the raptor habitat value of the trees on the proposed Boys and Girls Club parcel.

The January 1995 Draft Environmental Impact Report for the North Wavecrest Redevelopment Plan prepared by the City's Community Development Agency included information on wildlife habitat in the North Wavecrest area. The DEIR states that the grasslands in the area provide important foraging habitat for raptors such as red-tailed hawk, red-shouldered hawk, white-tailed kite, marsh hawk, American kestrel, turkey vulture, great horned owl, barn owl, and short-eared owl. Furthermore, the DEIR finds that the trees in the project area are "important nesting and roosting sites for resident and migrating birds and other wildlife (City of Half Moon Bay 1995)," including several raptor species.

**Raptor Information from the Public**

In December 2000 and May 2001, Commission staff received additional information from Gary Deghi, a member of the public regarding raptor populations and other wildlife at the project site (**Exhibits 15 and 16**). He holds a graduate degree in Wildlife Ecology, has 23 years of experience in conservation planning and permitting related to wetlands and endangered species, and is a current Director of the Sequoia Audubon Society. Mr. Deghi has participated in the Society's annual Christmas Bird Counts in the North Wavecrest area and has observed birds in the vicinity of the project area since 1987. Thus, he is a credible source of information about raptors in the project area.

Mr. Deghi observes that the North Wavecrest Restoration Area (**Exhibit 17**, generally encompassing the Wavecrest PDD) contains habitat suitable for raptors, such as dense riparian corridor for cover, mature trees for cover, perching, and roosting, and nesting substrate, emergent wetlands and grasslands for nesting and foraging, and open space for feeding.

Mr. Deghi states, "Based on the quality of the habitat, numbers of individuals and the mix of species, this area [the general Wavecrest PDD] is considered by Sequoia Audubon Society as the best habitat for wintering raptors in San Mateo County". Data gathered by Mr. Deghi and the Sequoia Audubon Society, demonstrates the raptors observed overwintering in the Wavecrest PDD include red-tailed hawk, red-shouldered hawk, Cooper's hawk, sharp-shinned hawk, ferruginous hawk, rough-legged hawk, broad-winged hawk, American kestrel, white-tailed kite, Northern harrier, merlin, golden eagle, peregrine falcon, prairie falcon, turkey vulture, great-horned owl, barn owl, and short-eared owl. Of the raptor species observed, the short-eared owl and the wintering populations of merlin and ferruginous hawk are DFG species of special concern. Golden eagle and peregrine falcon are fully protected; ferruginous hawk is a federal species of concern, peregrine falcon is state-listed as endangered. One Swainson's hawk, a State-

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listed threatened species, was observed overwintering at the site two years ago and was the first known Swainson's hawk to overwinter in coastal Northern California. The Sequoia Audubon Society finds more raptor individuals and more raptor species in the North Wavecrest area than in any other location San Mateo County during the winter.

Mr. Deghi states that the project area and the remainder of the North Wavecrest area comprise an integrated complex of roosting and foraging locations for raptors. The two significant roosting locations in the project area, the cypress and eucalyptus windrows in the western project area and the cypress and eucalyptus trees in the Central area south of Wavecrest Road, represent to Mr. Deghi the most commonly used winter roosting areas in the North Wavecrest area. In one instance, participants in the December 1994 Christmas Bird Count recorded 11 barn owls in the eucalyptus trees south of Wavecrest Road. On another occasion in January 2001, Mr. Deghi and representatives of the City and Montara Sanitary District observed an abundance of short-eared owl, Northern harrier, red-tailed hawk, red-shouldered hawk, and white-tailed kite within a half hour at dusk in the Central project area. The raptors likely roost in the adjacent tree stands south of Wavecrest Road. Overall, bird observers at the site notice use of the area south of Wavecrest Road and in the nearby fields.

Alvaro Jaramillo, a biologist with the San Francisco Bay Bird Observatory, has also submitted information regarding the raptor population in the North Wavecrest area (**Exhibit 18**).

**Saltmarsh Common Yellowthroat**

The January 1999 DEIR for the Wavecrest Village Project identifies the saltmarsh common yellowthroat, a subspecies of common yellowthroat occurring in the San Francisco Bay region, as a DFG species of special concern. The DEIR notes that sightings of saltmarsh common yellowthroat have been recorded near Princeton, about six miles north of the project area, and potentially near the mouth of Pilarcitos Creek, about one mile north of the project site. A male and female pair of common yellowthroats was observed by the environmental document consultant in August 1998 and could have been saltmarsh common yellowthroat individuals. The DEIR states that the riparian area and the cattails in the Central project area may provide suitable nesting habitat for the subspecies. In support of this, Mr. Deghi reports that Alvaro Jaramillo has documented a breeding population of saltmarsh common yellowthroat in the Central wetland area of the proposed project.

**Monarch Butterfly**

The monarch butterfly is not a listed or proposed endangered or threatened species, nor does the LCP consider it a unique species. However, the presence of the monarch butterfly at the proposed project site is noteworthy. A bivouac, or colony, of about 1,000 monarch butterflies were observed in the eucalyptus stand in the western project area in 1990. A member of the public has also reported sighting thousands of monarch butterflies in the same eucalyptus trees over a period of 3 days in the winter of 1997. In February 1998, several wintering monarchs were observed flying in the vicinity of the same eucalyptus grove in the project area.

Because of the concern for potential impacts to winter roosting sites and because within the State, its range has been restricted and/or the individual numbers have declined, the monarch butterfly is considered a DFG special animal, and its wintering sites are tracked by the DFG. Monarch butterflies breeding west of the Rocky Mountains migrate to overwintering sites on the Pacific coast, from Marin County to northern Baja California. According to the January 1999

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Draft EIR for the Wavecrest Village Specific Plan, the project site exhibits characteristics which are common to overwintering sites: it is within a kilometer of the Pacific Ocean, lending to moderate winter temperatures and small diurnal fluctuations; it is close to a coastal stream canyon, reducing the occurrence of subfreezing temperatures; and the grove is dominated by blue gum eucalyptus, providing wind protection, shade, and high humidity. The monarch butterfly has been known to aggregate in Monterey pine and Monterey cypress groves as well. These tree species also exist in the western project area.

***Proposed Project***

The majority of the development is currently proposed in what is generally grassland or cropland, with some exceptions. In particular, the applicants propose to construct the Boys and Girls Club and affordable housing apartments south of Wavecrest Road in the Central project area. The proposed development would require the removal of the majority of black acacia, eucalyptus, and cypress tree stands in this area.

The applicants also propose the development of a 7.7-acre detention basin, lateral public access trails, and single family residences in the vicinity of the identified red-tailed hawk nest. However, the applicants' consultant notes that no construction is proposed in the vicinity of the nest site in the northernmost eucalyptus grove this year. In any case, the consultant recommends the monitoring of the nesting site by a qualified biologist prior to any construction. The biologist must determine whether nesting is taking place and if so, the biologist must monitor nest activity until the fledglings leave the nest. The consultant states that the Department of Fish and Game commonly recommends delaying construction near nests until the young have fledged, but this specific recommendation was not proposed as part of the project.

***Issues***

**LCP Policies for Raptors and Sensitive Habitat**

Raptors such as owls, hawks, eagles, and vultures are considered a unique species in the LUP and specifically under Zoning Code Section 18.38.090(A). The Zoning Code defines unique species as organisms having scientific or historic value, few indigenous habitats, or characteristics that draw attention or are locally uncommon. Permitted uses in unique species habitat as stated in LUP Policy 3-33 include education and research, hunting, fishing, pedestrian, and equestrian trails having no adverse impact on the unique species or its habitat, and fish and wildlife management to the degree specified by existing government regulations. Furthermore, habitats supporting rare, endangered, and unique species fall under the definition of sensitive habitats listed in LUP Policy 3-1. Any land uses and/or development resulting in significant adverse impacts to such sensitive habitat areas are prohibited by LUP Policy 3-3. LUP Policy 3-4 permits only resource-dependent or other uses that will not adversely impact sensitive habitats.

**Potential Impacts to Red-Tailed Hawk and Other Raptor Nests in the Western Area**

Studies show that human disturbance and noise reduce the success of red-tailed hawk nests (Washington Department of Fish and Wildlife, Richardson and Miller 1997). As proposed, the project would not remove or disturb the tree stands in the western project area and thus, the project would not directly impact the sensitive habitat of the nesting tree and its immediate vicinity. After construction, the proposed access trail and detention basin would produce low intensity uses and would be located sufficiently away from the red-tailed hawk nest. The

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proposed residence nearest the nest is several hundred feet away. Therefore, the proposed uses would not adversely impact the red-tailed hawk nest or the tree stand supporting the nest, consistent with the permitted uses of LUP Policy 3-4.

However, as proposed, the construction of public lateral access trails, detention basin, and residences may produce substantial noise in the vicinity of the identified red-tailed hawk nest in the western project area, causing significant temporary adverse impacts. To reduce the potential of impacting the nesting birds during construction, the applicants' biological consultant recommends monitoring of the nesting site by a qualified biologist prior to any construction. The biologist must determine whether nesting is taking place and if so, the biologist must monitor nest activity until the fledglings leave the nest. The consultant states that the Department of Fish and Game commonly recommends delaying construction near nests until the young have fledged, but this specific recommendation was not proposed as part of the project.

Based on *Management Recommendations for the Red-Tailed Hawk* by the Washington Department of Fish and Wildlife, the condition specifies that clearing, grading, outside construction, or other heavy activity shall be prohibited within a radius of 650 feet of red-tailed hawk nests during the nesting period. The nesting period for red-tailed hawk is generally February 1 through August 1. To ensure that the nest in the Western project area are protected from disturbance during construction, the Commission imposes **Special Condition 3** to prohibit development within 650 feet of any occupied raptor nest. The condition requires that a qualified biologist determine when the young have fledged and the nest has been abandoned.

Other raptor nests may exist that have not yet been identified in the Western area the project site. To prevent disturbance to currently undetected raptor nests, **Special Condition 3** requires a qualified biologist to survey the entire area proposed for construction, including trees and other vegetation, and the area within 650 feet of the proposed development for signs of raptor nesting and/or nests within 30 days of construction. Construction within 650 feet of an identified raptor nest shall be prohibited until a qualified biologist determines that the young have fledged. The 650-foot buffer for active raptor nests is generally the shortest distance recommended for raptor species.

**Potential Impacts Caused by Proposed Tree Removal in the Central Area**

The applicants propose to construct the Boys and Girls Club and an 18-unit apartment building on the south side of Wavecrest Road (**Exhibit 19**). The October 8, 2000 *Tree Protection Report* for the Boys and Girls Club of the Coastsides by David Kelley, the applicants' consulting arborist, states that about 160 trees, or about 70% of the trees at the Boys and Girls Club site, would be removed for this development. The tree assessment states that most of the trees on the site "...are in poor condition and should be removed because, from an arboricultural perspective, they are not candidates for remediation and, from an ecological perspective, they do not provide good wildlife habitat values." Furthermore, the assessment finds that the larger trees in the windrows, particularly in the case of the eucalyptus, would most likely become unstable if surrounding trees were removed.

The applicants propose to mitigate for the removal of the existing trees by planting a mixture of trees such as Monterey cypress, coast live oak, and redwood as a new windbreak along the southerly and westerly property lines. Coyote brush, willow, and currant are other plants recommended for revegetation of the site. The consulting arborist explains that the replacement

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of the existing trees stands with the suggested plant species would create higher wildlife value because of the lower density of individual plants, greater species diversity overall and in the understory, and will allow for long-term maintenance and remediation as necessary.

Based on the April 2001 raptor survey, no raptor nests or nests of other unique, endangered, threatened or rare species are located in the tree stands south of Wavecrest Road in the location of the proposed affordable housing and Boys and Girls Club. Therefore, the proposed removal of a majority of the trees in the area would not impact environmentally sensitive nesting habitat. Although use of these trees for perching and roosting by raptors is well-documented, the applicants propose to retain about 65 of the existing trees in the proposed area of the Boys and Girls Club development and to revegetate the site with trees that suit the site conditions and promote wildlife habitat values. As a result, raptors and other bird species would still be able to perch and roost in the vicinity. Furthermore, the Central wetland area south of the proposed affordable housing and Boys and Girls Club will remain undeveloped, thus maintaining an important foraging area for the raptor species that use the project area for feeding.

To minimize the impacts of tree removal at the Boys and Girls Club and affordable housing sites south of Wavecrest Road, **Special Condition 4** requires the applicants to submit a Tree Protection Plan for the Central Area for the review and approval of the Executive Director. The Plan must include an assessment prepared by a qualified arborist or wildlife biologist of the habitat value of each tree proposed to be removed and a site plan showing each tree proposed to be removed as part of any approved development. The plan shall be designed to retain the maximum number of existing trees on the site, but in no event shall retain less than 65 trees in the Central Area. In addition, the plan shall include a revegetation design that shows species, number, and location of all plants proposed for planting. The plan and revegetation design shall be designed to allow for maximum use by raptors. As conditioned, the proposed project is consistent with the LCP policies protecting tree stands to the maximum extent feasible.

The saltmarsh common yellowthroat, a DFG species of special concern, is known to breed in the Central wetland and riparian area. In addition, there is documented use of the western project area by an overwintering monarch butterfly colony. The applicants do not propose development within the habitats of these species and therefore, the project as proposed is consistent with the LCP policies protecting these species.

**4.2.4 Conclusion**

Biological assessments of the proposed project site have demonstrated the occurrence of foraging, perching, and roosting habitat for raptors in the project area. Red-tailed hawk and saltmarsh common yellowthroat are special-status species known to breed in the project area. Moreover, several sources report the overwintering of monarch butterfly colonies in the eucalyptus tree stands in the western project area. The proposed project would allow for the maintenance of the tree stands in the western project area and the wetland in the Central project area, thereby protecting red-tailed hawk and saltmarsh common yellowthroat breeding areas and monarch butterfly overwintering habitat. The proposed Boys and Girls Club and affordable housing units south of Wavecrest Road, however, would require the removal of most of the trees in the Central area. Despite the proposed tree removal, the Commission finds that the applicants' proposal to retain roosting and perching habitat in the area of the proposed affordable housing and Boys and Girls Club by keeping 65 existing trees and replanting to allow for improved

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wildlife habitat values in the Central area is consistent with the tree stand requirements of the certified LCP. Furthermore, the Commission notes that based on an April 2001 raptor survey, no raptor nests are located in the area of the proposed affordable housing and Boys and Girls Club. The Commission therefore imposes conditions requiring the applicants to submit plans to protect the trees in the Central Area to the maximum extent feasible, revegetate those areas subject to tree removal to encourage raptor use, and ensure that the proposed development does not disturb habitats for nesting raptors, saltmarsh common yellowthroat, and monarch butterflies. As conditioned, the proposed project conforms with the LCP policies that protect wildlife habitat and notable tree stands.

### **4.3 Water Quality**

#### **4.3.1 Issue Summary**

The applicants propose to create impervious surfaces on a 40.3-acre, 156-parcel subdivision in the northern residential area; a 7.6-acre, 34-parcel subdivision in the southern residential area; affordable housing; 14.8 acres of mixed-use commercial area; a 25.3-acre middle school site; a 2.8-acre Boys and Girls Club site; and approximately 11 acres of associated streets and sidewalks. The development of houses, buildings, driveways, parking lots, streets, and sidewalks increases the amount of water that can no longer percolate into soil or land on vegetation. Uses associated with these developments, such as the irrigation of gardens, will also contribute to project-generated runoff. As a result, the project site will produce increased runoff that will require treatment. This treatment is necessary to comply with LCP standards protecting coastal water quality and human health.

As part of the development, the applicants propose to treat the urban runoff produced on the project site by installing a system of gutters and stormdrains. Runoff from the project site will discharge into a 7.7-acre detention pond in the western portion of the project area, designed to accommodate and treat the project area stormwater.

While the detention pond helps to improve water quality, it is necessary that the pond and all other mechanisms to treat runoff are in place before the proposed development is constructed. Furthermore, active maintenance and monitoring are needed to assure that water quality improvements continue to be effective for the life of the project. To ensure this, the Commission imposes **Special Conditions 6, 7, 8, and 10**.

**Special Condition 6** requires the applicant to submit a final grading plan to the Executive Director, including the quantities of cut and fill of the development. **Special Condition 7** requires the applicants to submit an erosion control plan to the Executive Director showing how the project will minimize and control erosion and limit the use of toxic substances. **Special Conditions 8 and 10** require the applicant to submit a Stormwater Pollution Prevention Plan (SWPPP) and a water quality monitoring plan (WQMP) to the Executive Director demonstrating how the development will plan and follow up on water quality protection for the project area. **Special Condition 9** requires the applicant to provide for the review and approval of the Executive Director a plan for the design, construction, maintenance, and monitoring of the proposed detention pond.

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As conditioned, the proposed project conforms with the LUP/Coastal Act policies protecting water quality.

**4.3.2 LCP Standards**

The LCP contains policies to protect water quality in Half Moon Bay's Coastal Zone.

LUP/Coastal Act Policy 30231 requires that the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes be maintained to maintain optimum populations of marine organisms and to protect human health. Where feasible, the biological productivity and quality of coastal waters shall be restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

LUP/Coastal Act Policy 30253 requires new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

LUP Policy 4-9 requires flows from graded areas to be kept to a minimum and not exceed the rate of erosion and runoff from undeveloped land. The policy requires stormwater outfalls, gutters, and conduit discharge to be dissipated.

LUP Policy 9.3.6(l) requires the irrigation of open space with unclaimed water, as feasible, and the use of retention basins, grading, revegetation, and drainage improvements to prevent destabilizing effects on the coastal bluffs.

**4.3.3 Discussion**

***Existing conditions***

Currently, an approximately 4,600-foot-long unlined drainage ditch runs through the Wavecrest Village Project area. As described in the Environmentally Sensitive Habitat Area discussion above, the ditch carries stormwater and agricultural runoff from an area of approximately 270 acres. This area includes the project site, Highway 1, one of the commercial nurseries south of Wavecrest Road, and a 67-acre sub-basin in agricultural use east of Highway 1 (Fouk 2000, WRA 1998). Runoff in the drainage ditch runs west for 1,700 feet on San Mateo County property before discharging off of the 50-foot bluff to the City-owned beach into the Pacific Ocean below. Currently, this runoff flows untreated through the onsite ditch, into the County ditch north of the project area, and off the bluff onto the beach.

***Proposed project***

The applicants propose to install drainage pipes and gutters to collect runoff over the developed project area. **Exhibit 28** describes the proposed improvements. The pipes would connect to a pipe which would discharge into a vegetated swale, then into a 7.7-acre detention pond in the Western portion of the project area (**Exhibit 20**).

The basin is designed to treat runoff produced from up to and including the 1.2-inch, 24-hour rainfall event, approximately equivalent to the 90<sup>th</sup> percentile, 24-hour rainfall event. The

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required storage volume for a 1.2-inch-per-day storm event (a conservative design rainfall) assuming that 45 percent of the rainfall enters the pond as runoff is approximately 12 acre-feet. The average release rate over the 24-hour period is about 6 cubic feet per second (Fouk, 2000). During low-flow conditions, runoff will percolate into the ground and discharge through an outlet pipe through a rock weir to the County's drainage ditch. Higher flows will discharge to the ditch through two 48-inch pipes. A 60-foot long grouted rock barrier will surround the pond's outlet structure. Very high flows (from the 100-year storm event) will exit via another outlet flow. As designed, the pond will maintain a water level consistent with the channel/wetlands area north of the proposed detention area. Furthermore, as proposed, the vegetation around and in the basin will encourage the creation of wetland habitat and provide an amenity for passive recreation and public access.

***Issues***

Stormwater runoff from developed areas and roads contains pollutants associated with these uses (U.S. EPA, 1993). Nutrients originate from garden fertilizers and poor landscaping practices such as inappropriate plantings or overwatering. Sediment comes from land clearing, grading, construction, and natural processes. Motor fuel and exhaust, improper hazardous waste disposal or spills, consumer products, construction materials, and soil (naturally-occurring) contribute to heavy metals in runoff. Petroleum hydrocarbons come from uses associated with vehicle use such as fuel, oil, grease, exhaust, and brake-lining particles, in addition to accidental spills and improper dumping of vehicle products. Synthetic organic chemicals in urban runoff originate from household cleaners, paints, and pesticides and herbicides. This runoff also may have physical parameter changes in salinity, temperature, and dissolved oxygen stemming from land clearing and decaying organic matter.

Agricultural runoff contains pollutants from sources different from urban runoff. Soil leaching changes the salinity and temperature of agricultural runoff. Nutrients enter agricultural runoff through commercial fertilizers, crop residues, and irrigation water. Runoff also contains sediment from erosion (due to cultivation and other causes) and grading or filling; and synthetic organic chemicals from the application of pesticides, herbicides, fungicides, and fertilizers, atmospheric deposition, and improper storage and disposal.

As proposed, the detention pond will receive stormwater and agricultural runoff from outside of the project area. Without the treatment proposed by this project, the runoff from the Highway, agricultural land, and commercial nursery in the project vicinity will continue to discharge untreated onto the beach and into the ocean. Since there are no other proposals to treat this runoff, the project provides an opportunity to improve the quality of this water.

The detention basin as proposed is highly efficient in the removal of total suspended solids and moderately effective in the removal of metals, total phosphorus, nitrogen, and biological oxygen demand. However, while the basin is appropriately-sized and is designed to provide much needed water quality treatment, the pond can employ other best management practices (BMPs) to further maximize its treatment capabilities. As proposed, the development does not attempt to reduce the sources of onsite runoff or treat runoff in the location it is produced. Furthermore, the proposed project does not describe the grading schedule or erosion control measures to be installed for use during and after project construction. The proposed project additionally does

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not include a monitoring or maintenance plan to assure the effectiveness of the proposed water quality treatment.

In order for the project to maximize water quality benefits and to ensure continued treatment of stormwater and agricultural runoff, the Commission imposes **Special Conditions 6, 7, 8, 9, and 10** below. The Commission notes that consistent with Section 30412 of the Coastal Act, these conditions do not conflict with any determination by the Water Board because the Water Board has not acted on the proposed project.

**Special Condition 6** requires the applicant to submit a final grading plan to the Executive Director prior to the issuance of the coastal development permit. The grading plan must include the quantities of cut and fill and the final design grades and locations for all building foundations, streets, public accessways, the detention pond, and drainage pipes, and the phasing of all grading activities during construction.

**Special Condition 7** requires the applicants to submit an erosion control plan. The components of the plan are intended to minimize the potential sources of erosion within the project area, control the amount of runoff and sediment transport, and retain and treat pollutants onsite.

**Special Condition 7** also limits the use of toxic substances and the runoff of nutrients to surface waters. The erosion control plan shall be submitted for review and approval by the Executive Director prior to the issuance of the coastal development permit.

Additionally, **Special Condition 7** requires the applicant to inspect and maintain the erosion control measures throughout the construction period. The applicant must submit inspection reports on the condition of the structural Best Management Practices (BMPs) required under this condition to the Executive Director at specified intervals. The condition holds the applicant responsible for compliance with the erosion control plan.

**Special Condition 8** requires the applicant to submit a Stormwater Pollution Prevention Plan (SWPPP). The applicant must submit the SWPPP for the review and approval of the Executive Director prior to the issuance of the coastal development permit. The condition requires the approved development to maintain approximate pre-development levels of average runoff volumes and peak runoff rates and total suspended solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings. The condition requires the SWPPP to include BMPs which minimize the creation of impervious surfaces, treat and maintain roads and parking lots, and employ native and drought-tolerant landscaping. **Special Condition 8** further requires the inspection and maintenance of the BMPs and the submittal of an annual inspection report for three years following the completion of construction by the property owner and/or homeowners' association.

**Special Condition 10** requires the applicant to submit a water quality monitoring plan (WQMP) to the Executive Director for review and approval prior to the issuance of the coastal development permit. The WQMP will evaluate the effectiveness of the SWPPP to protect the quality of surface and groundwater at the project site. The condition requires the WQMP to provide for sampling of the detention pond and other groundwater and surface water locations to measure levels of all identified potential pollutants including, but not necessarily limited to: heavy metals, pesticides, herbicides, suspended solids, nutrients, oil, and grease. Any measured pollutants which exceed the water quality standards in the WQMP must be remedied.

**Special Condition 9** requires, prior to the issuance of the coastal development permit, that the applicant provide for the review and approval of the Executive Director a plan for the design, construction, maintenance, and monitoring of the proposed detention pond. The applicant must construct the detention pond during the first phase of development. The pond must treat all of the agricultural drainage conveyed through the development site as well as the runoff generated from up to and including the 1.2-inch, 24-hour rainfall event, as proposed. The detention pond must improve water quality of stormwater and agricultural runoff by removing fine sediments, phosphorous, and nitrogen. Under **Special Condition 9**, the applicants must provide for regular maintenance of the water quality treatment and habitat functions in the detention basin in perpetuity, and provide a permanent funding source for the long-term maintenance of the detention basin. **Special Condition 9** also requires the detention pond to provide emergent wetlands, riparian habitat, and associated upland, and suitable habitat for California red-legged frog, San Francisco garter snake, and wetland bird species. This is further discussed in the environmentally sensitive habitat section above.

As conditioned, the proposed project conforms with the LCP policies requiring the maintenance of the biological productivity and quality of coastal waters, the assurance of site stability and development that neither creates nor contributes significantly to erosion, and the use of retention basins, grading, revegetation, and drainage improvements to prevent destabilization on the coastal bluffs.

#### 4.3.4 Conclusion

The applicants propose to treat stormwater and agricultural runoff from on and offsite sources with a stormdrain conveyance system throughout the project area. The treatment of this runoff is proposed to take place in a 7.7-acre detention pond in the western portion of the project area. Currently, the site does not treat the stormwater or agricultural water conveyed in the existing drainage ditch on the project site. The runoff discharges onto the beach below the bluffs, carrying sediment, nutrients, heavy metals, and chemicals. These pollutants have the potential to impact environmentally sensitive habitat areas, the nearshore zone, and public health. Although the proposed detention pond improves water quality, the Commission requires the applicants to comply with **Special Conditions 6, 7, 8, 9, and 10** to ensure that the project protects water quality to the maximum extent possible. As conditioned, the project is designed to reduce the amount of water and pollutants available to enter the stormdrain system. The required erosion control and grading plans prevent impacts to water quality during construction. The detention pond as conditioned provides water quality benefits for the life of the development. Conditions requiring regular maintenance and monitoring assure the highest level of agricultural runoff and stormwater treatment.

As conditioned to provide grading and stormwater pollution prevention plans, erosion control, a functional detention pond, and water quality monitoring, the project conforms with the LCP policies protecting water quality.

#### 4.4 Public Access and Recreation

##### 4.4.1 Issue Summary

The proposed development site is located between the first public road and the sea and is directly adjacent to a publicly-owned sandy beach. The development includes 271 residential units, a 1,150-student middle school, a Boys and Girls Club, commercial and retail facilities, community ball fields, and road improvements. Such development would place significant increased demands on public access and recreation in the Wavecrest PDD, particularly on public beach access in the project vicinity. Although informal beach paths to the beach are evident on the blufftop seaward of the project site, opportunities for improved access to the beach are severely constrained in the project area due to high, unstable bluffs.

Both the Coastal Act and the LCP require access to be provided to and along the shoreline as a condition of development of the project site. In particular, Coastal Act Section 30212 requires that public access from the nearest public road to the shoreline and along the coast shall be provided in new development projects, and LUP Policy 9.3.6(g) requires that as a part of any new development in the Wavecrest PDD, vertical accessways shall be constructed to the beach from the bluff affording access to the beach near the end of designated beach access routes. The LCP further specifies that at least two vertical accessways shall be provided to the beach as a part of the development of the Wavecrest PDD, with a possible third vertical beach access if feasible. In addition, Section 30252 of the Coastal Act requires new development to assure that the recreational needs of new residents shall not overload nearby recreational access.

The applicants propose to dedicate and improve a system of public access easements to provide lateral access through the development site as a portion of the City's Coastside Trail. The applicants also propose to construct a stairway to provide vertical public access from the blufftop to Poplar State Beach, separate from the existing path currently used by pedestrians and equestrians. Alternatively, the applicants propose to provide an unspecified "fair share" proportional contribution towards the future development of a vertical beach accessway in lieu of constructing the access improvements themselves. However, the proposed accessway at Poplar State Beach will not provide a new beach route to mitigate the increased demand for beach access generated by the project. Furthermore, the proposed proportional funding does not ensure that a vertical accessway will ever be constructed. Therefore, the Commission finds the proposed vertical accessway and the proposed proportional funding do not conform with the public access and public recreation policies of the LCP and the Coastal Act.

In order for the proposed project to be consistent with LCP and Coastal Act policies requiring the provision of public access facilities, the Commission imposes **Special Condition 11** to require the applicants to construct a vertical accessway to the beach near the end of Redondo Beach Road that would include a stairway and/or ramp to the beach and improvements to an existing parking lot and Redondo Beach Road between the access road to the southern residential area (Occidental Avenue, the current paper street) and the parking lot. Alternatively, the applicants shall provide sufficient funding to permit the City to construct such public access improvements prior to the construction of the residential units authorized under this permit. To comply with the Zoning Code policies for providing adequate parking for active and passive recreation purposes, **Special Condition 12** requires the applicants to submit project plans showing a public parking lot of at least 225 spaces at the end of Wavecrest Road. As conditioned, the Commission finds

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the proposed development in conformity with the public access and public recreation policies of the LCP and the Coastal Act.

**4.4.2 LCP and Coastal Act Standards**

The 207.5-acre Wavecrest Village Project area is located between the first public road (Highway 1) and the ocean. Pursuant to Coastal Act Policy 30604, because the project site is located between the first public road and the ocean, the project is subject to both the public access and recreation policies of the Coastal Act in addition to the City's certified LCP.

LUP/Coastal Act Policy 30210 requires posted public access and recreational opportunities to the maximum extent feasible, consistent with public safety, and the need to protect public and private property owner rights and natural resource areas from overuse.

LUP/Coastal Act Policy 30212 requires new development to provide public access from the nearest public roadway to the shoreline and along the coast unless inconsistent with public safety or the protection of fragile coastal resources, or where adequate access exists nearby.

LUP/Coastal Act Policy 30252 states that the location and amount of new development should assure that the recreational needs of new residents will not overload nearby coastal recreation areas. This is accomplished by correlating the amount of development with the provision of on-site recreational facilities to serve the new development. The policy also states that new development should maintain and enhance public access to the coast by providing adequate parking facilities or the ability to circulate using public transportation.

LUP Policy 2-2 requires all new development along the Shoreline Trail to grant lateral easements for continuous public access along the shoreline. The policy requires the easement to have a sufficient width for an adequate trail and to protect the privacy of residences, with the setback of lateral trails at least 10 feet from the edge of the bluff and the establishment of native vegetation between the trail and the edge of the blufftop.

LUP Policy 2-6 requires signs on vertical and lateral public accessways informing the public of the right to use the accessways and any specific uses or constraints on public access in the areas of the accessways.

LUP Policy 2-16 requires the designation, signing, and improvement of the western extension of Higgins Canyon (Higgins Purissima) Road, Redondo Beach Road, and one additional beach access route as may be called for in the Conservancy Plan, as beach access routes.

LUP Policy 2-17 requires that no parking facility south of Kelly Avenue shall be designed for more than 50 cars.

LUP Policy 2-21 directs the State and County to construct paths or stairs to the beach from the extension of Main Street (Higgins Canyon Road) and to encourage new development in areas shown on the Access Improvements Map to construct paths or stairs to the beach.

LUP Policy 2-22 requires the connection of lateral blufftop trails with vertical trails to the beach at the end of Seymour Street, midway between Seymour Street and Redondo Beach Road (as determined by the Wavecrest Conservancy Project), and near the end of Redondo Beach Road. Policy 2-22 also requires the provision of a lateral blufftop trail to improve coastal access from Kelly Avenue to Miramontes Point Road.

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LUP Policy 9.3.6(g) requires as part of any new development in the Wavecrest PDD the construction of vertical accessways from the bluff to the beach near the end of designated beach access routes. A third accessway to the beach may be required approximately equidistant between the two primary access routes.

LUP Policy 9.3.6(h) requires, as a part of any new development in the Wavecrest PDD, the improvement of the two designated beach access routes in the Wavecrest PDD, either along existing platted alignments or new alignments designed to afford equivalent access opportunities.

LUP Policy 9.3.6(k) states that new access to Highway 1 shall be limited, and one new access shall be located at the intersection of Highway 1 and Higgins-Purissima Road.

Subdivision Code Section 17.40.090 requires lateral easements specifically for subdivision applications along the shoreline.

Subdivision Code Section 17.40.095 requires the provision of vehicular access where indicated on the Access Improvements Map of the City Local Coastal Plan, the General Plan and any of its Elements, and any Specific Plan.

Zoning Code Section 18.40.030 requires new development to provide an offer to dedicate an easement for lateral, blufftop, vertical, trail, and recreational public access if the development is located on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts; if the development is located between the nearest public road and the sea; if the public has acquired the right of access through use or legislative authorization; or if the access is needed to mitigate the impacts of the development on public access. Exceptions to this code include, consistent with Coastal Act Policy 30212, areas where public access is inconsistent with public safety or the protection of fragile coastal resources, or where adequate access exists nearby.

Zoning Code Section 18.40.040 provides minimum requirements for imposing public access conditions. In particular, 18.40.040(B) states that a condition to require vertical public access as a condition of approval of a coastal development permit shall provide the public with the permanent right of access where designated by the LCP for future vertical access or where the local government has determined that vertical public access is needed. The code also requires the vertical access to extend from the road to the shoreline and have a minimum easement width of 10 feet, and limits its use to passive recreational use unless another use is specified.

Zoning Code Section 18.40.050 lists necessary findings for public access dedications proposed in projects or required as a condition of approval. These findings include a statement of the individual and cumulative burdens, the necessity for providing public access, a description of the legitimate government interest furthered by an access condition, and an explanation of how a condition of access dedication alleviates identified access burdens and is reasonably related in nature and extent.

#### **4.4.3 Discussion**

##### ***Existing Conditions***

Wavecrest Road is currently the only existing street allowing vehicular access from Highway 1 westward into the project area. The only existing parking area in the proposed project area is at

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the end of Wavecrest Road at an informal dirt parking area at the existing ballfields, about 2,000 feet from the bluff edge. The parking lot serves users of the baseball fields, the model airplane landing strip southwest of the ballfields and outside of the proposed project area, and the coastal trails in the vicinity.

**Existing Informal Public Accessways in the North Wavecrest PDD**

The public currently has access to informal lateral and vertical trails and accessways throughout the project site and surrounding area. From within the Wavecrest PDD, the public can access a few north-south lateral trails in the area west of Wavecrest Road and along the blufftop. The unpaved dirt trails lie right at the bluff edge in some places. These established trails were formed by regular public use and provide popular year-round access for walkers, cyclists, and equestrians.

North of Wavecrest Road, informal lateral trails run along the western edge of the existing ballfields and along the blufftop. Immediately north of the project area, the 20-foot-long Seymour Bridge was constructed over the drainage ditch on property of San Mateo County. This bridge allows public access over the ditch and connects to informal trails leading to the Poplar State Beach parking lot, a vertical beach access path, and northward blufftop trails. In May 2001, the City of Half Moon Bay approved the construction of a 10-foot wide asphalt bike and pedestrian trail and a separated horse trail to formalize public use of the blufftop area between the Seymour Bridge and Poplar State Beach.

South of Wavecrest Road, existing lateral trails branch along the bluff and open space, eventually entering or crossing an arroyo. The trails continue south out of the arroyo to various stretches of Redondo Beach Road. A few hundred feet south of Redondo Beach Road, the City has accepted an offer to dedicate an easement through the Ocean Colony subdivision, allowing the connection of lateral trails along the coast.

In the proposed project area, the coastal bluffs are approximately 60 feet tall. Access from the blufftop to the City-owned beach is difficult in this location due to the bluff height and steepness of the bluff face. In fact, geologic information identifies the bluff area between the Seymour Street right-of-way to the Main Street extension as a high risk hazard zone, with blocks of the bluff face actively falling onto the beach (Lajoie and Mathieson 1985).

Although formal vertical beach access does not currently exist in the project area, informal vertical access from the blufftop to the beach is present in other portions of the North Wavecrest PDD. For instance, southwest of Wavecrest Road, west of the model airplane landing strip and outside of the project area, is a steep dirt path sloping through the vegetated 35-foot-tall bluff face to the beach. Access to the public beach through the arroyo several hundred feet south of Wavecrest Road is also possible but not easily accomplished on unimproved and precarious dirt trails.

About a half-mile south of the project area but still within the North Wavecrest PDD, informal vertical trails exist at the end of Redondo Beach Road. The trails at this location run down the 80-foot-tall, steep, eroding bluff face to the beach. Visitors use an informal dirt area for parking at the end of the partially improved Redondo Beach Road. The parking area accommodates up to 70 cars during peak visitation periods, although at any given time 10 to 25 cars may be parked there (Hernandez 2000).

**Existing Formal Public Access Facilities in the Wavecrest PDD**

Formal public beach access from the bluff at the end of Poplar Street outside of the Wavecrest PDD is maintained by the City approximately 1,000 feet north of the project area. The access consists of an unpaved gravel trail, about 10 feet wide, curving down the 40-foot-tall bluff to City-owned beach. About 47 paved parking spaces for public access are located adjacent to the trail to Poplar State Beach, with additional provisions for RVs and horse trailers. The lot is approximately 150 feet from the edge of the bluff. The previous informal parking area at this site was about 10 feet from the edge of the bluff. The beach is walkable as far south as the bluff south of Redondo Beach Road and as far north as the Half Moon Bay State Beaches on the north end of the City.

Another formal vertical public accessway exists at the end of Miramontes Point Road in the South Wavecrest PDD, about one mile south of the project area. A 15-space paved parking lot connects to a 1,000-foot-long paved trail through the Half Moon Bay Links Golf Course. The trail then reaches an overlook and stairway to the beach next to the outlet of Arroyo Cañada Verde. The stairway connects to a paved lateral blufftop trail running northward approximately 3,500 feet along the length of the golf course property. The 15-space parking lot, trail, and beach access stairway were built as part of the South Wavecrest Redevelopment Project, approved by the Commission in 1994.

As a condition of approval of the coastal development permit for the Ritz-Carlton Hotel at Miramontes Point in 1991, the Commission required the permittee to provide a minimum of 25 parking spaces for public use on the hotel premises. Currently, the 25 reserved spaces are located in the Ritz-Carlton Hotel parking structure at the end of Miramontes Point Road. Another condition of approval required the permittee to contribute a \$250,000 in-lieu fee to the Commission to pay for "the completion of offsite-public access improvements within the adjacent North and South Wavecrest Redevelopment areas, including trails, parking facilities, restrooms, and vertical accessways" (CCC 1991). In Spring, 2001, the Commission directed the City to use the fee to implement access improvements as prioritized in paragraph F of the *Memorandum of Understanding between the California Coastal Commission and the City of Half Moon Bay Regarding Expenditure of Mitigation Funds (Exhibit 21)*.

***Proposed project***

The applicants propose to dedicate and improve a system of lateral public access easements in the project area (**Exhibit 22**). Increased parking, improved streets at and west of Highway 1, and formalized lateral trails are proposed to accommodate future visitation to the Wavecrest PDD.

**Proposed Road Improvements**

As part of the project, the applicants propose to construct a new westward road extending from Highway 1 and Main Street. The proposed Main Street extension, referred to as Smith Parkway, generally would consist of two separated 800-foot-long, 14-foot-wide travel lanes that would end at the proposed Street C. An approximately eight-foot-wide public walkway is proposed on the north side of Smith Parkway, and a 15-foot-wide sidewalk is proposed on the south side of the proposed street, next to 38 diagonal parking spaces and a bus stop. The proposed Smith Parkway is consistent with the requirement of LUP Policy 9.3.6(k) to provide new access in the Wavecrest

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PDD at the intersection of Highway 1 and Higgins-Purissima Road. (Higgins-Purissima Road meets Main Street at Highway 1.)

The applicants also propose to improve Wavecrest Road from its existing condition as a partially-paved roadway with a 40-foot-wide right-of-way to a two-way road with five-foot-wide sidewalks, nine-foot-wide parallel parking, and landscaping on both sides of the road. As proposed, Wavecrest Road would have a 70-foot-wide right-of-way that includes two 14-foot-wide travel lanes with Class III bicycle routes. The applicants are not proposing to lengthen the 2,630-foot-long Wavecrest Road. At the end of Wavecrest Road, the applicants propose 200 public parking spaces in a new lot south of the proposed ballfields. Fifteen of these public spaces are proposed for dedication as signed public access parking. In addition, the applicants propose parallel parking along the remainder of Wavecrest Road from Highway 1 to the proposed parking lot. The parallel parking would provide about 180 spaces. Together, the parallel parking on Wavecrest Road and the parking lot would provide a total of 380 spaces.

The applicants further propose to improve the 1,400-foot length of Redondo Beach Road between Highway 1 and Occidental Avenue, currently a paper street held in public interest by the City of Half Moon Bay (**Exhibit 23**). The improvements include widening and paving the road to at least 28 feet with 8-foot graded shoulders and additional improvements for available sight distance, acceleration and deceleration lanes, and return radii at the intersection of Redondo Beach Road and Highway 1.

All of the proposed streets in the project area would include Class III bicycle routes. Class III bicycle routes lie within motor vehicle travel lanes, have neither pavement markings nor lane stripes, and are identified only by signs along the road. The proposed project does not include provisions for equestrian use of the project area, given that existing equestrian use in the area occurs mainly on the City-owned beach west of the project area and is infrequent on the blufftop trails south of Poplar Street (Jespersion 1999).

**Proposed Lateral Public Accessways**

The applicants propose to construct lateral trails to connect the blufftop open space areas to the proposed development and to provide for the Coastside Trail in the project area, providing 7,200 feet of public trails with 15-foot-wide easements in the project area. The trails would consist of compacted natural material and would be constructed for use by pedestrians and cyclists prior to the occupancy or use of any structures or other approved development. The trails are proposed to be set back 50 to 100 feet from the bluff edge, consistent with LUP Policy 2-2 and Zoning Code Section 18.38.070, which require lateral trail setbacks of at least 10 feet from the edge of the bluff. The proposed trails are consistent with LUP Policy 2-22, which requires the improvement of lateral coastal access from Kelly Avenue to Miramontes Point Road. The proposed trails are also consistent with Zoning Code Section 18.38.070 which requires an improved bluff edge trail between the Seymour Street right-of-way and Redondo Beach Road.

The applicants plan to dedicate all of the proposed public accessways in the non-residential areas as public access easements to the City of Half Moon Bay. In the residential subdivisions, the applicants propose to construct the paths and sidewalks, dedicate these accessways to the City, and surrender the maintenance responsibilities to the subdivisions' homeowners' associations. The applicants further propose to dedicate permanent open space easements to the City for the

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community ballfields, the view corridor between Highway 1 and Street C, and the landscape buffer west of the Highway 1 right-of-way.

**Adequacy of Proposed Lateral Access**

Zoning Code Section 18.40.030 requires new development to provide an offer to dedicate a public access easement or other legal mechanism to provide lateral, blufftop, vertical, trail, and/or recreational public access if (1) the development is located between the first public road and the sea; (2) the LCP has identified the location for public access; and (3) access is needed to mitigate the impacts of development on public access. The proposed project includes the construction of 271 residential units. Assuming there are at least three people occupying each of these residences, the proposed development will result in an increased burden of at least 813 people on existing access and recreation facilities. In addition, the project site is located between the first public road and the sea and the LCP has identified the project site for public access. Therefore, the proposed project meets all of the criteria contained in Section 18.40.030 and therefore must conform with Zoning Code Section 18.40.030. The Commission finds the proposed lateral dedications are consistent with Zoning Code Section 18.40.030 because they provide 7,200 feet of public trails, thereby connecting the blufftop open space areas and providing for the Coastside Trail in the project area.

The dedications are also consistent with Policy 2-2 of the LUP, which requires that new developments grant lateral easements for public access along the shoreline, as proposed by the Shoreline Trail alignment on the Access Improvement Map. The dedications are also consistent with the requirement of Zoning Code Section 17.40.090 for subdivision development located along the shoreline to dedicate lateral easements. Therefore, the proposed lateral dedications are consistent with the provisions of the certified LCP.

**Proposed Vertical Public Accessways**

The applicants do not propose to construct a vertical accessway from the top of the bluff to the public shoreline within the project area. Instead, the applicants propose to construct a pedestrian stairway at Poplar State Beach, outside of the Wavecrest PDD. The project engineer cites the potential for safety hazards, increased erosion, and disruption of habitat values to justify the exclusion of vertical access in the project area. The LUP recognizes that the North Wavecrest PDD "...has experienced severe erosion and gullyng at the bluff face due to cliff instability, water runoff, and uncontrolled use by off-road vehicles and hikers."

The applicants state that there are safety issues at the existing path at Poplar State Beach due to the joint use by pedestrians and horses that warrant the construction of the stairway. The applicants also note that vertical access at this location is closer to the project area than the vertical access at Redondo Beach Road previously recommended by Commission staff in the September, 2000 staff report and is in the vicinity of the vertical access identified in the Wavecrest PDD by the Wavecrest Restoration Project.

As an alternative to providing the beach access stairway at Poplar State Beach, the applicants propose to pay a proportional share of the cost of providing vertical access improvements at Redondo Beach Road. The proportional contribution would be based on the ratio of the Wavecrest Village Project residential subdivision acreage to the total acreage in the North Project Area of the Wavecrest Restoration Plan. The applicants have not specified the amount of funding proposed for such improvements.

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***Issues Raised by the Proposed Vertical Access***

The applicants propose:

- a subdivision of 156 parcels for 156 single-family residences in the northern residential area;
- a subdivision of 34 parcels for 34 single-family residences in the southern residential area;
- a subdivision of 35 parcels for 35 single-family residences in the mixed-use area;
- 46 affordable housing units;
- a middle school with the capacity for 1,150 students;
- a Boys and Girls Club for after-school and weekend uses;
- over 26 acres of sports fields and courts for public use (including a track, football field, six ballfields, four volleyball courts, four tennis courts, and 12 basketball courts);
- over 60 acres of open space and trails for passive recreation;
- 20 acres of mixed-use commercial and residential buildings and parking;
- two improved access roads from Highway 1 into the PDD and one improved segment of a third access road; and
- traffic improvements on Highway 1 at Smith Parkway (the Main Street extension), Wavecrest Road, and Redondo Beach Road.

**Increased Demand for Public Access and Recreation Opportunities**

The development of the Wavecrest Village Project will increase public use of the area. The beauty and convenience of its location, on a scenic coastal bluff and along the main corridors through the City (Highway 1 and Main Street), make it a desirable destination for residents and local and out-of-area visitors. As the proposed development formalizes and encourages outdoor activity, the development will draw more visitors than under current conditions. The development will also produce an increase in permanent regular users of the area by the creation of the 271 residential units and the Middle School. Assuming there are at least three people occupying each of these 271 homes, the proposed development will result in an increased burden of at least 813 people on existing access and recreational facilities. The development will therefore intensify the use of the project area and the Wavecrest PDD. This significant increase in use impacts the ability of the project area to accommodate public shoreline access and recreational needs. Specifically, the increased demand for beach access and recreational opportunities generated by the proposed development will increase the use of existing informal vertical accessways in the Wavecrest PDD, adversely affecting coastal resources. This significant adverse impact must be mitigated by the provision of vertical access. In addition, the existence of informal beach access trails created by frequent public use around the Wavecrest Village Project area indicates that adequate formal access from the bluff to the beach does not exist in the Wavecrest PDD for the current level of use. The informal trails are located on steep bluff faces 40 feet in height or taller. Continued use of these unplanned trails may potentially destroy coastal vegetation such as the California wild strawberry, identified in the LCP as a unique species found on bluffs in the Wavecrest PDD. Access to the beach using these trails also contributes to bluff erosion and presents a public safety hazard. The development proposed under the Wavecrest Village Project will increase the use of informal beach access trails and accelerate the deterioration of these trails. The inability to use the deteriorated trails will prompt the public to create new informal trails to the beach. Given that the proposed development will cause significant adverse impacts to coastal resources, the project must provide formal vertical

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access from the bluff to the shoreline consistent with public safety and the protection of fragile coastal resources.

**Proposed Vertical Access at Poplar State Beach is Insufficient to Meet LCP and Coastal Act Requirements**

The applicants propose to fulfill the LCP requirement to provide vertical access from the bluffs to the beach by constructing a stairway at Poplar State Beach. This vertical access would be closer to the project area than the vertical access at Redondo Beach Road recommended by staff in the September 2000 staff report and would be in the vicinity of the vertical access identified in the Wavecrest Restoration Project. However, the proposed accessway at Poplar State Beach would not offset the increased demand for public beach access resulting from the proposed development because public beach access already exists at this site. The Poplar State Beach accessway is already an established public access point, with paved parking and overlook benches. The proposed stairway will not alleviate the need for **new** vertical beach access in the area. Thus, as proposed, the development would be inconsistent with LUP/Coastal Act Policy 30252 requiring the location and amount of new development to assure that recreational needs of new residents will not overload nearby coastal recreation areas. Furthermore, the LCP contains specific policies requiring the development of vertical public access within the Wavecrest PDD. The vertical accessway proposed at Poplar State Beach is outside of the Wavecrest PDD and therefore does not carry out these requirements.

**Proposed Fair Share Contribution is Insufficient to Meet LCP and Coastal Act Requirements**

As an alternative to the construction of the Poplar State Beach accessway, the applicants propose to pay an unspecified fair share for the cost of designing and installing vertical access improvements at the western end of Redondo Beach Road. The applicant bases the "fair share" contribution towards the future development of the vertical beach access improvements on the ratio of the Wavecrest Village Project residential subdivision acreage to the total acreage in the North Project Area of the Wavecrest Restoration Plan. However, such a monetary contribution would not result in vertical access improvements in a timely manner or mitigate the increase in public use of the site generated by the proposed project. Furthermore, the applicants cannot guarantee that the vertical access will be constructed at the end of Redondo Beach Road at all. Thus, there is no assurance that a vertical accessway will ever be met at the site. Because vertical public access must be constructed before impacts to the site and increased visitation as a result of the proposed project begin, the proposed funding of a future vertical accessway to the beach is inconsistent with LCP Policy 9.3.6(g), which requires new development in the Wavecrest PDD to construct vertical accessways from the bluff to the beach near the end of designated beach access routes. In addition, because such vertical access should be related to the increased demand on access and recreation caused by the number of residential units rather than the area such units will occupy, the proposed access contribution is not related in nature and extent to the development impacts and is also inconsistent with LUP/Coastal Act Policy 30212, which requires new development to provide public access from the nearest public roadway to the shoreline and along the coast unless inconsistent with public safety or the protection of fragile coastal resources, or where adequate access exists nearby.

**LCP and Coastal Act Requirements for Vertical Access in the Wavecrest PDD**

LUP Policy 9.3.6(g) requires as part of any new development that vertical accessways shall be constructed to the beach from the bluff near the end of designated beach routes in the Wavecrest PDD, with a potential third accessway to the beach approximately equidistant between the two primary access routes in the PDD. According to LUP Policy 2-16, the Access Improvements Overlay Map, and the Wavecrest Restoration Plan in the LUP, the designated primary beach access routes in the PDD are the extension of Main Street (veering northward and ending at the Seymour Street right-of-way) and Redondo Beach Road (**Exhibits 24 and 17**). These are also the two designated beach access routes referenced in LUP Policy 9.3.6(h), which requires, as a part of any new development in the Wavecrest PDD, the improvement of the two routes along the alignments shown on the Overlay Map and Restoration Plan or along new alignments designed to afford equivalent access opportunities. The designated beach route depicted by the Smith Parkway/Main Street extension ends at the bluffs in the project area. As discussed above, the bluffs in the project area have resource and safety constraints that deter construction of a vertical accessway from this location. A potential accessway south of the proposed project's blufftop area in the approximate equidistant region between the Seymour Street right-of-way and Redondo Beach Road is located outside of the project area where the applicants do not have a legal interest to propose the vertical accessway. The proposed improvement of Wavecrest Road, despite its provision of parking for public access purposes, does not provide parking associated with a vertical beach accessway.

**Opportunity for Beach Access at Redondo Beach Road**

The vicinity of the end of Redondo Beach Road, however, presents the only feasible location for the applicant to provide vertical access within the PDD and in proximity to the proposed development. Redondo Beach Road is a partially improved City street, currently used by the public to access a dirt parking area at the end of the road and informal trails along the blufftop and to the beach. It is one of the primary beach access routes with a vertical accessway to the beach contemplated by the LCP. No stairways or formal accessways to the beach exist at this location. Instead, informal trails immediately west of the dirt parking area are on steep and eroding bluffs, posing a danger to public safety. As an alternative to using these hazardous trails, some persons apparently enter the arroyo approximately 1,000 feet north of the parking area and walk down the slopes approximately 300 feet to the beach. Since the City and County own paper streets and parcels between Redondo Beach Road and the arroyo in the area of the westernmost dirt trail, it is possible that a trail leading to the arroyo could be located on mostly public property, with the exception of the one landowner that owns the parcel adjacent to the arroyo. Given that the implementation of public access is feasible on public property, and that the vertical access appears to be most desirable through the arroyo, it is feasible for the applicants to consider providing access to the beach from Redondo Beach Road at this location (**Exhibit 25**). However, since a trail and vertical accessway through the arroyo will be subject to an agreement with the private landowner to allow such improvements on the portion of the trail that would be located on private property, the applicants may also provide alternative routes to the beach from Redondo Beach Road.

The Commission therefore imposes **Special Condition 11**, requiring the applicants to obtain authorization from the Commission for public vertical accessway improvements from the end of Redondo Beach Road to the beach. **Special Condition 11** requires that prior to issuance of the

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permit, the applicants must obtain approval from the Commission of an amendment for a beach access plan that includes the construction of a stairway, ramp or combination of stairs and ramps to the beach; the provision of public beach access signage at the intersection of Redondo Beach Road and Highway 1; and a plan for improvements to the existing parking lot at the end of Redondo Beach Road that would provide 50 public access parking spaces. The condition requires the applicants to propose alternatives for vertical access improvements, including the vertical accessway through the arroyo generally depicted in **Exhibit 25**. As an alternative to constructing the improvements themselves, **Special Condition 11** allows the applicants to provide sufficient funding to the City to complete the trail, vertical accessway, and road improvements. As conditioned, the subject coastal development permit will not issue unless and until the applicants ensure development of vertical access improvements consistent with the requirements of this coastal development permit.

The requirements of **Special Condition 11** represent the most easily implemented and likely the least expensive option for vertical beach access in the Wavecrest PDD. The public access improvements imposed by the condition provide resource benefits that would otherwise not be realized. For instance, the provision of a vertical accessway would keep the public from trampling vegetation, thereby protecting blufftop habitat. The stairway or ramp would also reduce erosion of the bluff and would allow a safe way for the public to access the beach. The road, parking lot, and vertical access improvements would provide a new, formal access point to meet the demand for public access and recreation in the Wavecrest PDD resulting from the proposed development.

As conditioned, the proposed development would provide public access from the nearest public roadway to the shoreline and along the coast, consistent with LUP/Coastal Act Policy 30212. The improvement of the road is also consistent with LUP Policy 2-16, which requires the designation, signage, and improvement of Redondo Beach Road as a beach access route and with Zoning Code Section 17.40.095, which requires vehicular access to coastal resources to be provided where indicated on the Access Improvements Map of the City Local Coastal Plan. As conditioned, the project conforms with the requirement of LUP Policy 2-21 directing the State and County to encourage the construction of paths or stairs to the beach as shown on the Access Improvements Map. Furthermore, as conditioned, the project is consistent with LUP/Coastal Act Policy 30252 requiring the locations and amount of new development to assure that recreational needs of new residents will not overload nearby coastal recreation areas and to maintain and enhance public access to the coast by providing adequate parking facilities.

Although the applicants propose to dedicate and construct public access trails in the Wavecrest PDD, the applicants must guarantee that these public access mechanisms will be in place before public access use is increased in the project area. In order for the proposed project to guarantee public access benefits and avoid adverse impacts to public access and other coastal resources in the project area and Wavecrest PDD, the Commission imposes special conditions for the dedication and construction of all the trails and accessways in a timely manner, prior to commencement of construction of any of the residences, and for the posting of public access signage along lateral and vertical accessways.

The applicants propose a 200-space parking lot at the western end of Wavecrest Road. The lot would provide 15 parking spaces specifically designated for public access of the lateral trails in

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the project area. The remainder of spaces would be devoted to public use of the sports facilities. However, LUP Policy 2-17 requires the provision of improved State parking facilities generally as shown on the Access Improvements Map, with most of the parking located at the end of primary Beach Access Routes. The policy includes that no parking facility south of Kelly be designed to accommodate more than 50 cars. Although the parking lot in the Wavecrest PDD is proposed by private applicants (i.e., not the State), LUP Policy 2-17 applies to the proposed project because the Access Improvements Map designates parking within the project area. As proposed, the parking lot would have 150 more spaces than allowed under LUP Policy 2-17.

The LUP notes that the "lack of adequate parking facilities is the major limiting constraint on shoreline access and use of the beach in the City." The LUP further states:

*...the scale of parking must be related to appropriate levels of recreational use along the shoreline and potential conflicts with existing residential neighborhoods. New, improved, and expanded facilities are proposed to be distributed along the entire shoreline in accordance with desirable levels of recreational area use.*

LUP Policy 2-17 addresses the need to provide adequate parking for use of public recreational access facilities but to limit the size of the parking lots to prevent overburdening the area. However, as stated in the LUP, consideration must be given to the level of recreational use of an area. To support this, the City Zoning Code contains provisions for determining the number of off-street parking spaces for park or recreational use. Zoning Code Section 18.36.120 refers to Table A of Zoning Code Chapter 18-36 to establish one parking space for every 8,000 square feet of active recreation area within a park or playground, and one space per acre of passive recreation area within a park or playground.

The applicants propose 13.25 acres of turf and 3.15 acres of paved area in the sportsfields, including tennis, volleyball, and basketball courts, a running track, and ballfields, for a total of 16.4 acres of active recreation area in the middle school area. In addition, the sportsfields west of the middle school area offer 9.84 acres for baseball and softball. The total acreage of the active recreation area is 26.24 acres, or 1,143,014 square feet. As proposed, the project conforms with LUP Policy 9.3.6(d), requiring the development of at least 15 acres of community recreation in the Wavecrest PDD.

According to the zoning requirement, 143 off-street spaces must be provided for the courts and sportsfields. The applicants must also provide adequate public access parking for the approximately 82 acres of open space proposed in the project for passive recreation, even though the area is not located within a park or playground. Since Zoning Code 18.36.080 allows the off-street parking requirements listed in Table A to apply to similar uses, one space per acre of passive recreation as listed in 18.36.120 and Table A results in the need to provide 82 additional spaces exclusively for public passive recreational purposes. These public parking spaces could be provided at the proposed parking lot at the end of Wavecrest Road. The total number of parking spaces would be 225: 143 spaces to accommodate the sportsfields, and 82 spaces for users of the open space recreation areas. To conform with the Zoning Code requirements for parking, **Special Condition 12** requires the applicants to submit for the review and approval of the Executive Director a public parking plan providing a minimum of 225 public parking spaces at the end of Wavecrest Road and/or other areas within the project site to serve the active and passive recreation or access of the project site. The parking areas shall include signage to inform

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the public of the right to use the spaces for access and recreation purposes. Therefore, as conditioned, the proposed project conforms to the public access and recreation policies of the Coastal Act and LCP.

**4.4.4 Conclusion**

Section 30252 of the Coastal Act requires new development to assure that the recreational needs of new residents shall not overload nearby recreational access. LUP Section 2.2 acknowledges the need for careful consideration of the needs of the local community in light of increasing demands for coastal access and recreational opportunities by visiting populations. The LUP reinforces the importance of both providing access and recreation opportunities in the City and distributing visitation along the coast to protect natural resources.

Vertical public access improvements from Redondo Beach Road are necessary to prevent disturbance to vegetation on the bluff top and face. Formal vertical access improvements will curb uncontrolled access down the bluff face and into the arroyos of the Wavecrest PDD, thereby reducing bluff erosion, decreasing the occurrence of hazardous conditions, and protecting public safety. In addition, the increased demand for beach access and recreational opportunities generated by the proposed development will increase the use of existing informal vertical accessways in the Wavecrest PDD, adversely affecting coastal resources. This significant adverse impact must be mitigated by the provision of vertical access. The improvement of Redondo Beach Road, the vertical access from the end of Redondo Beach Road to the beach and the creation of adequately-sized formal parking lots will offset the increased use of lateral and vertical accessways.

As conditioned, the project conforms with the LCP and Coastal Act policies for public access and recreation. The Commission therefore finds that only as conditioned will the development conform with the public access policies of the Coastal Act and the LCP.

**4.5 Visual Resources**

**4.5.1 LCP Standards**

The LCP contains policies that require the protection of the City's visual resources. The LUP chapter on visual resources states:

*Where development is appropriate, guidelines are required to protect the scenic quality of access routes to the beach, maintain the sense of openness characteristic of the City, preserve broad views of the ocean, and maintain a scenic corridor along Highway 1. The scenic quality of access routes to the beach should also be maintained and enhanced.*

The City's LUP Policy 1-1 states:

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

Therefore, the City incorporates the Coastal Act policies as policies of the LCP.

Coastal Act Policy 30251 requires that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. The policy requires development to

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be sited and designed to protect public views to and along the ocean and scenic coastal areas and be visually compatible with the character of surrounding areas.

Chapter 9 of the LCP states that the purpose of the Planned Development District designation is to ensure that new development is consistent with policies protecting coastal resources. Like Coastal Act Policy 30251, LUP Policy 9-9 acknowledges the importance and value of the scenic and visual qualities of coastal areas and requires the protection of this sensitive coastal resource. LUP Policy 9-9 requires development in Planned Development designated areas to use flexible design concepts such as unit clustering and multiple dwelling types to protect the scenic quality of the site.

LUP Policy 9.3.6(m), specific to the Wavecrest PDD, requires that development be clustered to the maximum extent feasible.

LUP Policy 9.3.6(n) requires maximum consideration to be given to preserving the cypress and eucalyptus hedgerows at the west end of the L.C. Smith property in the northwestern portion of the project area.

Zoning Code Section 18.37.020 defines scenic corridors to include the Highway 1 corridor and scenic coastal access routes. The code also identifies Wavecrest Road as a secondary access route from Highway 1 to a minor parking facility for public access purposes.

Zoning Code Section 18.37.030 requires the protection and enhancement of public views within and from scenic corridors by requiring the design and siting of structures in the least publicly visible locations. The design and placement of structures must also be an appropriate distance from the Highway 1 right-of-way and scenic beach access routes, compatible with the environment, maintain natural features such as mature trees, and have low height above natural grade and/or not obstruct public views. Section 18.37.030 prohibits vegetation removal within roadway rights-of way, allows compatible landscaping in scenic corridors to enhance the visual quality of scenic corridors, and encourages the use of natural vegetation and low earth berms for screening, and permits clearing of vegetation to enhance the scenic quality of scenic corridors. The code also contains requirements for suitable landscaping and screening.

Zoning Code Section 18.37.050 lists landscape design standards for developments. It requires existing trees to be preserved where possible and the use of compatible and adaptable landscape vegetation. The code also contains guidelines for tree planting.

## **Discussion**

### ***Scenic Qualities of Site***

The coast and scenery of Half Moon Bay attract residents and visitors alike. The combination of open space, small-town amenities, and proximity to the highly urbanized San Francisco Bay Area are uniquely characteristic of San Mateo County coastal cities. The LCP seeks to preserve these qualities in the City by imposing policies to protect its scenic resources from the impacts of development.

The Wavecrest Village Project area is located about 1 mile south of downtown Half Moon Bay and about 1.5 miles north of the boundary between the City and an unincorporated portion of San Mateo County. Main Street runs roughly parallel to and east of Highway 1, beginning at the

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intersection of Highway 1 north of Highway 92. Main Street ends at the intersection of Highway 1 and Purissima Road, directly across the Highway from the project area. The applicants propose to extend Main Street approximately 800 feet westward into the project area.

The viewshed in the Wavecrest Village Project area includes westward views of the coast and horizon, coastal bluff terrace, and eucalyptus, Monterey cypress, and other notable tree stands. The project area gradually slopes over a distance of about 4,000 feet, from approximately 81 to 85 feet in elevation above mean sea level (MSL) near the Highway 1 right-of-way down to around 65 to 70 feet MSL at the top of the coastal bluffs. Approximately 2,100 linear feet of the project area abuts the Highway.

Currently, views of the ocean across the project site are constrained by tree stands and existing development. However, the sea is visible from Highway 1 looking west and slightly north in the area of the Highway 1/Main Street intersection. The applicants propose to preserve this view by dedicating a wedge-shaped scenic easement over this portion of the project site (**Exhibit 4**). The proposed scenic corridor would be 90 feet wide at the intersection of Highway 1 and the proposed Main Street extension, broadening to about 200 feet at the western end of the Main Street extension. As conditioned, the scenic corridor would maintain visual access to the coast from Highway 1 and from the Main Street extension. Consistent with the applicants' proposal, **Special Condition 15** specifies that prior to issuance of the permit, the applicants must submit evidence that an irrevocable offer to dedicate a Scenic Corridor Easement has been executed and recorded in perpetuity over the proposed scenic corridor.

The applicants also propose to preserve the scenic qualities of the site by maintaining existing tree stands in the northern area of the project site, limiting the height of the development proposed closest to the highway, eliminating a sound wall from the plans as approved by the City, and preserving approximately 43 percent of the project site as open space.

The Commission finds that, as conditioned, the proposed development protects the scenic quality of the Wavecrest Village PDD, consistent with LUP Policies 9-9 and 9.2.6(m), Zoning Code Section 18.37.030, and Coastal Act Policy 30251.

#### **4.6 Regional Cumulative Traffic Impacts**

##### **Regional Transportation Setting**

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 (Dowling Associates, 1998; Caltrans, 1999). 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 period (Wilson Engineering, 1998; Brady/LSA, 1999). The LCP contains policies that protect the public's

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ability to access the coast. Lack of available services is specified in the LCP as grounds for denial of the project or reduction in the maximum potential allowable density. 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.

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.

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 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.

Approximately 2,529 vacant residential lots already exist within the City of Half Moon Bay. Approval of the creation of additional residential lots through new subdivisions 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. Thus, any new subdivision that would result in an increase in residential lots is inconsistent with the City of Half Moon Bay LCP transportation, access and public

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services policies. As such, proposals to create new residential lots in Half Moon Bay must be denied.

The current traffic volumes on the two highways that serve the San Mateo County Mid-Coast region already exceed roadway capacity. The resulting traffic congestion significantly interferes with the public's ability to access the coast. Further exacerbating this problem are the facts that (1) the capacity of Highway's 1 and 92 cannot feasibly be increased to meet even current demand, and (2) that buildout of the existing supply of developable lots in the region allowable under the City and County LCPs is expected to greatly increase traffic volumes on these highways over the next 10 years.

The most recent Countywide Transportation Plan predicts far greater congestion on these two corridors by 2010, stating "in 2010 the most congested corridor [in San Mateo County] will be Western 92" (C/CAG 2000). This report projects increases in the traffic volumes of 197- and 218-percent on Highways 1 and 92 respectively in the Mid-Coast region, and attributes these increases to "the anticipated levels of new development on the Coastside and the continued pattern of Coastsiders out-commuting to jobs in San Francisco and on the Bayside." This latest report serves to corroborate and underscore the findings of all of the previous traffic studies conducted in the region over the past three decades that Highways 1 and 92 in the Mid-Coast Region are not adequate to serve either the current or the expected future demands of development.

The Half Moon Bay LCP specifies that new development shall not be permitted in the absence of adequate infrastructure including roads. LUP Policy 9-2 states in relevant part:

*No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities... [Emphasis added.]*

LUP Policy 9-4 states in relevant part:

*Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources are available to serve the proposed development... 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. [Emphasis added.]*

LUP Policy 10-4 states:

*The City shall reserve public works capacity for land uses given priority by 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.*

The LCP also adopts Coastal Act Section 30252 as a guiding policy, which states in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast....*

**Market-rate Housing**

The proposed development includes the creation of 225 new lots for the construction of market-rate single-family residences. This market-rate residential development would include 156 homes in the Northern Residential Neighborhood and 34 in the Southern Residential Area (**Exhibit 4**). The proposed increase in high-cost market-rate housing would contribute to the regional job/housing imbalance with significant cumulative impacts to public access due to its contribution to traffic congestion on the area's highways. The applicants propose to offset this impact by permanently retiring the development rights for 206 existing legal lots in the Redondo View Subdivision (**Exhibit 26**).

The proposed retirement of existing legal lots in the project area as mitigation for the proposed creation of new "market-rate" lots is generally consistent with the mitigation required by the Commission in its February 2001 action on the Pacific Ridge Subdivision in Half Moon Bay. However, in that case, the Commission required the applicant to retire the development rights on an equal number of existing legal lots as that proposed to be created through the subdivision. The effect of the required mitigation for the Pacific Ridge project was to prevent any net increase in legal lots in the Mid-Coast region. By retiring the exact number of lots the applicant proposed to create for market rate residences on a 1:1 basis, the applicant will eliminate the equivalent level of traffic impact created by the development. As discussed below, the Commission finds that to adequately mitigate the regional cumulative impacts to public access and recreation caused by the traffic generated by the proposed market-rate residential development, the applicants must permanently retire the development rights on an equivalent number of existing legal lots in the Mid-Coast region.

As proposed, the development would create 225 market-rate single-family residences, and retire 206 existing legal lots in the Redondo View Subdivision, with a net increase of 19 lots. Consequently, the project as proposed would not adequately offset its contribution to regional traffic congestion and would result in significant adverse cumulative impacts to public access and recreation. Therefore, **Special Condition 17** requires the applicants, prior to issuance of the coastal development permit, to either: (1) reduce the number of new lots for market-rate residential development to 206, or (2) retire the development rights for an additional number of existing legal lots in the Mid-Coast Region, up to a maximum of 19, and equal to the number of new lots over 206 that are to be created for the construction of market rate single-family residences. Each mitigation lot must be an existing legal lot or combination of contiguous lots in common ownership and must be zoned to allow development of a detached single-family residence.

Lot retirement is not dependent on the existence of an established transfer of development rights (TDR) program, but can feasibly be undertaken by an individual developer in the absence of any such program. Even so, the City has included the development of a TDR program in its work program for the LCP update, and the Commission awarded assistance grant funding for this work program in December 2000. In its December 15, 2000 preliminary assessment to the City of the feasibility of establishing a TDR program, the City's consultant identified 663 parcels and 1,453 potential transfer or donor sites in four PUD districts in the City. These sites were identified as particularly desirable donor sites for a TDR program to achieve a number of planning goals.

**Wavecrest Village Project**

Under the Malibu/Santa Monica Mountains TDC program, the development credit attributed to any donor lot is based on the lot's development potential under current zoning. In calculating development potential, the program considers several factors including lot size, availability of services, presence of environmentally sensitive habitat areas, and slope intensity. Substandard lots without road or water services do not qualify for a full credit. Thus, under the Malibu program, more than one substandard lot is required to offset the impacts of the creation of one new developable lot. The Commission has found this credit system is necessary to ensure that the retired lots fully offset the impacts of new subdivisions.

However, the retirement of existing legal lots on a 1:1 basis for the number of new lots created to support market rate residences at any location within the Mid-Coast region, including both infill lots and paper subdivisions, would be sufficient to mitigate the significant adverse cumulative impacts of the proposed subdivision. By retiring the exact number of lots for market rate residences the applicants propose to create on a 1:1 basis, the applicant will eliminate the equivalent level of traffic impact the market rate residences are creating. Since development anywhere within the San Mateo County Mid-Coast contributes to traffic congestion on Highways 1 and 92, retirement of lots anywhere in this region would mitigate the impacts of the proposed market-rate development. Thus, in addition to the donor sites identified in the City's preliminary assessment, the proportional retirement of any of the several thousand existing undeveloped lots within the Mid-Coast region would serve to mitigate the cumulative impacts of the proposed project. Many of these existing lots are in "paper subdivisions" the development of which would likely result in significant impacts to coastal resources, including wetlands and other environmentally sensitive habitat areas.

Imposing this lot retirement requirement as a condition of approval for the proposed subdivision is not only consistent with the Commission's recent action on the Pacific Ridge Development, but with past Commission actions dating back over 20 years. The Commission first imposed such a requirement in 1978 as a condition of a coastal development permit for a small lot subdivision in the Santa Monica Mountains to mitigate for significant adverse cumulative impacts on public access to and along the coast due to severe traffic congestion on Highway 1 (see Exhibit 27). The Commission took this action prior to the creation of the Malibu/Santa Monica Mountains TDC program. In fact, the Commission's action in 1978 provided a major impetus for the formation of the Malibu/Santa Monica Mountains TDC program.

For all of these reasons, the Commission finds that the proportional retirement of legal lots that may support development of market-rate housing in the Mid-Coast region is essential to achieve consistency of the project with the Half Moon Bay LCP. The Commission finds that as conditioned to ensure no net increase in legal lots potentially available to support market-rate residential development in the Mid-Coast region, the proposed market-rate residential development is consistent with the public access and public recreation policies of the LCP and the Coastal Act.

***Affordable Housing***

In addition to the proposed subdivision and construction of 225 market-rate single-family residences, the applicants propose to construct 46 affordable housing units. Thus, the Commission must consider the regional cumulative traffic impacts of the proposed affordable housing development.

**A-1-HMB-99-051**  
**Wavecrest Village Project**

In the Mid-Coast area of the County, the job/housing imbalance is the reverse of the rest of the County. In other areas of the County, an abundance of high paying jobs and a shortage of housing leads to in-commuting. Whereas, in the traffic congestion in the Mid-Coast is the result of too few high paying jobs and too many expensive homes. The employers in the Mid-Coast are primarily hotels, restaurants, small retail shops and boutiques, and local police, fire, public school, and parks districts. The area also continues to support agriculture generating a demand for farm labor. These jobs, typical of the Mid-Coast, generally support persons of low and moderate incomes. However, there is a severe shortage of housing in the region that is affordable to such persons. As a result, persons employed in the Mid-Coast must commute into the region from the north via Highway 1 and the east via Highway 92. Thus, although the most significant traffic congestion on these highways is caused by the commute out by Mid-Coast residents to higher paying jobs in Silicon Valley and San Francisco, the "reverse commute" into the Mid-Coast by persons employed in the area also contributes to the regional traffic congestion.

There is no evidence in the record to support the conclusion that the supply of lower paying jobs, particularly in the service sector, will diminish in the Mid-Coast. Thus, the rate of in-commuting to the Mid-Coast for the lower paying jobs available in the region can only be reduced by increasing the supply of housing affordable to the people employed in the region. The proposed affordable housing development would increase housing opportunities for persons employed in the region, and therefore reduce the regional cumulative traffic impacts caused by in-commuting.

Although the proposed development would increase the opportunities for Coastside workers to live near their jobs, the development does not guarantee that some residents of the affordable units will not commute to jobs outside of the region. As discussed above, any increase in out-commuting would contribute to the already severe traffic congestion on the area highways with significant cumulative impacts to coastal access and recreation. Nevertheless, the provision of affordable housing on the coast is consistent with the need to resolve the area's jobs/housing imbalance. The overall effect of correcting the jobs/housing imbalance would be a reduction in congestion on Highways 1 and 92. Thus, the Commission finds that the effect of the proposed affordable housing development to help correct the Mid-Coast jobs/housing imbalance is more than adequate to offset the potential impacts of any increase in out-commuting from these units.

However, the Commission can only support this determination if the units remain affordable in perpetuity. As discussed in Section 4.7 of this report, the housing policies contained in the City Zoning Code require the applicants to enter into an affordable housing agreement with the City and to record a deed restriction to ensure that the affordable housing units remain affordable as defined pursuant to Zoning Code Section 18.35.015 in perpetuity. **Special Condition 18** requires the applicants to comply with these requirements. Although this condition is intended primarily to ensure that the proposed development conforms to the housing policies of the certified LCP, it will also prevent the future increase in traffic impacts due to out-commuting associated with the conversion of the affordable units to market rate. Therefore, the Commission finds that, as conditioned, the proposed affordable housing development is consistent with the public access and public recreation policies of the LCP and the Coastal Act.

#### 4.7 Housing

The applicants propose to construct 46 affordable housing units. The proposed affordable housing includes 28 town homes affordable for persons of moderate income located within the mixed-use area and an 18-unit apartment building for very low income households near the Boys and Girls Club south of Wavecrest Road (**Exhibit 4**).

LUP Policy 9.3.6(b) requires that at least 20 percent of the residential units developed within the Wavecrest PUD must be affordable to persons of low and moderate income. This LUP policy is implemented through Zoning Code Sections 18.35.010 through 18.35.060. As discussed below, the imposition of **Special Condition 18** will ensure that the proposed development conforms with these affordable housing policies and standards of the Half Moon Bay LCP.

Zoning Code Section 18.35.020.A, implements the requirement of LUP Policy 9.3.6(b) that 20 percent of the residential units developed in the Wavecrest PUD are affordable for persons of low and moderate incomes stating:

*A minimum of twenty percent (20%) of the total number of dwelling units in all developments of ten or more units shall be priced at levels which are affordable to Low and Moderate Income households as defined in this Chapter and the Housing Element.*  
[Emphasis added.]

The applicants propose to construct a total of 271 new housing units. Of this total, 46 units are proposed as affordable housing. The 46 affordable units proposed represent only 17 percent of the 271 total. Thus, the proportion of market rate to affordable housing units as proposed by the applicants is insufficient to satisfy Zoning Code Section 18.35.020.A. Therefore, the Commission imposes **Special Condition 18** requiring the applicants to submit for the review and approval of the Executive Director, prior to issuance of the permit, revised plans demonstrating that a minimum of 20 percent of the total number of dwelling units to be developed shall be priced at levels which are affordable to Low and Moderate Income households as defined by Zoning Code Section 18.35.015.

In accordance with Zoning Code Section 18.35.025, the affordable housing requirements for the proposed development must be implemented under an Affordable Housing Agreement between the applicants and the city and this agreement must be recorded against the affected property. To ensure that the subject housing units remain affordable for the life of the development and conform to all other applicable housing policies in the LCP, **Special Condition 18** requires the applicants, prior to issuance of the permit, to submit evidence for the review and approval of the Executive Director that they have executed and recorded an Affordable Housing Agreement with the City that is consistent with the provisions of Zoning Code Sections 18.35.015, 18.35.020, 18.35.025, 18.35.050, and 18.35.055. In addition, in order to ensure that the affordable housing units remain affordable in perpetuity as a condition of the CDP and to provide future owners of the property notice of the affordable housing restrictions, the applicants must execute and record a deed restriction reflecting all applicable restrictions on the deed of the property governed by Coastal Development Permit A-1-HMB-99-051.

#### **4.8 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.

The Commission incorporates its findings on LCP consistency at this point as if set forth in full. The proposed project has been conditioned in order to be found consistent with the access, visual, environmentally sensitive habitat area, water quality, wetlands, housing, and traffic policies of the certified LCP, and the access and recreation policies of the Coastal Act and to minimize all adverse environmental effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the certified LCP and Coastal Act and to conform to CEQA.

**A-1-HMB-99-051**  
**Wavecrest Village Project**

**EXHIBITS**

1. Regional map
2. Vicinity map
3. Project location map
4. May 2001 site plan
5. Geographical area names and location of red-tailed hawk nest
6. 4/6/01 Project description submitted by the applicant
7. 5/23/01 Project description submitted by the applicant,
8. 5/29/01 Project description clarification submitted by the applicant
9. 5/31/01 Project description modification submitted by the applicant
10. General wetland area filled for restoration purposes (former agricultural pond)
11. General wetland area filled for restoration purposes
12. Drainage ditch route through project area
13. Proposed wetland restoration in Central Area
14. Existing Vegetation Map
15. 12/00 Letter from Gary Deghi
16. 05/01 Letter from Gary Deghi
17. Wavecrest Restoration Plan
18. 5/29/01 Letter from Alvaro Jaramillo
19. Affordable housing and Boys and Girls Club sites
20. Proposed detention basin in Western project area
21. Memorandum of Understanding Between the Commission and the City of Half Moon Bay
22. Proposed Public Lateral Access routes
23. Redondo Beach Road Between Occidental and Highway 1 on APN Map of Existing Parcels
24. Half Moon Bay Land Use Plan Access Improvements Map
25. Potential lateral and vertical access from Redondo Beach Road
26. Redondo View Antiquated Subdivision
27. 4/25/96 staff report for Transfer of Development Credit in Malibu/Santa Monica Mountains
28. 4/5/01 Water treatment report
29. 4/01 Wetland Restoration Plan Description

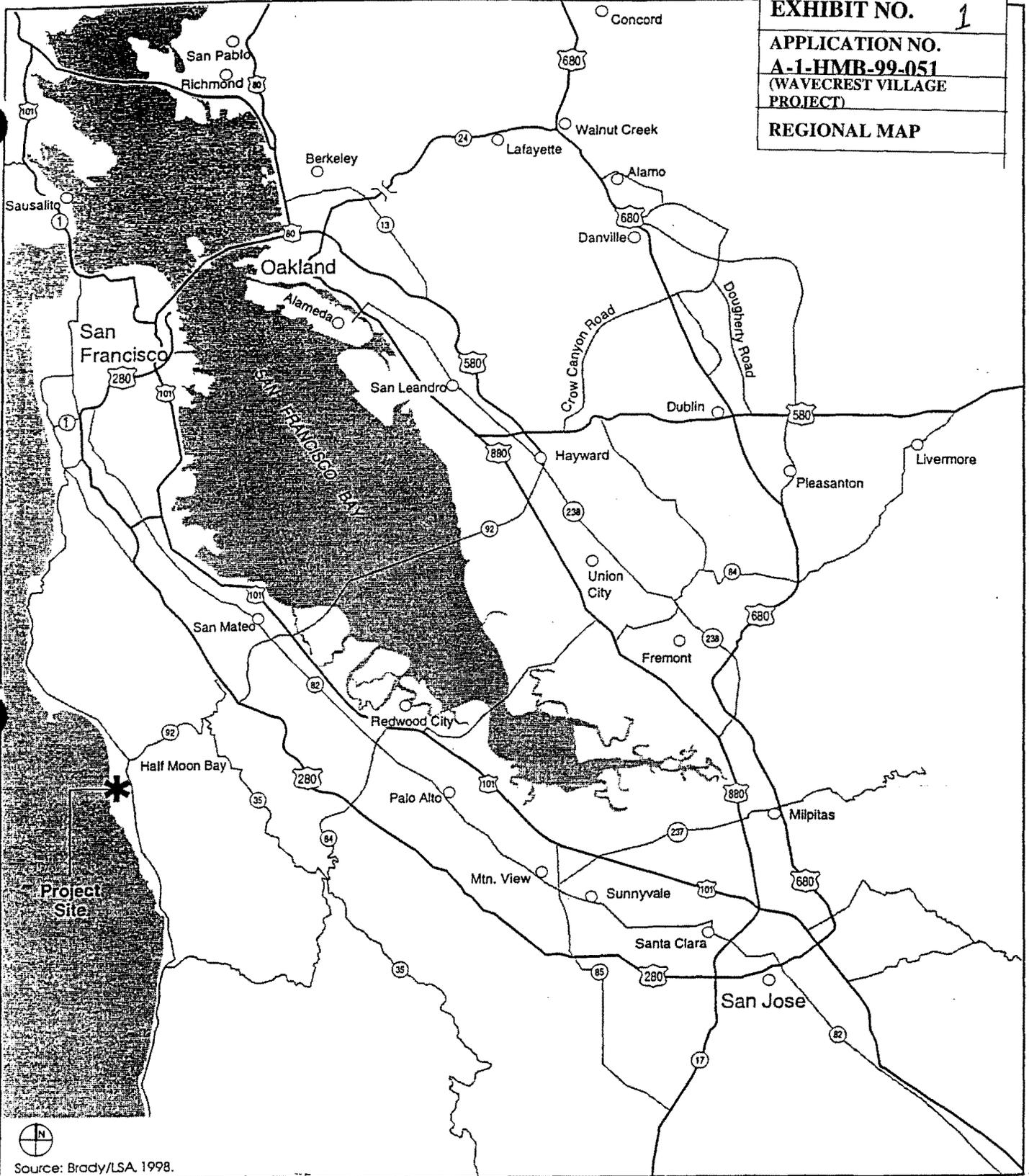
**APPENDICES**

- A. Substantive File Documents
- B. LCP and Coastal Act Policies

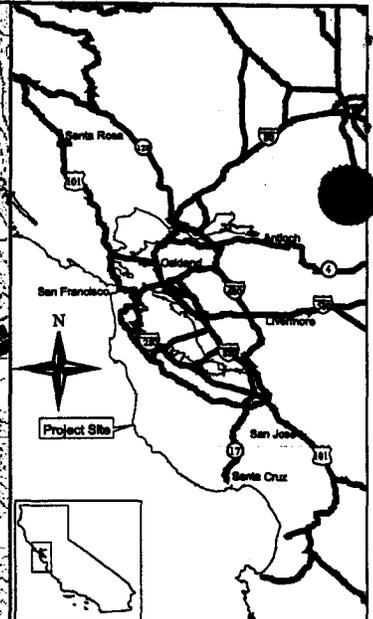
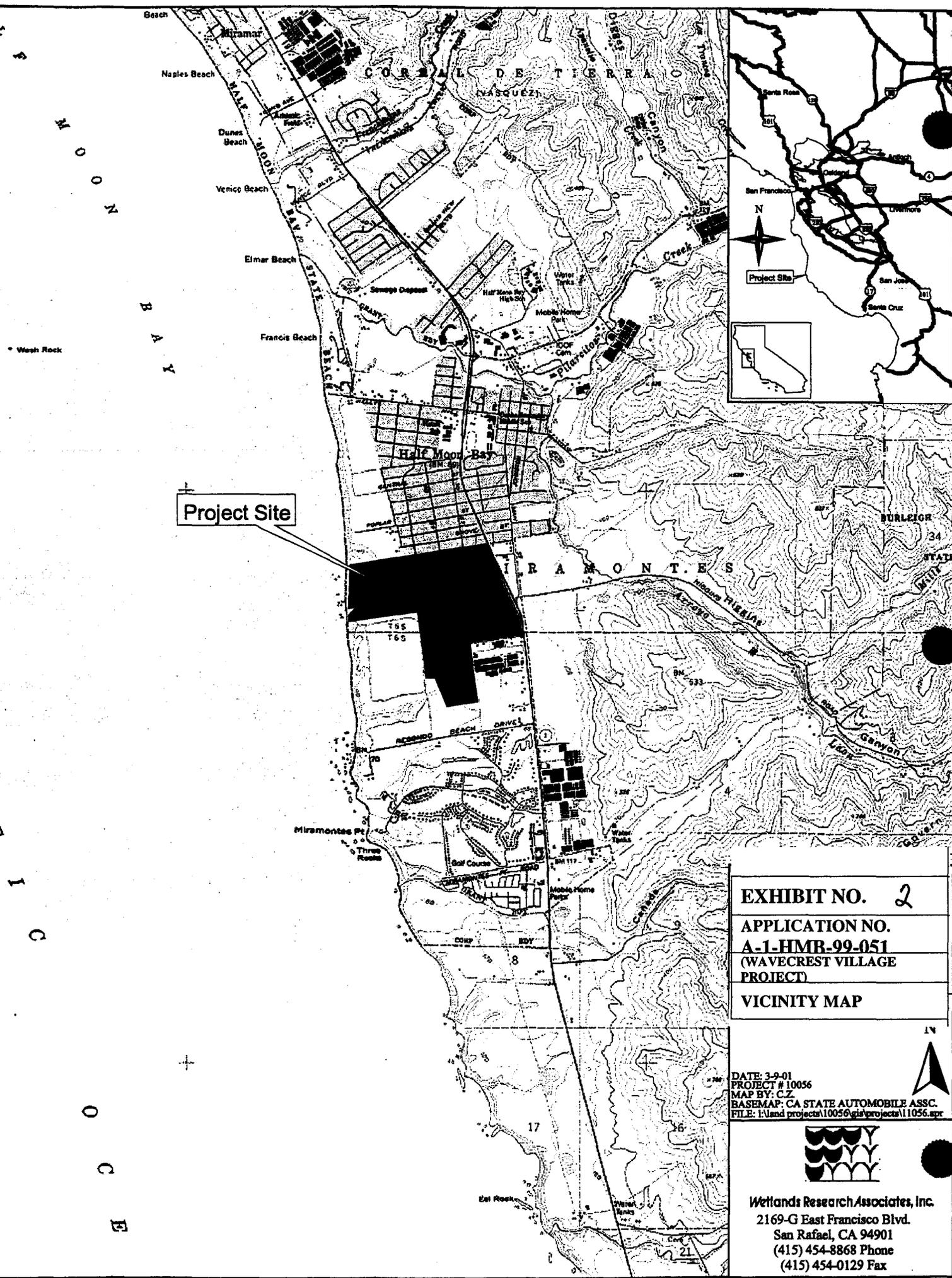
**CORRESPONDENCE**

1. 5/21/01 letter from Larry Kay
2. 5/31/01 letter from Michael Ferreira

EXHIBIT NO. 1  
APPLICATION NO.  
A-1-HMB-99-051  
(WAVECREST VILLAGE  
PROJECT)  
REGIONAL MAP



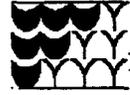
Source: Brady/LSA, 1998.



Project Site

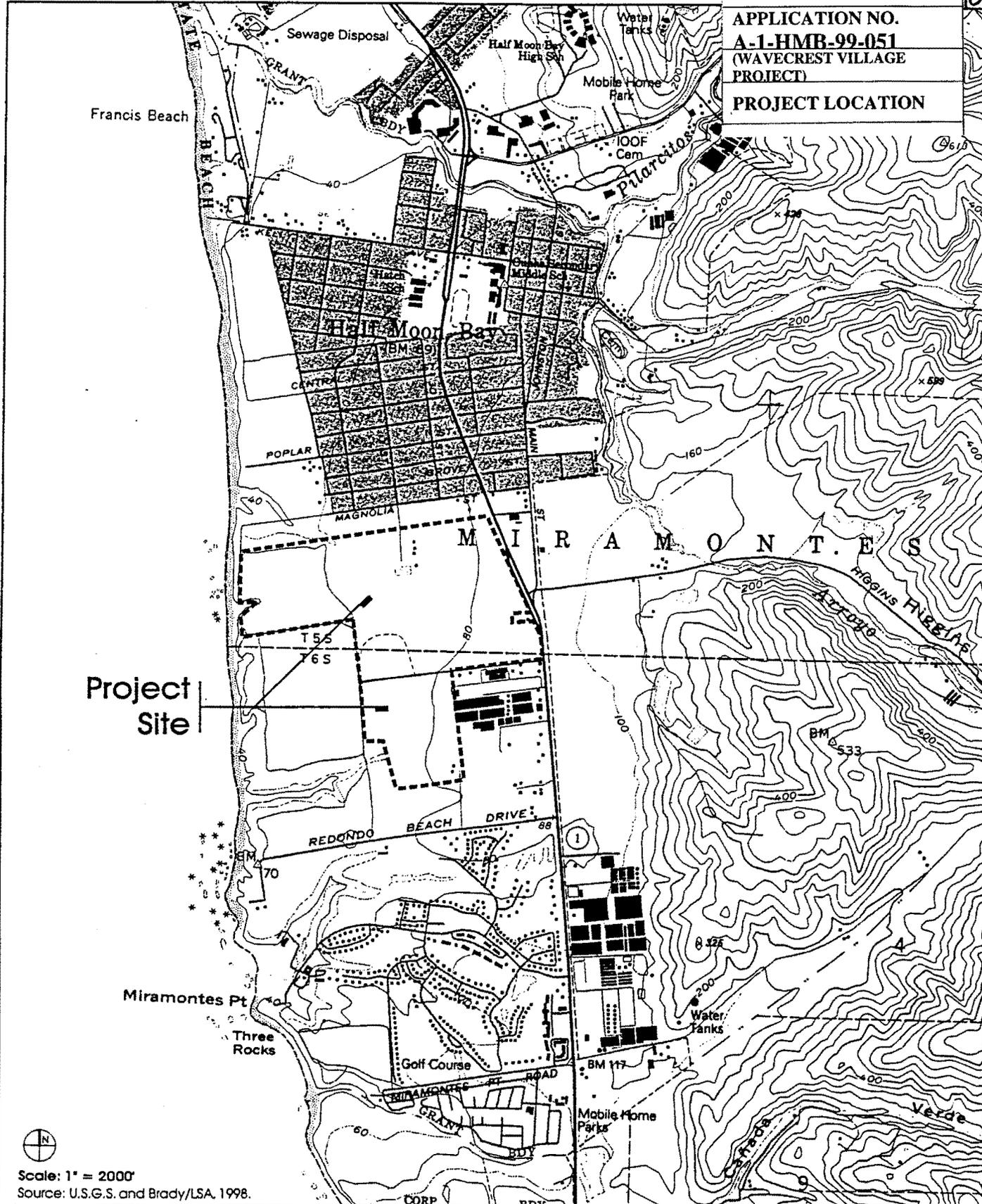
**EXHIBIT NO. 2**  
**APPLICATION NO.**  
**A-1-HMB-99-051**  
**(WAVECREST VILLAGE PROJECT)**  
**VICINITY MAP**

DATE: 3-9-01  
 PROJECT # 10056  
 MAP BY: CZ  
 BASEMAP: CA STATE AUTOMOBILE ASSC.  
 FILE: I:\land projects\10056\gis\projects\11056.spr



**Wetlands Research Associates, Inc.**  
 2169-G East Francisco Blvd.  
 San Rafael, CA 94901  
 (415) 454-8868 Phone  
 (415) 454-0129 Fax

EXHIBIT NO. 3  
 APPLICATION NO. A-1-HMB-99-051  
 (WAVECREST VILLAGE PROJECT)  
 PROJECT LOCATION



Scale: 1" = 2000'  
 Source: U.S.G.S. and Brady/LSA, 1998.

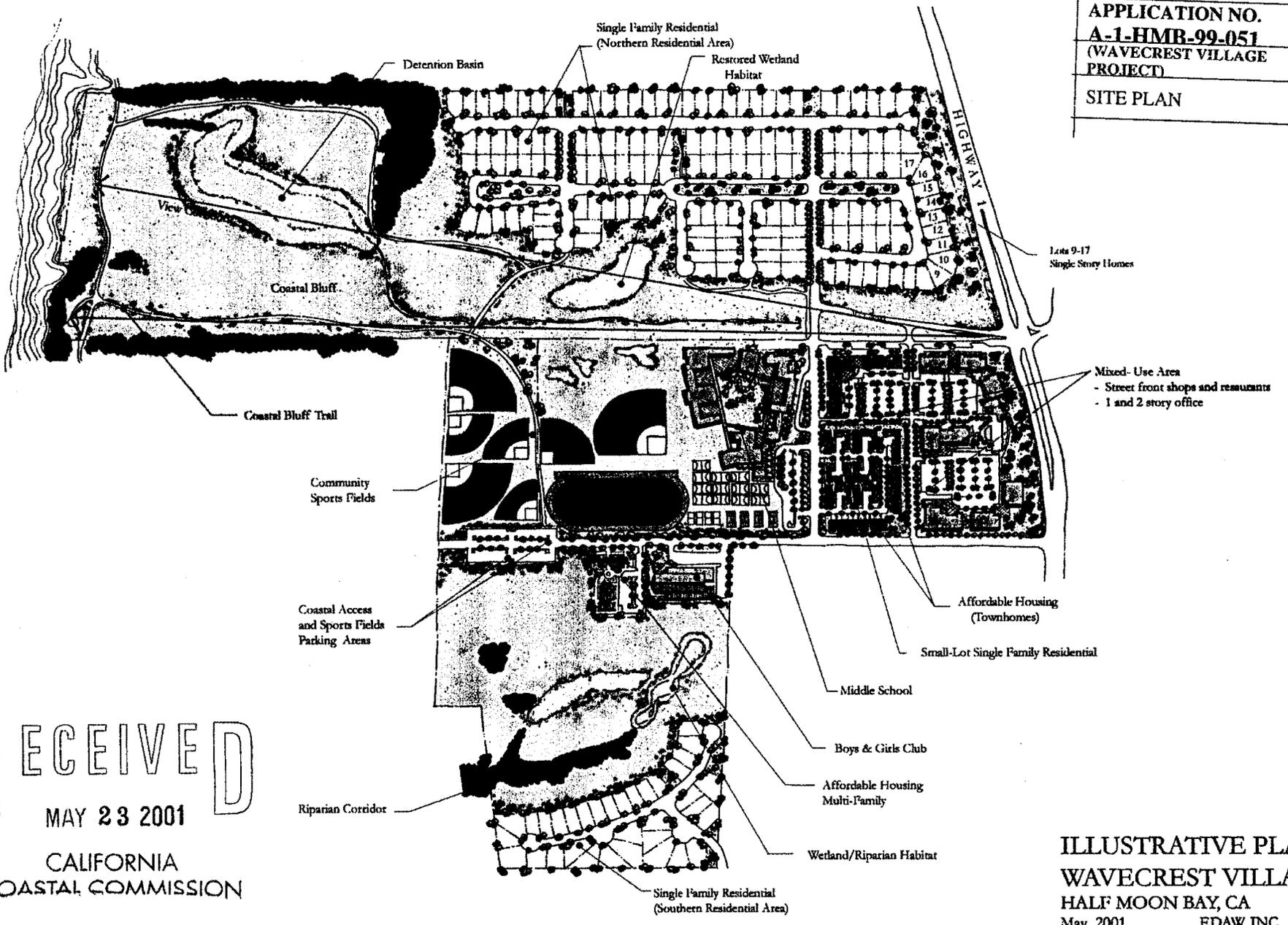
WAVECREST VILLAGE DRAFT SPECIFIC PLAN EIR

Figure 2  
 Project Location

EXHIBIT NO. 4

APPLICATION NO.  
A-1-HMB-99-051  
(WAVECREST VILLAGE  
PROJECT)

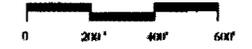
SITE PLAN



RECEIVED  
MAY 23 2001

CALIFORNIA  
COASTAL COMMISSION

ILLUSTRATIVE PLAN  
WAVECREST VILLAGE  
HALF MOON BAY, CA  
May 2001 EDRAW, INC



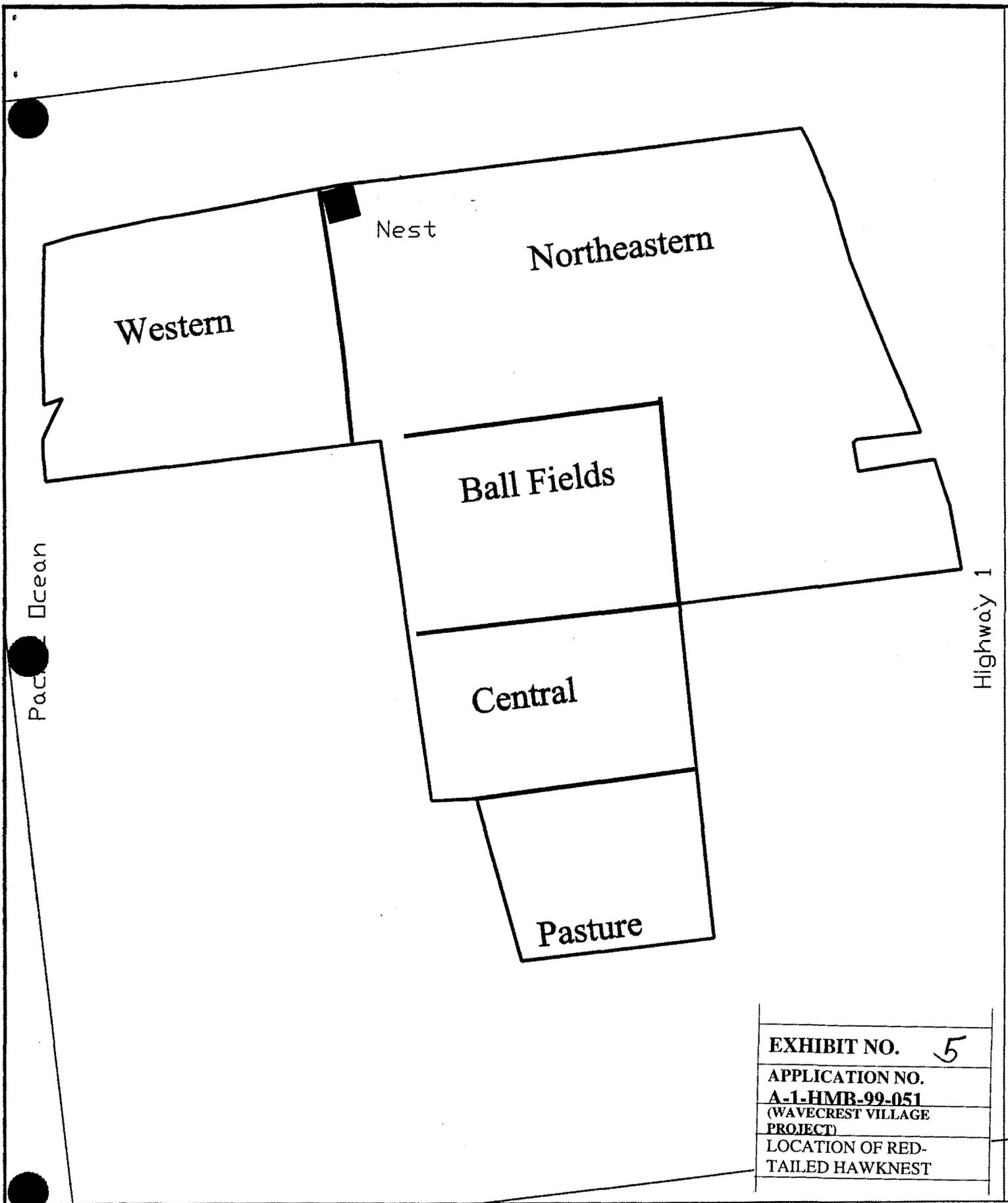
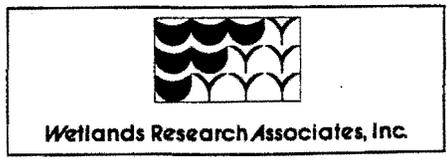
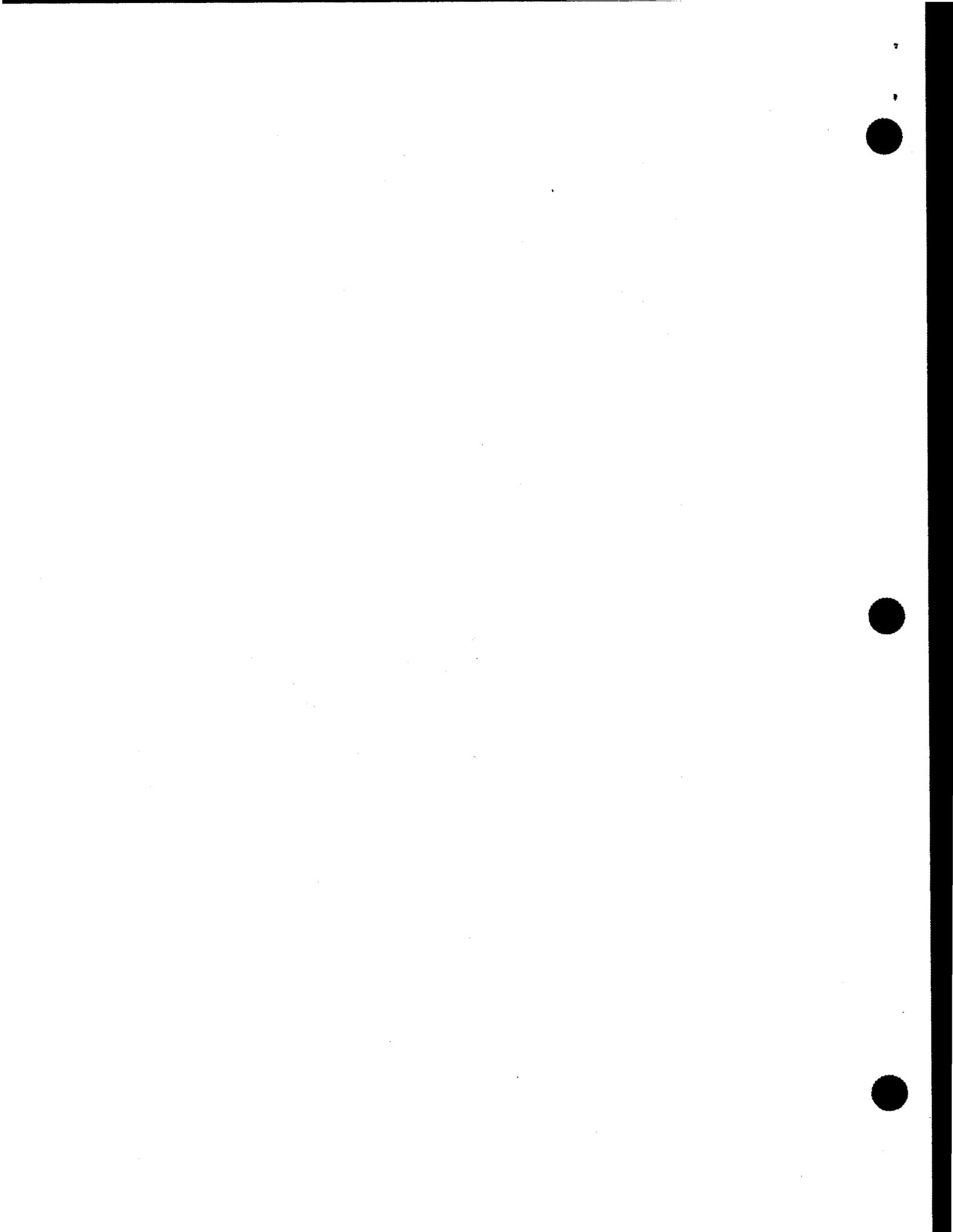


EXHIBIT NO.	5
APPLICATION NO.	A-1-HMB-99-051
(WAVECREST VILLAGE PROJECT)	
LOCATION OF RED-TAILED HAWKNEST	

Figure 3. Wavecrest Village Raptor Nesting Site





Received 4/6/01

**Wavecrest Village L. L. C.**  
330 Purissima Street \* Half Moon Bay, CA \* 94019

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**EXHIBIT NO.**     **6**

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**APPLICATION NO.**  
**A-1-HMB-99-051**  
(WAVECREST VILLAGE  
PROJECT)

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4/6/01 PROJECT  
DESCRIPTION

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April 6, 2001

Mr. Steve Scholl  
Mr. Chris Kern  
Ms. Virginia Esperanza  
North Central Coast District  
California Coastal Commission  
43 Fremont Street  
San Francisco, CA 94106-2219

Dear Steve, Chris and Virginia,

This letter and the enclosed information will serve as our revised project description for Wavecrest Village. First, we would like to thank you for your willingness to meet, discuss and reach solutions to the issues raised at our public hearing in October. Our meetings and submittals to you over the past months have been an effort to address those concerns and modify the project accordingly. We appreciate your review and comments to our various submittals. The revised project description and land use plan enclosed incorporates your comments to our submittals and addresses several other issues raised at our last meeting.

**Overview**

I would like to provide a general overview of the changes we are recommending for Wavecrest Village. The basic components of Wavecrest Village have not changed since our initial submittal. We are proposing the development of:

- ◆ a 25-acre middle school and related outdoor recreation areas;
- ◆ a 3-acre Boys & Girls Club of the Coastside facility;
- ◆ a 9.8 acre active park owned by the City of Half Moon Bay.

The location and description for these uses remain the same as detailed in our project description dated August 4 2000.

The total residential density described in the Wavecrest Village Specific Plan and approved by the City of Half Moon Bay also has not changed. We have, however, modified subdivision designs and relocated units as part of our discussions and submittals to you.

The northern residential area of Wavecrest Village has been redesigned to restore and improve the wetland habitat in this area. As we have discussed, the existing agricultural pond provides marginal wetland habitat. We are proposing to re-grade the existing agricultural pond in a manner to improve and restore the wetland vegetation in this area. There would be no reduction in wetland habitat. The agricultural pond would be reconfigured in a more natural shape and would be planted with wetland vegetation. It would also act as the first level of detention for the northern residential area drainage facilities, which would provide a source of water to the wetland throughout the year to maintain the habitat created in this area. As you know, there is no source of water for the agricultural pond.

We have also relocated thirty-five market rate units and twenty-two below market rate units located immediately south of Wavecrest Road to the mixed-use commercial area. This relocation reduces the approved maximum commercial space of 230,000 sf to approximately 160,000 sf – 120,000 in office space and 40,000 sf in retail space. We have enclosed our proposed site plans for both the relocated residential area and the commercial component in our submittal.

By relocating the residential units described above, we are proposing to create an additional 25+ acres of open space in the area south of Wavecrest Road. This would increase the total open space program of Wavecrest Village to approximately 112 acres or nearly 54% of the project area. We also propose to restore wetland habitat in this location by diverting the drainage water east of Highway #1 to this area. The wetland would be designed as a series of small basins and as an extension of the existing riparian to the south and west. It would act as a biofilter for the drainage to improve water quality and remove siltation and sediments. We would also continue the previous practice of draining irrigation water from the adjacent nurseries to this wetland to maintain the wetland habitat throughout the year.

Finally, the southern residential area has been redesigned to accommodate 34 units. We have redesigned the access for this subdivision to be from Redondo Beach Road and eliminated the street previously located in the area now proposed as open space and wetland restoration.

### **Northern Residential Area**

As noted above, the northern residential area has been redesigned to restore and improve wetland habitat within this area. The revised land use plan shows the new subdivision design including the restored wetland. We have enclosed a description of the *Wetland Restoration Program* prepared by Dr. Michael Josselyn of Wetlands Research Associates. The restored wetland in the northern residential subdivision is described in the "Subarea C" of his report.

As in our August 2000 submittal, we have incorporated an open space element within the middle of the subdivision to facilitate views from Highway #1. As we agreed prior to our public hearing in October 2000, we also propose to limit the height of certain homes along Highway #1 to single story to improve the views along

this open space corridor to the eucalyptus grove in the western area of the project site. We have also included with this submittal a typical lot layout detailing the proposed setbacks for the subdivision. The rear setback of 20' for all the lots in this subdivision will provide another corridor for views from Highway #1 to the west. The restored wetland is setback 100' from any residential development.

The design of the homes and streets for the subdivision are consistent with our August 2000 project description.

### **Mixed-Use/Commercial Area**

At our October hearing, the Commissioners requested further information and clarification on the mixed use/commercial area (the "white hole"). As noted above, we have redesigned this area to include a substantial portion of the residential units contained in the area adjacent to the Boys & Girls Club. In the residential area we are proposing thirty-five small lot single family residential units and twenty-two below market rate town homes. These relocated residential units comprise approximately six acres of the eighteen acre mixed use site.

Also included in this submittal is our proposed design for the site plan and buildings of the commercial area including the sizes and locations of the buildings. Our August 2000 submittal included guidelines for heights, floor area ratio (far) and architectural styling for this mixed use site. The site plan for the commercial area included with this submittal is consistent with those guidelines and indicates building sizes and locations in the mixed-use area. We have also included further clarification on the architectural styling for the buildings and shown typical elevations on the site plan. The mixed use area includes street front shops and restaurants and one and two story office buildings. As noted above, we have revised our project description to propose the development of approximately 40,000 square feet of shops and restaurants and 120,000 square feet of office space. As we discussed at our meetings, it was the goal of the City Council of Half Moon Bay and Wavecrest Village to improve the jobs housing imbalance on the coast by developing a location for job creation on the coastside. Job creation on the coastside provides an added benefit by reducing traffic trips on Highway #1 and Highway # 92.

### **Additional Open Space**

Our revised project description for Wavecrest Village proposes to relocate the residential units described above to the mixed use area and create an additional twenty five acres of open space and restored wetland habitat in this area of Wavecrest Village. We are proposing to restore wetland habitat by constructing an extension of the existing riparian area adjacent to this site as described in "Subarea A" in Dr. Josselyn's *Wetland Restoration Program for Wavecrest Village*. In order to create this wetland habitat and provide water to this area, it is necessary to construct a pipe for the existing drainage water east of Highway # 1. We also propose to create a series of basins as the extension for the riparian habitat to not only restore the wetland habitat but to improve the water quality entering the existing riparian area and downstream to the ocean. The created wetland habitat will act as a

biofilter for sediment and siltation occurring from the farmlands east of Highway # 1 and the adjoining nurseries.

### **Southern Residential Area**

The Southern Residential area has been redesigned to have thirty four single family lots. Access to the subdivision is now proposed from Redondo Beach Road and across an existing dirt road that would be improved and widened to support the development. The previous access through the proposed open space area has been deleted. The lot sizes for the subdivision are slightly smaller than our August 2000 submittal. The designs of the homes and streets are consistent with our previous project description.

### **Public Access/Beach Access**

The lateral public access system throughout the project area remains as described in our August 2000 project description and is indicated on the land use map. We have discussed with you the ability to provide vertical access to the beach. As we described in our August 2000 submittal, vertical access within the project area is considered by our engineers to be infeasible given the height of the bluffs in the project site. Staff has requested Wavecrest Village to provide access improvements including vertical access at Redondo Beach Road. We have proposed to pay a proportionate share of the costs for these improvements given that this location is offsite and it appears construction of this vertical access way may be infeasible.

However, after consultation with City of Half Moon Bay staff and Council members and as part of this project description, we would propose an alternative to our proportionate funding of the access improvements at Redondo Beach Road. As part of the development of Wavecrest Village, we would propose to construct a vertical access way at the Poplar State Beach. Currently there is an improved parking lot and connections to other lateral trails. There is an unimproved access path to the beach that is jointly used by pedestrians and equestrians. As you might imagine, there are safety issues with a joint access path for both pedestrians and horses. We would propose to construct a stairway to the beach in a design to be approved by the Commission in this location. It is important to note the Poplar Beach location is closer to the project area than the proposed access at Redondo Beach Road and very near the described northern location for vertical access in the Wavecrest Restoration Project.

### **Drainage Improvements**

We are enclosing a report prepared by Brian Kangas Faulk entitled *Wavecrest Development Hydraulics and Hydrology*. This report provides further detail to the areas described in Dr. Josselyn's report noted above and discusses the hydrology conditions for the proposed development and related areas outside the project area. The vegetated swale and seasonal wetland ("Subarea B") discussed in Dr. Josselyn's report is the redesigned detention basin and drainage improvements in the western area of the project. We intend to plant wetland vegetation in this swale

and design it to both serve as a filter for the storm and irrigation drainage water and the detention system for the northern area of the project. Due to the revisions of our project description and the creations of restored wetlands described above, we are able to reduce the size of the detention basin in the western area of the project proposed in our August 2000 submittal by approximately 45%.

The new wetland areas and drainage features proposed in our revised project description enhances and restores wetland habitat and improves water quality entering sensitive areas such as the riparian habitat and downstream to the ocean.

### **Final Map**

As you are aware, we have an existing agreement for seventy-nine water connections for a portion of the northern residential area from Coastside County Water District (CCWD). Also, as we discussed at our last meeting, we are currently in negotiations with landowners who own existing water connections from CCWD. We anticipate entering into an agreement with these land owners soon. These connections would be sufficient to serve the balance of the market rate residential units of Wavecrest Village. The remaining uses in Wavecrest Village (i.e. Middle School, Boys & Girls Club, affordable residential units, etc.) qualify as priority uses by the City of Half Moon Bay and CCWD has sufficient priority reserves to serve these components of the project.

We discussed alternatives for the approval of the project at our last meeting. In our discussions we proposed a condition of approval for Wavecrest Village requiring the Executive Director to approve the Final Maps for phases of the market rate residential units on our demonstration of contracts for water connections with other landowners or agreements with CCWD to provide Wavecrest Village with water connections. We include this proposed condition as part of our revised project description.

### **Additional Studies**

As Virginia requested, Dr. Josselyn has contacted John Dixon to discuss his desired protocol for a raptor study in Wavecrest Village. This study is currently being conducted and should be completed soon. We will send you a report as soon as it is available.

As we discussed at our last meeting (and as noted in our August 2000 submittal), there are 217 lots existing in the Wavecrest Village project area. The approval of 225 market rate residential units would be in line with the abandonment of these preexisting lots.

I trust this letter and the enclosures clarify the proposed changes to the Wavecrest Village project description. We appreciate all your efforts to work with us on this project. As we have stated many times before, this is a very important project to the Cabrillo Unified School District, the Boys and Girls Club of the Coastside, the City of Half Moon Bay and ourselves as the applicant. We hope to be on the earliest

April 6, 2001

meeting possible before the Commission. Please don't hesitate to contact me if you need any further information.

Sincerely,



Patrick K. Fitzgerald  
Project Manager

cc: Joe Angelini, Boys & Girls Club  
Bill Barrett  
Dr. John Bayless, CUSD  
Blair King, City of Half Moon Bay  
Bruce Russell

## WAVECREST VILLAGE: PROJECT DESCRIPTION

APPLICATION NO. <b>A-1-HMB-99-051</b> (WAVECREST VILLAGE PROJECT) 5/23/01 PROJECT DESCRIPTION
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## 1. INTRODUCTION

The Wavecrest Village project ("the project") constitutes a phased master planned community by Wavecrest Village LLC, in conjunction with the Cabrillo Unified School District, the Boys and Girls Club of the Coastside, and the City of Half Moon Bay, on 206.7 acres in the City of Half Moon Bay, San Mateo County.<sup>1</sup> (*Please see Tab 1 of the August 4 2000 Wavecrest Project Description, Location Map*)

The project site is located on an uplifted marine terrace between Highway 1 and the 60-70 feet high Pacific Ocean bluffs, within the certified Local Coastal Program (LCP) urban limit line of Half Moon Bay. (Tab 2, Location Aerial Photograph.) The project site consists of four separate ownerships and includes (a) 206 small lots in an antiquated substandard subdivision, south of Wavecrest Road, (b) 10 larger parcels that have been farmed within the past five years, and (c) Wavecrest Road and five City paper street rights-of-way within the small lot subdivision. (*Please see Tab 3 of the August 4 2000 Wavecrest Project, Existing Property Ownership Map*)<sup>2</sup>

The site contains no blue line (permanent or intermittent) natural streams, but presently conveys on- and off-site agricultural and highway drainage waters through several man-made ditches that discharge onto a large percolation area and a County maintained drainage channel located off-site. (*Please see Tab 4 of the August 4 2000 Wavecrest Project, USGS Half Moon Bay 7.5 Minute Quadrangle Sheet*) The sandy beach at the foot of the bluffs beyond the westerly edge of the site is already in public ownership.

The project applicants have prepared, and the City Council has approved with clarifications and conditions, a Planned Unit Development (PUD) to implement the objectives, land uses, public access, conservation, and development controls of the certified LCP for the Wavecrest Restoration Planned Development District.

The applicant has revised that project after meetings and discussions with Coastal Commission staff and the initial public hearing in October 2000. The Revised Wavecrest Village Project is described herein (and in previous submittals to the Coastal Commission staff). The project is described by major categories within the following Project Description and in Table 1.

Specifically, the areas are:

- 1) *Coastal Bluff and View Corridor*
- 2) *Northern Residential Area*
- 3) *Middle School*
- 4) *Sports Fields*
- 5) *Mixed-Use Site (including Commercial space and residential units)*
- 6) *Boys and Girls Club*
- 7) *Multi-family Affordable Housing*
- 8) *Southern Open Space Area*

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<sup>1</sup> Certified Half Moon Bay LCP Land Use Plan ("the LUP") "Development Conditions" Section 9.3.6(a) and (r), and discussion at 159.

<sup>2</sup> The four property owners are Concar Enterprises, Inc. (6 large agricultural lots), Pepper Lane Properties LLC (2 large agricultural lots, North Wavecrest Partners L.P. (3 large agricultural lots and 206 small lots, and the City of Half Moon Bay (5 street rights-of-way within the small lot subdivision). Although the project site is less than the whole 490-acre North Project Area of the Wavecrest Restoration Plan, the LCP specifically allows a PUD, as here, where its component parcels are in separate ownership.

### 9) *Southern Residential Area*

This Revised Project Description includes the previous submittals prepared by the applicant and submitted to the Coastal Commission staff except as noted in this Project Description. Table 1 provides an overview of the specific densities and intensities of uses in each of the major categories noted above, as well as the three major collector streets within the project; Smith Parkway (Main Street extended), Street C and Wavecrest Road.

## 2. SUMMARY OF PRINCIPAL PROJECT PROVISIONS

The Revised Wavecrest Village Project provides the following primary use classifications, and associated conservation and development standards, to implement the permissible kinds, densities, intensities, and locations contained in the LCP for the project site:

- (a) Preservation of **over 90 acres** (43% of the project site) in open space on the blufftop, riparian preserve, along the view corridor from Highway 1 to the blufftop and Pacific Ocean, **significant portions** of the antiquated subdivision, along the Highway 1 and Smith Parkway landscape corridors, and in interior neighborhood parks.
- (b) Dedication, improvement, and maintenance of a comprehensive and extensive system of public accessways to and along the blufftop shoreline.
- (c) Development of a new Cabrillo Unified School District **Middle School** campus and a **Boys and Girls Club** of the Coastside.
- (d) Modernization and expansion of **Sports Fields** and associated school recreational facilities usable to **the public** on a total of 26.3 acres.
- (e) A **Mixed-Use** commercial/residential site, including affordable residential units.
- (f) Creation of open space and a restored wetland area in an antiquated 206 unit small-lot subdivision (*Southern Open Space*), some lots of which are located within a substantial arroyo that supports significant riparian-association habitat.
- (g) Conservation of **mapped** wetlands, as defined in the LCP, and provision of associated 100-foot wide **buffer** areas.
- (f) Construction of a total of 225 market-rate and 46 affordable housing units.
- (h) Restoring and enhancing declining and deteriorating wetlands in the *Northern Residential Area* and the *Southern Open Space* area.
- (i) Implementation of **Best Management Practices** to control and enhance present, primarily offsite, agricultural process water discharges and storm water runoff through construction of a 7.7-acre vegetated pond, trash screen, and other feasible measures to improve water quality.
- (k) Implementation of associated infrastructure improvements, including turn and deceleration/acceleration lanes and signalization at the South Main Street-Higgins/Purissima Road/Highway 1 intersection entrance to the project. intersection and roadway improvements at Wavecrest Road and Redondo Beach Road. partial relocation (without alteration in size) of the area's sewer main, and extension of existing utilities into the project site from adjacent corridors.

### 3. WAVECREST VILLAGE MASTER PLANNED COMMUNITY

The Revised Wavecrest Village Project is specifically designed and organized to implement the general policy objectives and detailed content directives of the certified LCP Land Use Plan (LUP) and Implementation Program (IP), which designate and define the project site as part of the Wavecrest Restoration Project (North Project Area) planned development district.

This Revised Project description herein includes the specific information and materials, which individually and collectively constitute the Wavecrest Village project components and hence the Wavecrest Village project "development" under the meaning of the LCP and Coastal Act (Pub. Res. Code Sec. 30106), for which the applicants seek coastal development permit approval pursuant to the LCP and applicable Coastal Act Sec. 30210-30224.<sup>3</sup> In the following paragraphs, the project components are organized according to the framework for PUD's provided in LCP Implementation Program, Sec. 18.15.035.<sup>4</sup>

#### A. Proposed Uses, Densities, and Intensities

As shown in Part D, "Wavecrest Village Project Land Uses", below, the project provides for nine use types as part of the project:

- 1) Dedicated open space, including bluff, grassland, windbreak tree, and riparian habitats, public view corridor, restored wetland areas, vegetated drainage pond, and neighborhood open space.
- 2) Dedicated public accessways, scenic overlook, and supporting facilities.
- 3) Public and school sports fields and associated facilities, which in part replace the existing community sport fields.
- 4) Clustered affordable and market rate housing.
- 5) A public Middle School campus for up to 1,150 students.
- 6) A non-profit community facility Boys and Girls Club.
- 7) A mixed-use commercial/residential center, between Hwy 1 and the Middle School.
- 8) Resubdivision of existing parcels and a small portion of an antiquated small lot subdivision.
- 9) Associated water, sewer, agricultural and storm drainage, other utility, and roadway infrastructure improvements, including signalization and turn lane improvements at the intersection of South Main Street and Highway 1.

<sup>3</sup>Pursuant to Coastal Act Sec. 30604(c), the Coastal Act's Chapter 3 public access and recreation policies apply to coastal development permit review of the Wavecrest Village project because it is located between the first continuous existing public roadway that parallels the sea (here, Highway 1) and the sea (here, the Pacific Ocean).

<sup>4</sup> The Wavecrest Village Project does not require, include, or propose any amendment to the City's LCP Land Use Plan or Zoning Implementation Program.

The proposed project uses **will take** the place, as specifically indicated below, of recently dry-farmed lands, grassland and windbreak trees and former pasture. Man-made open agricultural drainage and highway storm runoff ditches are proposed to be replaced with 42" storm pipe and directed towards a restored wetland in the *Southern Open Space* area and the detention pond in the **Coastal Bluff Area**. A 1.4-acre agricultural pond will also be restored and improved to facilitate drainage from the *Northern Residential Area*. A 7.7-acre vegetated agricultural and storm runoff detention pond, with Best Management Practices (BMP's) will be located in the *Coastal Bluff and View Corridor* area. Table 1 summarizes the proposed categories of uses, and their respective locations by acreages, densities and intensities of use.

## **B. Project Boundaries and Relationship to Adjoining Uses**

### *1. Project Boundaries*

The exterior boundaries of the Wavecrest Village PUD are shown in Tab 1, Location Map. Specifically, they consist of:

On the northwest, the westerly property line (PL) along the Pacific Ocean bluffs of existing Parcel APN 065-011-010 (Concar Enterprises, Inc.).

On the north, the northerly PL of existing Parcel APN 065-011 -010 (Concar Enterprises, Inc.), between the Pacific Ocean bluff and the intersection with the State of California Highway 1 ROW.

On the east, the easterly PL in existing Parcel APN 065-011-010 (Concar Enterprises, Inc.), fronting on the State of California Highway 1 ROW, south along the easterly boundary (defined by metes and bounds) of Parcel APN 065-110-100 (North Wavecrest Partners), to the southeasterly corner of the Wavecrest Road ROW at the westerly boundary of the State of California Highway 1 ROW.

On the south, from the easterly boundary of the State of California Highway 1 ROW at the intersection with the southerly boundary of the Wavecrest Road ROW, west +1322 feet along that southerly boundary of Wavecrest Road ROW to the unnamed 20-foot wide (paper) street ROW, then south +763 feet along the easterly boundary of that unnamed street to the southeasterly corner of the (paper) Harvard Street ROW, then south  $\pm$ 1,594 feet along the easterly PL of APN 65-110-020 (North Wavecrest Properties), then west +962 feet along the southerly PL of APN 65-110-020, then north  $\pm$ 794 feet along the westerly PL of APN 65-110-020, then west +211 feet along the southerly boundary of (paper) Harvard Avenue, to the intersection with the easterly boundary of the (paper) Park Avenue ROW.

On the southwest, from the southwesterly corner of Harvard Avenue, north  $\pm$ 763 feet along the easterly boundary of (paper) Park Avenue, to the northeasterly corner of the Intersection with the existing Wavecrest Road ROW, then north -959 feet along the westerly PL of APN 065-011-050 (Half Moon Bay LLC), then west + 1,758 feet along the south side of Lot 41 of APN 065-011 -010 (Concar Enterprises, Inc.) to the starting point of the PUD boundary.

Excluded from the PUD boundaries are (1) all parcels west of (paper) Park Avenue, south of Lot 41 of APN 065-011 -010 (Concar Enterprises, Inc.) and north of Redondo Beach Road, (2) Parcels APN 065-086-050 (Lane), -170 (Bosque), -190 (Hammell), 065-082-030 (Devine),

065-084-010 (Weistrop), and 065-110-010 (Halstead), (3) all Parcels between (paper) Marinero Avenue and Redondo Beach Road, from (paper) Park Avenue on the west to (paper) Occidental Avenue on the east, and (4) all Parcels east of the unnamed 20-foot wide paper street and its continuation, Occidental Avenue, between Wavecrest Road on the north and Redondo Beach Road on the south.

## *2. Relationship of Wavecrest Village Project Uses to Surrounding Area*

The map in Tab 8, Wavecrest Village Project and Surrounding Uses, spatially depicts the relationships of the uses, densities and intensities proposed in the Wavecrest Village Project to existing uses within a 300-foot wide band around the project site.

*2.1.* To the west of the northerly part of the project site (*Coastal Bluff and View Corridor*) are the 40-60 foot high Half Moon Bay bluffs, the unnamed 300-foot long, steep-sided arroyo that bisects the bluff near the southwesterly corner of the parcel, the sandy beach, and the Pacific Ocean beyond.

The proposed Open Space uses of the *Coastal Bluff and View Corridor* both continue the existing open space qualities of the bluff -beach -ocean shoreline inland and provide public views from Highway 1 and intermediate public areas toward the shoreline. The L. C. Smith windbreak of acclimated trees will be permanently protected as a visual resource through the dedication of the entire parcel to the City for open space, view protection, and public access.

The proposed lateral Coastside Trail is located 50-100 feet inland of the bluff edge to both afford spectacular direct shoreline and distant ocean views, while minimizing adverse effects on the bluffs or on public safety by reasonably setting back the public accessway from the bluff top edge. The trail segment is aligned to connect with future adjacent lateral trail segments (by others) to the north and south, and also connects via a proposed signed vertical (East-West) trail system to the Highway 1 corridor and South Main Street (downtown Half Moon Bay).

Trail improvements will be made by the project developer to maximize opportunities for public access and recreation, commensurate with resource protection. For this reason, as well as those of public safety, difficulty to provide accessibility for disabled persons, and likely very high maintenance costs because of its location on the open ocean, steep bluff shoreline, development of a 40-60 foot high public access stairway to connect the blufftop trail with the beach along this segment of the shoreline has been determined to be infeasible. (*Please see Tab 10 of the August 4 2000 Wavecrest Village Project Description, Evaluation of Vertical Bluff Face Access Stairway, Wavecrest Village, Half Moon Bay.*) Low-rise signs warning trail users of the hazards associated with the bluff edge, and prohibiting climbing up or down the bluff face, will be posted to protect the natural resource and public safety.

The Project neither proposes nor allows structural development on the parts of the bluff face or bluff top within the project site. With the exception of the public trail, and the vegetated agricultural and storm water runoff detention pond, associated pipes, and a small maintenance road (further addressed in Part 2.2, below), no structural development is permitted pursuant to the Project within 1,000 feet of the bluff top.

To the west of the *Sports Fields*, the *Southern Open Space* and the *Southern Residential Area*, the uplifted marine terrace consists of a remnant native bunch grassland, intermixed with

naturalized trees and shrubs, that is incised by one major (unnamed) vegetated "riparian" arroyo and two smaller ones. This area includes numerous small lots and several paper streets in an antiquated subdivision, whose owners elected not to participate in the Wavecrest Village Project. The area presently contains a small farmhouse and associated structures, an 18-inch sewer main in a 10-foot wide sanitary sewer easement (SSE) and maintenance road that runs in the (paper) Park Avenue ROW, and its filled crossing of the unnamed vegetated arroyo. Agricultural waste water may be discharged into the arroyo, which drains into a series of small pools just above the ocean beach, +1,000 feet north of Redondo Beach Road.

2.2. To the north of the *Coastal Bluff* and the *Northern Residential Area* lies a +1,310-foot long heavily vegetated regional storm water runoff drainage channel ("channel"), within a 60-foot wide parcel owned by the County of San Mateo. The 10-foot wide SSE continues in a northerly direction through this area. A recently approved LCP Amendment (deBenedetti) permits the resubdivision and development of residential lots north of the *Northern Residential Area*. The improvement of Seymour Street and intersecting north-south streets within the deBenedetti subdivision will provide an additional public access connector with the Wavecrest Village public access system. The substantially built-out Arleta Park one and two story SFH residential subdivision is located to the north of Magnolia Street, and a church is located near the corner of Highway 1 and Seymour Street ROW.

The channel serves to drain various residential and other areas to the north and east, as well as the Wavecrest Village site, Highway 1, 12.5 acres of nurseries located south of Wavecrest Road, and +67-acres east of Highway 1. (Please see Tab 4 of the August 4 2000 Wavecrest Village Project Description, Wavecrest Village Project Area Topographical Map (1996); USGS Half Moon Bay Quadrangle Topographical Map (1997).) The channel discharges into an eroded pocket beach of the bluff some 20-90 feet north of the northerly *Coastal Bluff* property line (PL).

As described in the *Wavecrest Development Hydraulics and Hydrology* prepared by BKF submitted in April 2001, the Wavecrest Village project proposes to locate a 7.7-acre vegetated drainage pond (reduced from a 13.7 acre detention pond) and associated inflow and outflow pipes within the 55.8-acre *Coastal Bluff* area to apply Best Management Practices (BMP's) to the agricultural wastewater discharge and storm water runoff that now flow through the project site and into the channel. The vegetated drainage pond is designed to contain frequent (10-year storm interval) runoff within the core percolation area. The average design water depth of the pond is 3.5 feet, which during the dry season will mainly stem from agricultural water discharges that originate outside the project site. Two screened 48-inch outflow pipes will discharge water from the pond into the channel.<sup>5</sup> Combined 100-year storm, nursery, and watershed sub-basin drainage is designed to utilize the gently sloped bermed 7.7-acre maximum pond area; an emergency overflow weir is provided to discharge into the channel. Please see Tab 6 of the *August 4 2000 Wavecrest Village Project Description* for the proposed native pond plant species list.

The +1,500-foot long L. C. Smith windbreak of naturalized trees parallels and overhangs the existing channel. On the west, it extends 30-60 feet south onto the Northern Residential Area; on

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<sup>5</sup> Based on information provided by SFRWQCB staff to the applicants' engineers, BKF, the physical type of proposed extended detention pond has a high removal efficiency for total suspended solids and heavy metals, a moderate removal efficiency for total phosphorous and biological oxygen demand, and a low removal efficiency for total nitrogen. To achieve higher levels of total phosphorous and total nitrogen removal, vegetation is proposed to be established in the pond in accordance with the species list contained in Tab -, Exhibit \_.

the east, +700 feet. (Tab 2, Locations Aerial Photograph.) The marine terrace to the north of the channel, west of the SSE, consists of a former County dump site.

2.3. To the east of proposed Wavecrest Village Project, and the entrance at proposed Smith Parkway (Main Street Extended), lie the State of California Highway 1 ROW, the unsignalized intersection with South Main Street and Higgins-Purissima Road, the Half Moon Bay Fire District station, agricultural parcels planted in field crops, the historic Johnson House, and several vacant parcels. A +43,133 SF exholding parcel, owned by others and developed with residential and associated structures, is located along the easterly edge of the *Mixed Use Site*, +256-393 feet south of proposed Smith Parkway.

The Smith Parkway (Main Street Extended) intersection with Highway 1 and South Main Street/Higgins-Purissima Road will be improved with four-way signalization and turn/acceleration/deceleration lanes to implement the City conditions of approval to achieve an intersection LOS A during weekend evening peak traffic periods and an LOS B during weekend afternoon peak periods.<sup>6</sup>

Other uses to the east of the project, south of Wavecrest Road, consist of (a) a fenced, but otherwise undeveloped, 2-acre parcel alongside the proposed 2.77-acre site of the *Boys and Girls Club* (b) 12.5 acres of fenced commercial nursery space located east of the *Boys and Girls Club* and the *Southern Open Space Area*, which discharges agricultural waste water into (1) a northerly trending buried 36-inch pipe that in turn emanates at the present drainage ditch just north of Wavecrest Road, +1,340 feet west of the westerly Highway 1 ROW boundary, and (2) three 8-inch diameter pipes into man-made (by others) ±100 SF "Three Pipe Pond", and (c) low density residential uses and hobby farms.

2.4. To the south of Wavecrest Road, between Highway 1 and proposed *Boys and Girls Club*, the project site is adjoined (from east to west) by an inn (restaurant and lodging), several single-family residences, and the aforementioned vacant 2-acre parcel. South of these uses, the aforementioned commercial nursery (greenhouse) facilities extend ±1,330 feet between Highway 1 and the easterly project site.

A vacant parcel separates the southerly boundary of the project site from Redondo Beach Road and the Ocean Colony residential, golf course, and visitor-resort community.

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<sup>6</sup> Wilson Engineering, Wavecrest Village Project Traffic Impact Study, 1998, page 14.

### C. Wavecrest Village Project Site and Adjacent Area Natural Landscapes

Tab 4 of the *August 4 2000 Wavecrest Village Project Description* depicts (1) the terrestrial topography of the project site and an adjacent 300-foot wide band at 2-foot contour intervals, (2) the location of trees as well as riparian and LCP wetland habitats (environmentally sensitive habitat areas), and (3) the bluffs along the western face of the site. Tab 11 contains a species list of existing vegetation and Tab 12 provides the assessment of the condition of trees on the site, as contained in the Final EIR and supplemented for the *Boys and Girls Club*.

The project site is located on a geologically uplifted marine terrace, which slopes gradually from the coastal range of hills east of Highway 1 to the 68-70 foot high bluffs on the west. The westerly property line (PL) of the project site generally follows the top of the bluff line and does not extend down the face of the bluff to the beach. The project site contains no mudflats, fresh- or saltwater marshes, swamps, intermittent or permanent streams, or lakes. (The riparian corridor in the southwesterly part of the site, which continues southwesterly towards the ocean, has been established since at least the 1950's and is proposed by the project to be permanently conserved through dedication for open space.)

In its natural condition prior to the advent of farming and grazing in the 19th Century, the site, which is exposed to the prevailing northwesterly winds, supported native bunch grasses on the marine terrace. Remnant populations occur on the westerly side of the *Coastal Bluff and View Corridor* and in several larger areas to the west of (paper) Park Avenue, outside the project site. The project site contains no dunes, rocky outcroppings, or coastal hills on the marine terrace; it also contains no significant natural topographical relief other than the Pacific Ocean bluffs.

As shown in Tab 13, wetlands have been delineated on the project site and the northerly edge of the existing Wavecrest Road ROW pursuant to the protocol provided in certified LCP Zoning Ordinance Section 18.38.020.E.

The 3.06 acres of delineated LCP jurisdictional wetlands on the project site are proposed to be permanently protected through application of a 100-foot wide buffer, provision of continued water inflow, recordation of a perpetual open space and conservation easement across both, and performance of an annual monitoring report.

Narrow man-made agricultural drainage ditches with de minimis vegetation and habitat value that are specifically excluded from the Coastal Commission's regulatory definitions currently trend along Wavecrest Road in a straight line and flow at a right angle through the proposed *Middle School* and *Coastal Bluff and View Corridor*. These ditches currently convey on- and off-site agricultural wastewater, as well as storm water runoff from Highway 1, a 67-acre sub-basin east of Highway 1, and the project site. The project proposes to culvert the existing agricultural and highway drainage with project drainage, and discharge the collective runoff primarily to (1) a restored wetland feature in the *Southern Open Space Area*, and (2) into a new shallow, vegetated (BMP), 7.7-acre pond in the *Coastal Bluff and View Corridor*, from which it will percolate into the ground or, during major storm events, discharge to the County storm drainage channel that parallels the northerly PL of the *Coastal Bluff*. (Please see the *Wavecrest Village Development - Wetland Restoration Program Description* prepared by Dr. Michael Josselyn and *Wavecrest Development Hydraulics and Hydrology study* prepared by BKF

<sup>7</sup> The proposed new vegetated (BMP) agricultural and storm drainage pond is part of the application for Coastal Commission coastal development permit approval sought by applicants.

submitted in April 2001) In addition to the overall benefit to water quality resulting from BMP-processing of currently unfiltered agricultural and highway runoff in both locations, the restored and enhanced wetland features and the vegetated detention pond will also provide significant resource benefit by contributing to the likely emergence of seasonal wetland and related habitat values.

The deteriorating  $\pm 70,000$  SF bermed irrigation pond in the proposed *Northern Residential Area* is proposed to be restored and enhanced as a wetland feature more fully described in Dr. Josselyn's *Wavecrest Village Development - Wetland Restoration Program Description* submitted in April 2001.

Near the southwesterly corner of the project site, the applicant has proposed a *Southern Open Space*, which contains the proposed wetland feature and the upper reach ( $\pm 15\%$ ) of an unnamed +1,200-foot long arroyo that has been densely colonized with riparian-association species, in part due to agricultural wastewater discharges from greenhouse nurseries located east of the project site. The riparian canopy reaches, but does not substantially exceed in height, the wind burn line along the adjacent marine terrace elevations. The Revised Wavecrest Village Project provides for a 200-foot buffer on centerline (minimum 105-foot buffer from edge) of the riparian corridor through the creation of new parcel.

The mature and prominent L. C. Smith eucalyptus windbreak extends along the northerly project site, just south of the County-maintained regional drainage channel. It, and a parallel windbreak of cypress trees along the southwesterly corner of the *Coastal Bluff*, near the bluffs, frame the Highway 1 public view corridor toward the blufftop and Pacific Ocean beyond, and will be conserved. A supplemental study of the unstable, windblown, and deteriorating naturalized eucalyptus and intermixed Acadia trees in proposed *the Boys and Girls Club* (immediately west of two former, but discontinued, nursery waste water drainages) recommends replacement of these trees with a native and naturalized windbreak along the southerly east-west boundary of *the Boys and Girls Club* (Tab 12.)

The project site is not listed in the relevant archeological, paleontological, or cultural-historical landmark data bases as containing any such known or potential resources.

**D. Proposed Wavecrest Village Project Land Uses**

As specified in Table 1 and depicted graphically in Tab 14, Wavecrest Village Project Land Uses, the Wavecrest Village Project proposes the following specific land uses, acreages, densities and intensities of use on the 206.7 acre project site.

In summary (as specified in Table 1) the Wavecrest Village PUD allocates +93.5 acres to open space (45% of the area), +56.6 acres to market rate and affordable residential units, including interior streets (27%), +14.8 acres to mixed use commercial (7%), ±25.3 acres to education (Middle School) (12%), ±2.8 acres to Boys and Girls Club (1%), ±9.8 acres to active recreation (5%), and +3.9 acres to streets, miscellaneous uses (3%).

**E. Proposed Specific Development Standards**

The Wavecrest Village project and its residential, commercial, school, Boys & Girls Club, sports fields, streets, parking, and open space areas are designed to be consistent with the conservation and development standards in the certified LCP and the Wavecrest Village Project Specific Plan, pages 7-4 through 7-9, as applicable to the respective development components except as amended in this Revised Project Description.

## F. Proposed Project Lot and Street Layout, and Street and Highway 1 Intersection Improvements

1. The Revised Wavecrest Village Project Plans depict the proposed lot and street layout for the project.

In summary:

- a) Smith Parkway (Main Street Extended) is proposed to be developed as a public street, to be dedicated to the City, in a 940-foot long trapezoidal corridor to the west of the proposed improved intersection of Highway 1 and South Main Street (see part (3), below).

Smith Parkway will consist of one-way westbound and eastbound travel and turn lanes, separated by a maintained and progressively larger central landscape island as the parkway approaches the intersection with Streets C (to the south) and the *Northern Residential Area*. Eastbound Smith Parkway will expand from one to two lanes 250 feet west of the Highway 1 intersection. A turn lane through the landscape island into and from the proposed *Mixed Use Site* occurs +400 feet west of the Highway 1 intersection with Smith Parkway/South Main Street. Westbound Smith Parkway is proposed to consist of one lane from the intersection with Street C to within 120 feet of the Highway 1 intersection, where Smith Parkway expands to consist of a left turn, through, and right turn lane.

The project proposes vehicular travel lanes in Smith Parkway to be 14-foot wide, inclusive of Class III bike lanes along their outer edge. On the north side of the parkway and an intervening 7-foot wide planter corridor a nearly 8-foot wide public path is proposed. On the south side of the parkway, adjacent to the proposed *Mixed Use Site*, the project proposes five diagonal parking bays (38 parking spaces) that alternate with landscaped extensions of the proposed 15-foot wide public sidewalk.

- (b) The project proposes to develop the entrance to the *Northern Residential Area* as a private, un gated, street in a 64-foot wide ROW. A 5-foot wide PUE and 5-foot wide PAE will be located on each side of the street. The entrance street consists of two 14-foot wide vehicular travel lanes, which accommodate Class III public bike lanes along their outboard sides, two 5-foot wide street tree landscaping corridors, two 5-foot wide public sidewalks, and two external 8-foot wide low shrub landscaping corridors.
- (c) The project proposes to locate new Street C along 920 feet, between the south side of Smith Parkway and the north side of Wavecrest Road.

Street C consists of a public street, dedicated to the City, in a 74-foot wide ROW, with two 14-foot wide vehicular travel lanes, which can accommodate Class III bike lanes, 8-foot wide parallel parking, a 7-foot wide street tree landscaping corridor on both sides of the street, and two outboard sidewalks, respectively 10-foot wide along the west (school) side of the street and 8-foot wide along the east (*Mixed Use Site*) side of the street. Street C is bounded by *Middle School* on the west and *Mixed-Use Site* on the east. A 5-foot wide PUE will be located on the west side of Street C.

- (d) The project proposes to redevelop Wavecrest Road along 2,630 feet, between Highway 1 on the east and the westerly boundary of the Wavecrest Village PUD.

Existing Wavecrest Road will be widened from its current deteriorated narrow paved track, within a 40-foot wide ROW, to a 70-foot wide ROW, which will provide for two 14-foot wide vehicular travel lanes (which accommodate Class III bike lanes), 9-foot wide adjacent parallel parking corridors on the north and south sides of the street, outboard 7-foot wide street tree landscape corridors, and respective 5-foot wide public sidewalks. A 5-foot wide PUE will be located on the both sides of Wavecrest Road.

Proposed public Wavecrest Road is bounded on the north, within the project site, by *Sports Fields*, *Middle School* campus, and *Mixed-Use Site*.

(2) *Street and Lot Lavout in the Northern Residential Area.*

The revised Wavecrest Village Project plan depicts the proposed lot and street layout and associated open space for the *Northern Residential Area*.

In summary, the *Northern Residential Area* development project consists of:

- (a) The subdivision and structural development of 156 residential lots of approximately 7,200 SF.
- (b) The designation and construction of private streets within the *Northern Residential Area* each with a 54-foot wide ROW, and with two 10-foot wide vehicular travel lanes (that accommodate a Class III bike lane), two 8-foot wide parking corridors, and respective 4-foot wide street tree landscaping corridors, and public 5 wide sidewalks.
- (c) Development of landscaped areas within the *Northern Residential Area*.

(3) *Intersection Improvements at Highway 1 and South Main Street*

The *August 4 2000 Wavecrest Village Project Description* depicts the proposed intersection improvements at Highway 1 and South Main Street, including in the State of California Highway 1 ROW and the City South Main street ROW. These improvements constitute mitigation, pursuant to the FEIR, to bring the present weekend afternoon peak hour Highway 1-South Main Street intersection LOS F to a LOS A during weekday evening peak periods and to LOS B during weekend afternoon periods. (Wilson Engineering, "Traffic Impact Study", 1998, page 14.)

In summary, the project for which applicants seek a coastal development permit from the Coastal Commission proposes that:

- (a) A four-way traffic signal be installed and operated at the Highway 1 intersection with Smith Parkway and South Main Street/Higgins-Purissima Road.
- (b) Southbound Highway 1 be improved with one 12-foot wide south-to- westbound deceleration and turn lane into Smith Parkway, and one 12- feet wide south-to-east/northeast bound deceleration and turn lane into South Main Street and Higgins-Purissima Road. Curbs will be provided along all turn lane improvements in the median

or shoulder of Highway 1. The project does not alter the size of the existing two southbound through lanes of Highway 1 at this location.

- (c) Northbound Highway 1 be improved with one 12-foot wide north-to- westbound deceleration and turn lane into Smith Parkway. The project does not affect the existing northbound through lane, but locates a new combined through-and-right-turn lane of Highway 1 at this location to replace the existing sinuous offramp.
- (d) The curve of westbound South Main Street to north Highway 1 be clearly delineated (striped) and a curved quasi-triangular raised island be located at the intersection's to further direct turning traffic.
- (e) A westbound through lane to Smith Parkway and a dedicated westbound to southbound Highway 1 turn lane be located in the South Main Street curve east and northeast of the intersection.
- (f) A 12-foot wide acceleration lane be located in Highway 1 from the southbound turn from Smith Parkway, and a merging lane be located in the triangulated median from South Main Street to southbound Highway 1.

(4) *Street and Lot Layout in the Southern Residential Area*

The revised Wavecrest Village Project plan depicts the proposed lot and street layout and associated open space for the *Southern Residential Area*.

- (a) The subdivision and structural development of 34 residential lots of approximately 7,200 SF.
- (b) The designation and construction of private streets within the *Northern Residential Area* each with a 54-foot wide ROW, and with two 10-foot wide vehicular travel lanes (that accommodate a Class III bike lane), two 8-foot wide parking corridors, and respective 4-foot wide street tree landscaping corridors, and public 5 wide sidewalks.
- (c) Development of landscaped areas within the *Northern Residential Area*.

All proposed streets within the project site will be provided with curbs, curb ramps to accommodate disabled persons, and with drains and gutters that direct storm runoff water to the best management practices vegetated storm drainage pond.

## G. Typical Building Elevations and Design

### 1. Residential Buildings

Tab 17 of the *August 4 2000 Wavecrest Village Project Description* (Low Density Villa Residential Prototype and Low Density Estate Residential Prototype) depicts typical market-rate single family homes (SFH's) proposed by the project for low density residential development in the *Northern Residential Area* and the *Southern Residential Area*.

In summary, the "villa" SFH's are proposed to be semi-custom or production homes, with a variety of floor plans in one and two story elements, in a visually cohesive neighborhood, where no identical structures either face or are located adjacent to each other and where houses have a primary orientation toward the street, clearly identifiable building entries that preferably include porches and integrated balconies, recessed garage doors, varied garage placement relative to the street and individual houses, interesting window configurations, and varied roof and wall planes. The project also proposes implementation of a street tree and shrub landscape corridor between SFH yards and adjacent sidewalks and curbside parking.

The "estate" SFH's are proposed to be larger custom or production homes whose primary entry is oriented toward the street and on which driveway and parking apron widths are minimized. These homes present varied wall and roof planes, and therefore heights and materials, to the street, likely will include porches and garages set back even further from the street than in the "villa" homes. The project proposes to continue the landscaping corridor between the yards of "estate" homes, or adjacent sidewalks, and curbside automobile parking.

Included in the Revised Wavecrest Village Project Plans are elevations and site plans for the smaller single family residential homes located in the *Mixed-Use Site* – residential component. As depicted in the project plans, the *Mixed-Use Site* – residential component proposes medium density affordable and smaller SFH's and duplexes that will utilize creative siting of a mix in the sizes and floor plans in combination with such architectural features as porches, balconies, other usable private open space, garage and building facade variation to create a varied and aesthetically interesting street presentation.

### 2. Commercial Buildings

Tab 19 of the August 4 2000 Wavecrest Village Project Description (Commercial Building Prototypes) depicts the project's proposed design of the commercial office and minor anchor buildings in the *Mixed Use Site*. We have submitted with the Revised Wavecrest Village Project Plans a new site plan for the *Mixed-Use Site* and elevations and building sizes for the Commercial buildings in the Mixed Use Site. As described in our April submittal, the Revised Wavecrest Village Project proposes the development of 40,000 sf of shops and restaurants and 120,000 sf of office space at a Floor Area Ratio (FAR) of .3.

In summary, the design and presentation of the proposed commercial buildings in the Wavecrest Village mixed-use commercial project provide:

- (a) Doubled-loaded one- and two-story Commercial Mixed-Use buildings that front on Smith Parkway and Street C with zero-lot line setback, and are provided with adjacent on-street parking, wide landscaped sidewalks, ground floor pedestrian-oriented retail spaces,

second floor office space, building entries that emphasize special ground level storefront treatment, passageways through the buildings between and among the street frontage, plazas, and the interior businesses, and interior ("rear") vehicular parking. Project street-side landscaping includes street trees and ornamental street lights. Mixed-use buildings facing Wavecrest Road are set back 10-12 feet from the street ROW.

- (b) Primarily one-story "minor anchor commercial buildings that are surrounded by a continuous arcade, especially along the side of primary entry, and have mansard roofs to create visual interest. The project provides for special pavement and two-story entrance treatment, architectural variety along the buildings' rear elevations, and screened or sheltered loading areas.
- (c) One- and two story office buildings with mansard roofs, special entry treatment, and framed windows rather than glass curtain walls, and with a 0-15 feet setback along Smith Parkway and Street C, and 25-foot setback along Wavecrest Road. Parking is provided interior to ("in the rear of") the project's proposed office campus.

### 3. *Middle School*

The Cabrillo Unified School District ("CUSD") has designed a middle school campus for up to 1,150 students in grades 6, 7, and 8, and 50-60 instructors, support staff, and maintenance personnel, which will vary with, and depend on, the programs incorporated into the school's curriculum. The school is proposed to operate between 8:15 am and 3:00 pm on a traditional school year. After school activities will include athletics, band practice, club meetings, and similar functions.

CUSD proposes up to 82,000 SF of building floor area, including 40 classrooms and 25,000 SF of covered walkways, that will be located on the easterly half of *the Middle School* site, and turf and landscape areas for sports fields that will be located on the westerly half of the site. CUSD's objective is to create a physical setting that will foster interdisciplinary teaching and communication among faculty, staff, and students at 11 grade levels, as well as to allow for flexibility to accommodate a variety of teaching styles and programs. The campus is designed to provide a wide variety of specialty spaces for science and other laboratory electives; multi-purpose spaces for drama, music, physical education, and extracurricular activities; and athletic fields and recreational facilities that allow for community, as well as school, use. All spaces anticipate the increased use of technology and buildings are designed to be constructed of materials that require low maintenance and upkeep, while withstanding the rigors of an active middle school body.

As depicted in Tab 21, *the Middle School* campus consists of the following eleven buildings:

- (a) Multi-use Building A, with music rooms: 22,940 SF and a maximum height of 40.5 ft.
- (b) Food service Building B: 780 SF and a maximum height of 13.25 ft.
- (c) Classroom Cluster C: 5,576 SF and a maximum height of 13.25 ft.
- (d) Classroom Cluster D: 7,920 SF and a maximum height of 13.25 ft.

- (e) Classroom Cluster E: 5,576 SF and a maximum height of 13.25 ft.
- (f) Industrial Technology Building F: 3,035 SF and a maximum height of 20 ft.
- (g) Home Skills and MS Rooms Cluster G: 5,280 SF and a maximum height of 13.25 ft.
- (h) Science Rooms Cluster H: 8,640 SF and a maximum height of 13.25 ft.
- (i) Library and Media Center J: 6,160 SF and a maximum height of 19 ft.
- (j) Classroom Cluster K: 11,808 SF and a maximum height of 13.25 ft.
- (k) Administration Building L: 4,493 SF and a maximum height of 25.75 ft

The typical building design of *the Middle School* campus is depicted in two elevations at Tab 21. 25,000 SF of covered exterior walkways are proposed to connect the buildings. The campus plans provide for 101 parking spaces in two separate lots: (1) 49 employee and 30 public spaces on 45,467 SF, with two driveways that connect with Street C between Wavecrest Road and the westerly entrance to the *Mixed Use Site*, and (2) 20 employee and 2 public spaces on 8,519 SF, with a driveway that connects to Street C at eastbound Smith Parkway. In addition, the campus plans provide for a 5,705 SF bus/automobile loading/drop-off area, with one entrance (or exit) near the westerly driveway into the *Mixed Use Site* and a second entrance (exit) in upper Street C, south of eastbound Smith Parkway.

The campus plans further provide for clusters of dense landscaping in combination with earthen berms to screen the school buildings from adjacent southern neighbors. Landscaping with trees is also proposed along parts of the Middle School boundary with the *City Sports Fields* to the west and the north-south segment of the Coastside Trail, from the trailhead on the north to Wavecrest Road on the south, weaves between the two parcels. The Middle School parking lots will include perimeter landscaping. Lighting of outdoor covered areas and on buildings will be directed at paths and entry doors, while parking lot lighting on 12-foot tall poles will be shielded to avoid or minimize off-site illumination.

As also shown in Tab 21, *the Middle School* outdoor areas are proposed to include a 577,756 SF turf play area on 13.25 acres and a 137,240 SF paved play area on 3.15 acres, as follows:

- (l) One 400-meter athletic track, with an interior multi-purpose sports field and adjacent high jump, long jump, and shot put areas.
- (m) One Pony League baseball and one softball field, which in part overlay a second, larger, multipurpose field.
- (n) 12 basketball courts.
- (o) 4 volleyball courts.
- (p) 4 tennis courts.
- (q) A paved plaza area between the Pony League baseball field and the centrally located restroom and storage building on the *Sports Field*.

The campus plans indicate that the nearest buildings and parking to the delineated LCP wetlands are proposed to be set back +125-175 feet from it, while the Pony League baseball field and the nearest Multi-Purpose Sports Field are located beyond the 100 foot buffer from the three delineated wetlands on the *Middle School* site.

#### 4. *Boys and Girls Club*

As depicted on Tab 22, Boys and Girls Club Site Plan, this non-profit community youth facility is proposed to be located south of Wavecrest Road and directly across the street from the proposed Middle School campus. *The Boys and Girls Club* is proposed to include the following buildings, structures, and landscape areas:

- (a) A 26,850 SF main building, with a 10-ft eaves height at low roof, a 36-ft peak at the high roof, and a 42-ft cupola maximum height, that includes:
  - (1) A 10,000 SF gymnasium.
  - (2) A 3,600 SF games area.
  - (3) A 2,500 SF multi-use area.
  - (4) A 1,500 SF teen center.
  - (5) An 800 SF kitchen.
  - (6) 1,800 SF of administrative space.
  - (7) A 250 SF health office.
  - (8) A 600 SF classroom.
  - (9) A 900 SF computer room.
  - (10) A 700 SF arts room.
  - (11) A 1,400 SF multi-use/dance area.
  - (12) 750 SF of storage.
  - (13) 600 SF of mechanical space.
  - (14) 1,000 SF for restrooms.
  - (15) 450 SF for the entry and halls.
- (b) A future 7,500 SF covered (roofed) and paved outdoor use area, located to the west of the main building, with a peak height of +35 feet.
- (c) 66,224 SF of landscaped area, including a 100-foot fenced buffer from "Three-Pipe Pond", a native/naturalized tree windbreak along the southerly and westerly property lines, turf areas to the east, south, and west of the main building, and a five-foot wide landscape corridor along the Wavecrest Road frontage of *the Boys and Girls Club* Master, in addition to the 7-foot wide street tree landscape corridor on the south side of the street.
- (d) 56 automobile parking spaces (3 for disabled persons), a bus/car drop-off zone near the entrance to the main building, and a +450 SF bicycle parking area. Two 24-ft. wide entrances (exits) from Wavecrest Road to *the Boys and Girls Club* are proposed to be located +76 feet from the northwesterly and +55 feet from the northeasterly corners of the *Boys and Girls Club*.

- (e) An +850 SF recycling area.

The site plan provides for a minimum 10-foot wide SDE along the easterly boundary of *the Boys and Girls Club* to accommodate the proposed north flowing agricultural drainage pipe into the BMP runoff and discharge system proposed by the Wavecrest Village project.

## H . Location and Acreage of Open Space

As depicted in Tab 14, the Wavecrest Village project provides 93.5 acres of permanent open space (45% of the 206.7 acre Project site) and an additional 26.24 acres of active recreational open space at the Middle School and City Sports Fields.

The project will dedicate the *Coastal Bluffs* and View Corridor and the Riparian Preserve to the City in fee-simple, while permanent open space easements will be dedicated to the City across the public view corridor from Highway 1 to the bluffs, the Highway 1 landscape buffers (*Multi-Family Affordable Housing* and part of *Mixed Use Site*), and the active recreation area *Sports Fields*.

In summary, the project provides the following specific open space areas:

- (a) The *Coastal Bluffs and View Corridor*, the entire westerly portion of the Project site (62.3 acres) and the public view corridor from Highway 1 that is located west of the intersection of Smith Parkway with Streets C (south).
- (b) The Highway 1 and Smith Parkway entry landscape corridor (3.7 and 1.95 acres), which extends from the northerly property line south to Smith Parkway." These landscape corridors will be maintained initially by the subdivision project applicant and permanently by the Homeowners' Association.
- (c) The 50-foot wide landscape corridor along Highway 1 the *Mixed-Use Site*, between Smith Parkway and Wavecrest Road, (with the exception of the +1 -acre parcel fronting on Highway 1 that is owned by others). These landscape corridors will be maintained by the owner.
- (d) The 16.4-acre active recreational school-public sports fields and courts in the *Middle School* campus. These open space areas will be maintained by the Cabrillo Unified School District.
- (e) The *Southern Open Space* area representing 27.2 acres along the southerly boundary of the *Boys and Girls Club* project and, including, the riparian habitat preserve (7.81 acres) which will be dedicated in fee simple to the City.
- (f) Parcel F, the 9.84-acre sports fields.

In addition, the project contains proposed internal subdivision open space (landscaped) areas and a long various interface corridors between residential subdivision and collector street areas.

## I. Preliminary Landscape and Grading Plans

Tab 23 of the *August 4 2000 Wavecrest Village Project Description* depicts illustrative landscape plans for the Wavecrest Village PUD project well as individual Master Parcels and specific project elements for which applicants seek Coastal Commission coastal development permit approval. Page 2 of 6 in the Draft Master Landscape Plan **should** be deleted since the Revised Project has deleted this residential area. Dr. Josselyn will be preparing project level plans for the restored wetland areas including the area to be replaced by this sheet.

The principal objectives of these landscape plans, individually and together, is to maintain, and create, as appropriate, a high quality visual environment, including through (a) protection of the Highway 1 view corridor to the bluffs, (b) the two windbreaks of trees on the northerly and southerly sides of the **Coastal Bluff**, which frame the public view corridor, (c) provision of a landscaped Highway 1 linear open space buffer relative to residential and commercial uses within the subdivision, (d) protection of the riparian corridor in the **Southern Open Space** Area, and (e) planting and maintenance of native and naturalized (acclimated) tree (overstory) and shrub species to enhance the appearance of developed areas.

Development of the very slightly sloped project site involves only a small amount of grading to excavate footings for residences, the school buildings, Boys and Girls Club, commercial building piers, and to create the base for the associated streets, public accessways, utility infrastructure, parking lots, and landscaped areas. A balanced total of +50,000 cubic yards will be excavated, principally to create the pond in Parcel I and from underground utilities, and will be used, as appropriate, for street base elevations near raised Highway 1, public and private landscaped areas, and to fill existing drainage ditches that are replaced by proposed agricultural and storm runoff water drain pipes.

J. CEQA

The Draft Environmental Impact Report (DEIR) and Final Environmental Impact Report (FEIR) of the Wavecrest Village Specific Plan specifically address, analyze, and mitigate, as appropriate, the potentially significant environmental effects from the proposed Wavecrest Village Project.

The DEIR and FEIR have previously been submitted by the City under separate cover to the Coastal Commission through the State Clearinghouse environmental review process. (CEQA Guidelines Sec. 15060(d).)

## K. Public Access Improvements

Included in the Revised Wavecrest Village Project Plans is a new public access map, which depicts the comprehensive and extensive project system of public accessways. Table 2, above, contains a specific, detailed enumeration of individual accessway segments, supporting facilities (e.g., trailhead parking, restrooms, benches, trash receptacles) and their respective improvements and intensities of pedestrian, bicyclist, etc.). All public accessways will be signed and accessible to disabled persons.

All public accessways in the Coastal Bluffs, the public accessway proposed for the south side of Parcel B (Phase 3, subject to further coastal development permitting) will be constructed of compacted natural materials. Public access sidewalks and/or terraced/plaza areas will be paved.

Class III bike lanes will be located in the outer part of vehicular travel lanes in collector streets. Bicycles will also be permitted on the Coastside Trail in the *Coastal Bluff*.

Vehicular parking lots to support public access uses will be located at the westerly end of Wavecrest Road, south of the *Sports Fields* (15 dedicated and signed public access parking spaces).

In cooperation with the City and State of California, the project will place "Coastal Access" signs in or along the Highway 1 ROW north and south of the intersections with Smith Parkway and Wavecrest Road.

All public accessways identified in this project description for non-residential parcels will be (a) improved by the applicants as conditions precedent to occupancy of the first building or permitted use (e.g., sports fields) in the respective development, (b) dedicated through public access easements (PAE's) to the City, and (c) maintained by the City. Public accessways (e.g., sidewalks or paths) through the residential subdivisions will be improved by applicants, dedicated to the City as PAE'S, and maintained by the Homeowners' Association.

**Table 1**  
**Revised Wavecrest Village Project**

**NORTHERN RESIDENTIAL AREA**

The Northern Residential is a signal family home development at the northeast corner of the proposed project. This area was previously identified as Parcels J and K on the approved Phase 1-A vesting map and in the August 4 2000 Wavecrest Village Project Description. The design criteria for this area shall be as indicated on the revised Wavecrest Village Project Plans and Description. The Northern Residential has the following general statistics:

Total Area:	40.3 acres
Lots:	156
Average Lot size:	7,200 sf
Roadways:	324,100 square feet
Drainage Pipe *1:	4,350 linear feet
Sanitary Sewer Pipe *2:	7,830 linear feet
Joint Trench *3:	8,700 linear feet
Water Pipe	8,700 linear feet
Roadway Landscaping:	159,000 square feet

**COASTAL BLUFF AND VIEW CORRIDOR**

The Coastal Bluff and View Corridor is an area proposed for public detection and use by the public. This area was previously identified as Parcel L and I on the approved Phase 1-A vesting map and in the August 4 2000 Wavecrest Village Project Description. The area has the following general statistics:

Total Area:	62.3 acres
Public Trails within 15-foot easements:	7,200 linear feet
Detention Basin with wetland vegetation:	7.7 acres
Restored Wetland:	1.4 acres
Vegetated Drainage Ditch:	2,200 linear feet
Drainage Pipe *1:	1,300 linear feet
Sewer Pipe *2:	575 linear feet

## **MIXED USE SITE (COMMERCIAL AND RESIDENTIAL)**

The Mixed Use Site is an area proposed for retail and office space, as well as the southwest corner will be used for affordable housing. This area was previously identified as Parcel H on the approved Phase 1-A vesting map and in the August 4 2000 Wavecrest Village Project Description. The area has the following general statistics:

Total Area:	19.9 acres
Commercial/Office Space Site Area:	14.8 acres
Commercial/Office Space:	160,000 sf
Parking Stalls:	500 spaces
Residential Area:	5.1 acres
Residential Units:	57 units (35 market; 22 affordable)

## **MIDDLE SCHOOL**

The Middle School is an area proposed for the new City of Half Moon Bay Middle School. This area was previously identified as Parcel G on the approved Phase 1-A vesting map and in the August 4 2000 Wavecrest Village Project Description. The area has the following general statistics:

Total Area:	
Building Floor Area:	83,893 square feet
Turf Sports Fields:	577756 square feet
Paved Sports courts	137,240 square feet
Parking Area:	101 spaces
Bus Drop Off Area	5,705 square feet

## **SPORTS FIELD**

The Sport Field is an area proposed for multi-purpose turf sport fields. This area was previously identified as Parcel F on the approved Phase 1-A vesting map and in the August 4 2000 Wavecrest Village Project Description. The area has the following general statistics:

Total Area:	9.8 acres
Sports Fields:	253,315 square feet
Concessions:	2850 square feet
Public Trail with 15-foot easement:	1,100 linear feet

## **BOYS AND GIRLS CLUB**

The Boys and Girls Club parcel is located on the Southside of Wavecrest Road. This area was previously identified as Parcel E on the approved Phase 1-A vesting map and in the August 4 2000 Wavecrest Village Project Description. The area has the following general statistics:

Total Area:	2.8 acres
Building:	26,850 square feet
Parking:	27,460 square feet
Landscaping:	58,725 square feet

## **MULTI-FAMILY AFFORDABLE HOUSING**

The Multi-Family Affordable is an area proposed for "walk-up apartments". This area was previously identified as Parcel L Phase 1-C vesting map and in the August 4 2000 Wavecrest Village Project Description. The area has the following general statistics:

Residential Area:	1.8 acres
Multi-family units:	18

## **SOUTHERN OPEN SPACE**

The Southern Open Space is an area proposed to be dedicated to the public on behalf of the applicant. The dedicated area consists of individual lots owned by the project applicant in the area. This area was previously identified as parcels B, C, and a portion of D on the approved Phase 1-A vesting map and in the August 4 2000 Wavecrest Village Project Description. The area has the following general statistics:

Total Area:	20.1 acres
Wetland restoration area	4.0 acres

## SOUTHERN RESIDENTIAL AREA

The Southern Residential Area is a signal family home development in the southern portion of the project. This area was previously identified as Parcel A on the approved Phase 1-A vesting map and in the August 4 2000 Wavecrest Village Project Description. The design criteria for this area shall be as indicated on the revised Wavecrest Village Project Plans and Description. The Southern Residential Area has the following general statistics:

Total Area:	7.6 acres
Lots:	34
Average Lot Size:	7,200 sf
Roadways:	70,600 square feet
Drainage Pipe *1:	750 linear feet
Sanitary Sewer Pipe *2:	1,350 linear feet
Joint Trench *3:	1,500 linear feet
Water Pipe *4:	1,500 linear feet
Roadway Landscaping:	17,000 square feet

## SMITH PARKWAY

Total Area:	7.95 acres
Roadway:	30,000 square feet
Landscaping:	16,500 square feet
Parking:	38 spaces & bus stop
Drainage pipe *1:	275 linear feet
Water pipe *4:	495 linear feet
Sewer pipe *2:	15 linear feet
Joint trench *3:	550 linear feet

## STREET C (BETWEEN MIDDLE SCHOOL AND MIXED-USE AREA)

Total Area:	0.8 acres
Roadway:	20,680 square feet
Landscaping & Walkways:	14,100 square feet
Parking:	66 spaces
Drainage pipe *1:	235 linear feet
Water pipe *4:	470 linear feet
Sewer pipe *2:	423 linear feet
Joint trench *3:	470 linear feet

## WAVECREST ROAD

Total Area:	154,000 square feet
Roadway:	161,200 square feet
Landscaping & Walkways:	52,800 square feet
Parking:	200 spaces
Drainage pipe *1:	1,100 linear feet
Water pipe *4:	2,200 linear feet
Sewer pipe *2:	1,980 linear feet
Joint trench *3:	2,200 linear feet

1. Drainage pipe lengths based on 50% of the total linear feet of roadway in area. Catch basins, manholes, pipe sizes and actual alignment will be set during the design process.
2. Sanitary Sewer pipe length based on 90% of the total linear feet of roadway in area. Manholes, clean outs, laterals and pipe sizes will be set during the design process.
3. Joint Trench lengths based on 100% of the total linear feet of roadway in area. The trench shall include electric, phone, television and gas services for the development area.
4. Water pipe lengths based on 100% of total linear feet of roadway in area. The pipe sizes, valve locations, hydrant locations and service locations will be determined at the design process

**Wavecrest Village L. L. C.**  
**330 Purissima Street \* Half Moon Bay, CA \* 94019**

EXHIBIT NO.	8
APPLICATION NO.	A-1-HMB-99-051
(WAVECREST VILLAGE PROJECT)	
5/29/01 PROJECT DESCRIPTION CLARIFICATION	

May 29, 2001

Mr. Steve Scholl  
Mr. Chris Kern  
Ms. Virginia Esperanza  
North Central Coast District  
California Coastal Commission  
43 Fremont Street  
San Francisco, CA 94106-2219

Dear Steve, Chris and Virginia,

Following up from our telephone conversations on Friday, I wanted to clarify some of your questions regarding our project description.

Our project description for the revised Wavecrest Village Project includes the following:

- 1) We propose to construct vertical access at Poplar State Beach instead of Redondo Beach Road as proposed in the October 2000 staff report. As we discussed in our April 2001 submittal, the current situation at Poplar is that equestrians, pedestrians and bicyclists use the same vertical beach access. As you might imagine, the joint use of this accessway causes some conflict particularly between the equestrians and pedestrians. We arrived at this proposal after discussions with City staff and elected officials. If this alternative is unacceptable to staff (or the Commission), we would propose to pay our pro-rata share of the costs for vertical access improvements at Redondo beach Road.
- 2) Our project description includes the construction of the improvements to Redondo Beach Road as described in the letter from Wilson Engineering regarding the impacts of the *Southern Residential Area* on Redondo Beach Road. We would propose to construct these improvements prior to the issuance of the first certificate of occupancy for the homes in the *Southern Residential Area*.
- 3) The number of parking spaces in the Mixed Use Commercial area is 580.
- 4) Our Project Description includes the rezoning of a portion of the antiquated subdivision for the creation of the Boys and Girls Club parcel and the Multi-family affordable housing parcel. The remaining parcels of the antiquated subdivision would remain and, as part of our project description, we propose to place an open space easement over those parcels to ensure there would be no future development on the lots under our ownership.

● Page 2

May 29, 2001

- 5) Finally, as confirmation, we are working on four photo simulations for the project. Three of the simulations are at the intersection of Main Street and Highway 1 looking (1) northwest (over the Northern Residential Area), (2) southwest (over the Mixed Use Site) and (3) west along the View Corridor. The last simulation (4) is looking west through the Northern Residential Area along the landscaped median to the eucalyptus grove.

As we discussed, Dr. Josselyn is also preparing the information requested in your May 17 letter regarding project level detail for the restored wetland areas.

Please do not hesitate to contact me at (650) 726-5764 for any other questions or clarifications you may have regarding our project description.

Sincerely,



Patrick K. Fitzgerald  
Project Manager

cc: President Pro-Tem John Burton  
Senator Byron Sher  
Senator Jackie Speir  
Assemblyman Ted Lempert  
Bill Barrett  
Dr. John Bayless, CUSD  
Joe Angelini, Boys & Girls Club  
Mayor Deborah Ruddock, City of Half Moon Bay  
Steve West, City of Half Moon Bay  
Bruce Russell

Wavecrest Village L. L. C.  
330 Purissima Street \* Half Moon Bay, CA \* 94019

RECEIVED  
MAY 31 2001

CALIFORNIA  
COASTAL COMMISSION

May 31, 2001

Mr. Steve Scholl  
Mr. Chris Kern  
Ms. Virginia Esperanza  
North Central Coast District  
California Coastal Commission  
43 Fremont Street  
San Francisco, CA 94106-2219

Dear Steve, Chris and Virginia,

Following up from our telephone conversation yesterday, please find enclosed a redesign for a portion of the *Northern Residential Area* including the restored wetland. As the design indicates, we have modified our proposed subdivision layout for this area to include approximately 33% of the existing agricultural pond. We have maintained the required 100' setback around the restored wetland.

We would also like to confirm that as to the proposed condition regarding "lot retirement" for the market rate units, Wavecrest Village will provide additional lots within North Wavecrest to satisfy this condition and maintain the proposed market rate density.

As always, please do not hesitate to contact me at (650) 726-5764 for any other questions or clarifications you may have regarding our project description.

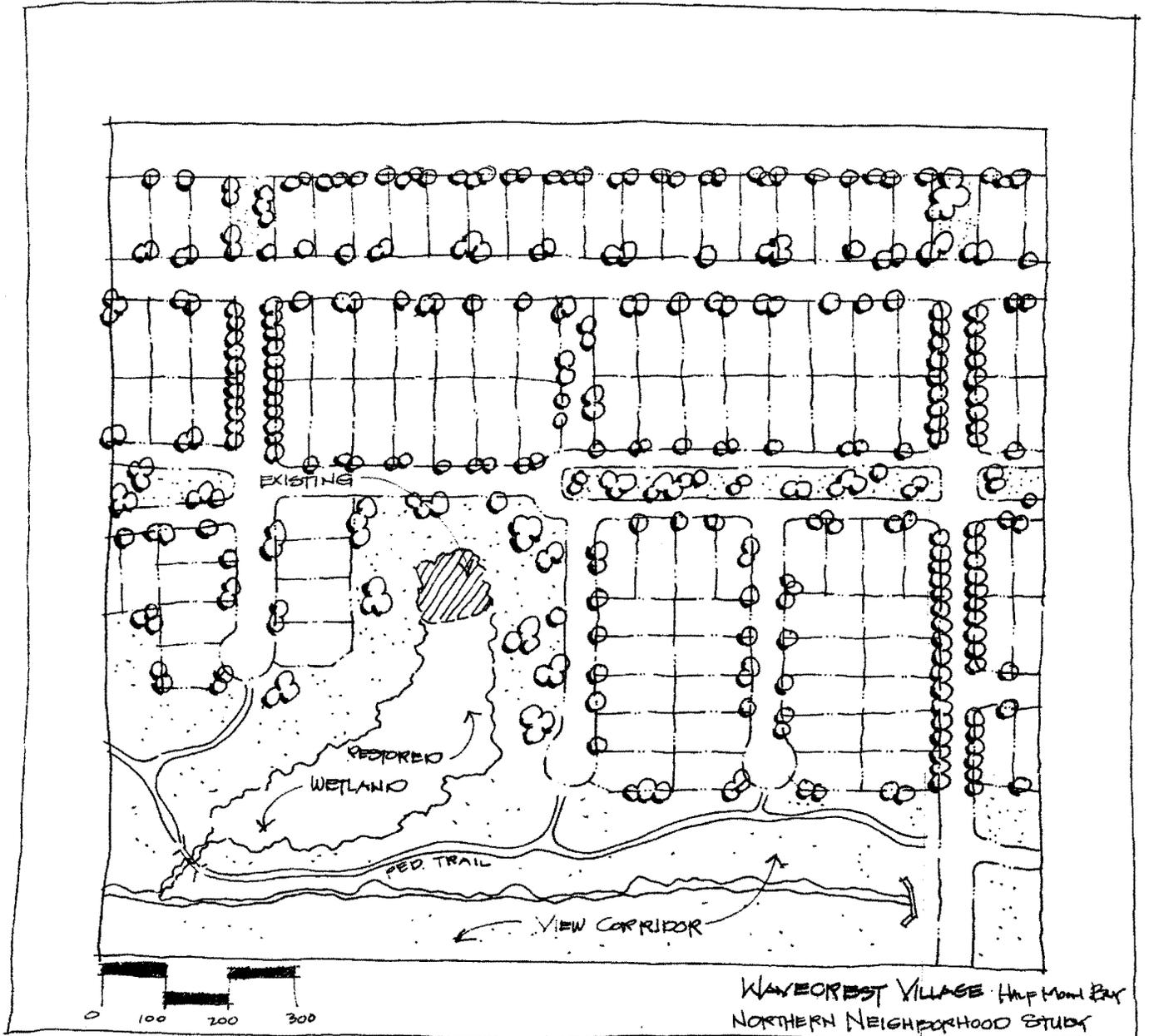
Sincerely,



Patrick K. Fitzgerald  
Project Manager

cc: Bill Barrett  
Dr. John Bayless, CUSD  
Joe Angelini, Boys & Girls Club  
Mayor Deborah Ruddock, City of Half Moon Bay  
Steve West, City of Half Moon Bay  
Bruce Russell

<b>EXHIBIT NO. 9</b>
<b>APPLICATION NO.</b> <b>A-1-HMB-99-051</b> <b>(WAVECREST VILLAGE PROJECT)</b>
5/3/01 PROJECT DESCRIPTION MODIFICATION SUBMITTED
BY THE APPLICANT



WAVECREST VILLAGE - Half Moon Bay  
 NORTHERN NEIGHBORHOOD STUDY  
 EDWARDS, INC. MAY 30, 2001

RECEIVED  
 MAY 31 2001  
 CALIFORNIA  
 COASTAL COMMISSION

EXHIBIT NO. 10

APPLICATION NO.

A-1-HMB-99-051

WAVECREST VILLAGE  
PROJECT

GENERAL WETLAND AREA  
FILLED FOR RESTORATION

PURPOSES (FORMER  
AGRICULTURAL POND)

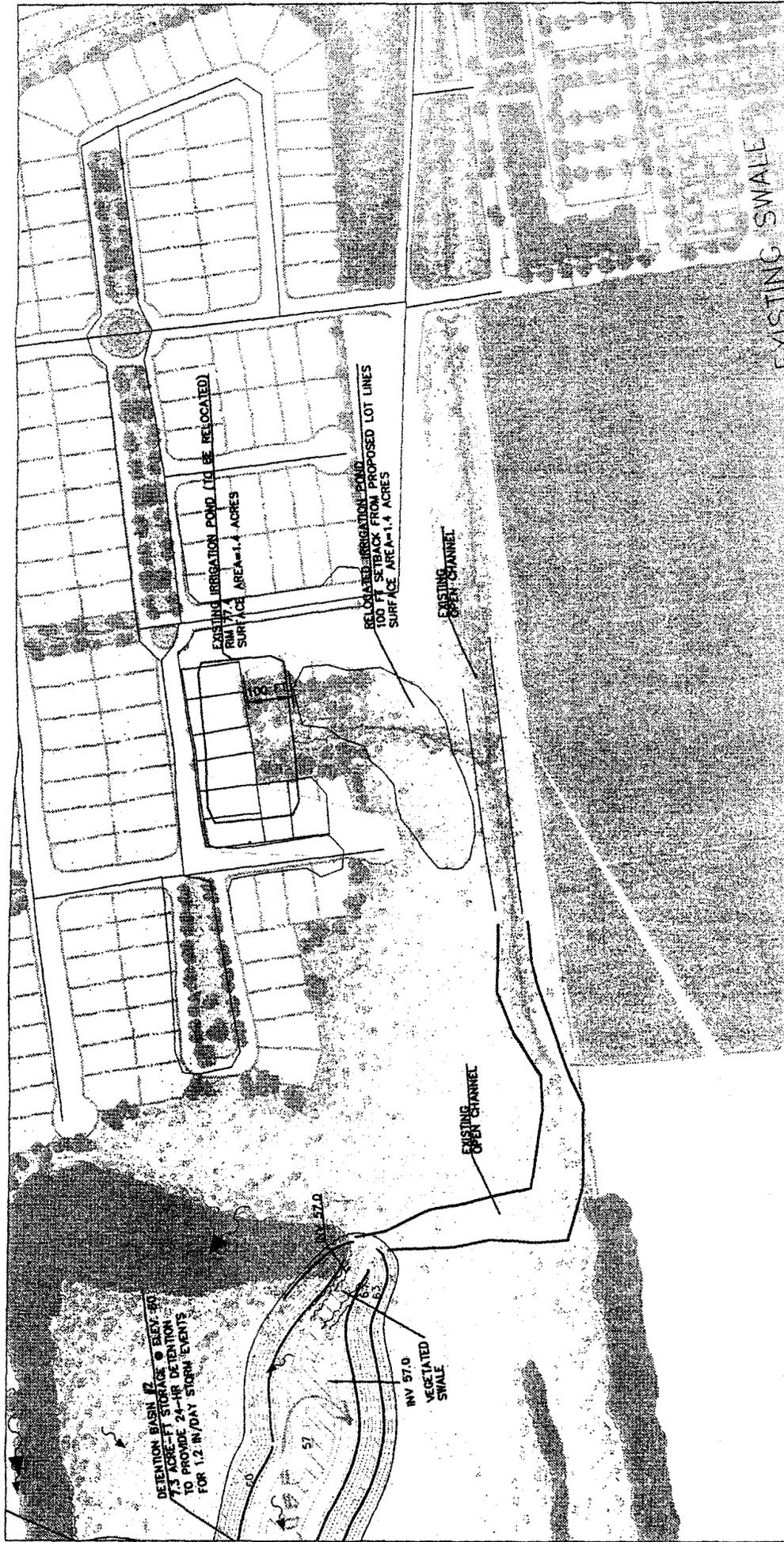


FIGURE 4

WAVECREST DEVELOPMENT  
SUBAREA C, RECONFIGURED  
WETLAND AREA

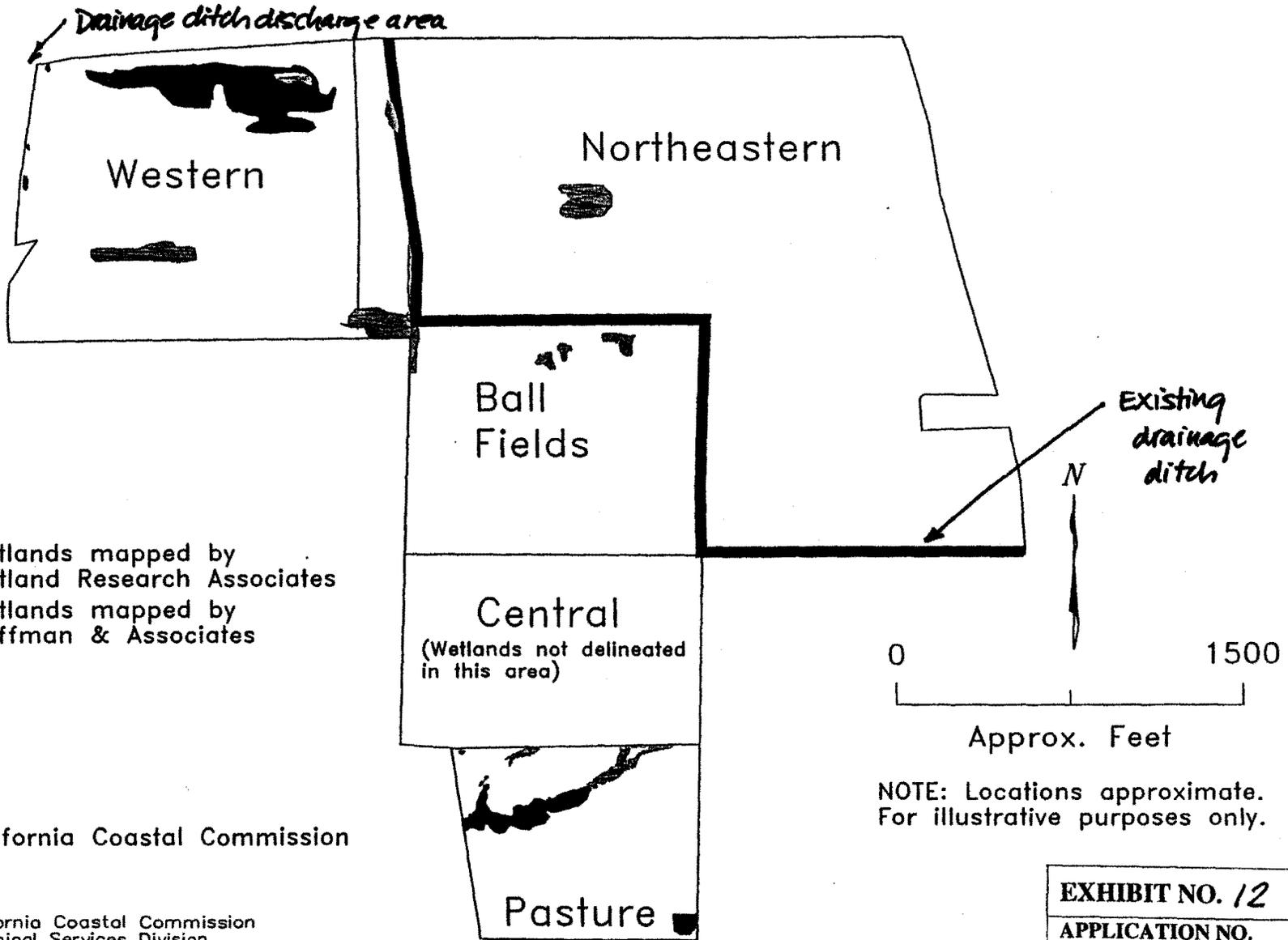
04/02/01

SCALE 1"=200'

**Brian Kangas Foulk**  
Engineers • Surveyors • Planners



# Existing Wetlands: Wavecrest Village Project Site



-  Wetlands mapped by Wetland Research Associates
-  Wetlands mapped by Huffman & Associates

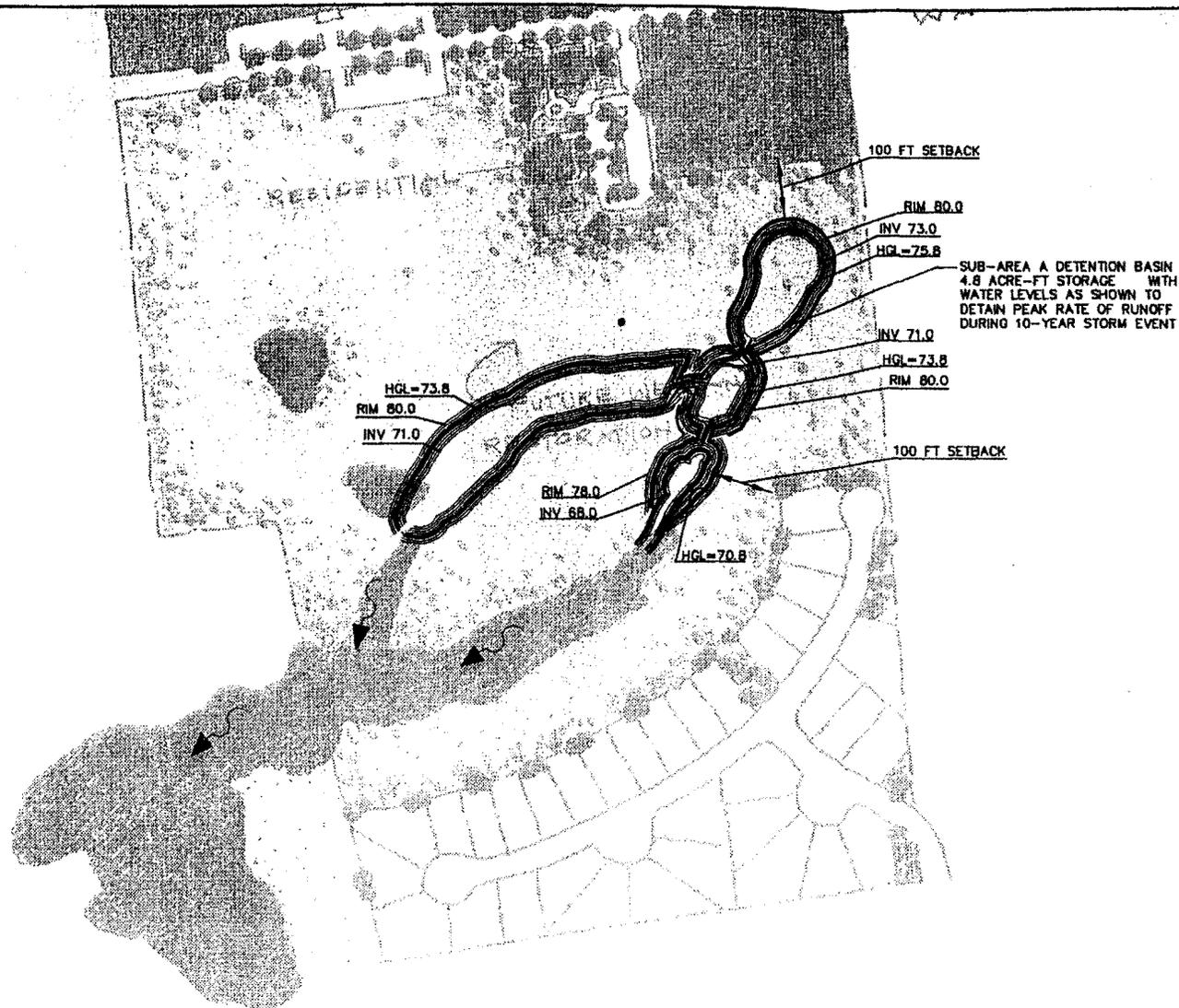
SOURCE: California Coastal Commission



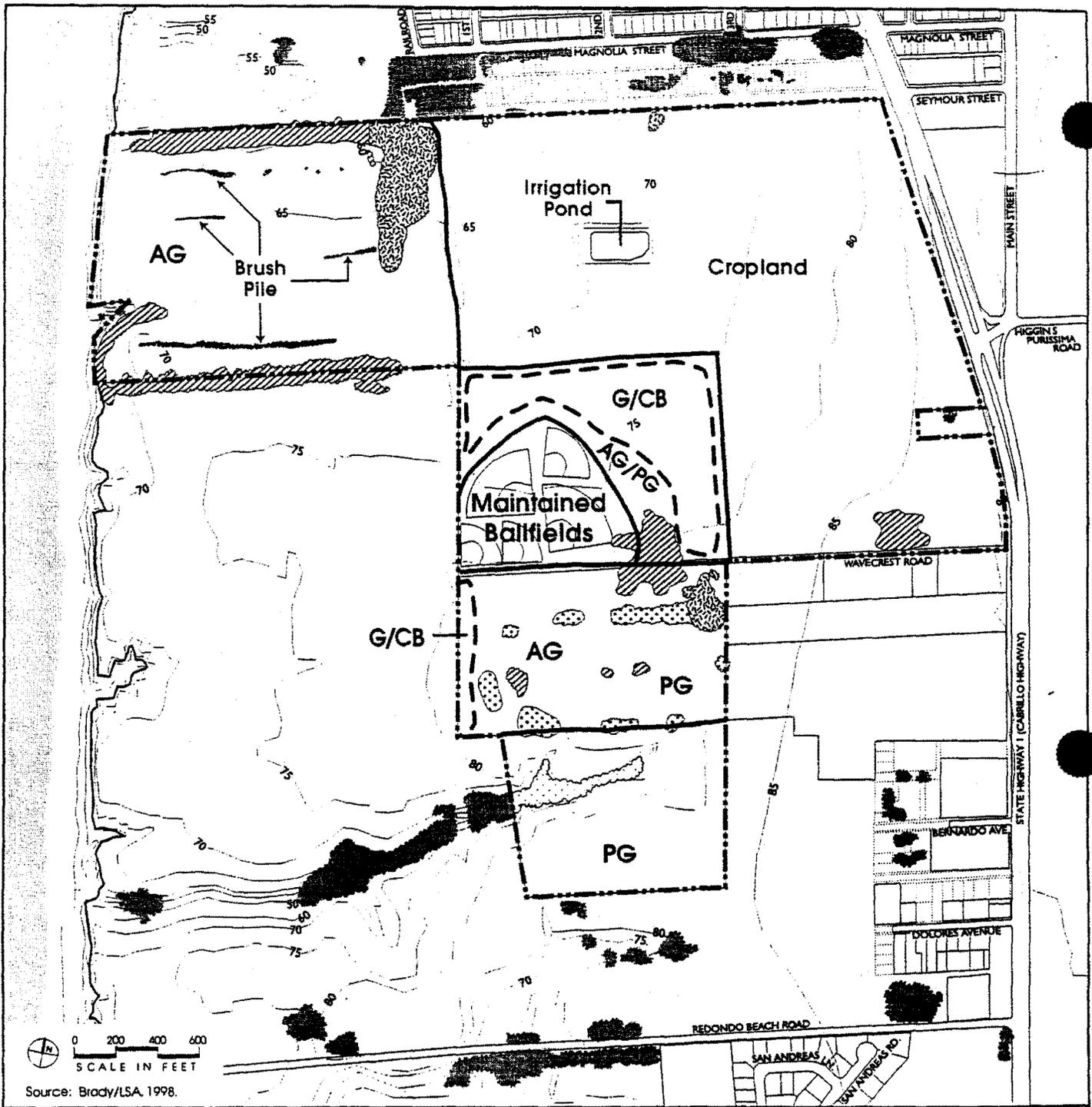
California Coastal Commission  
Technical Services Division

NOTE: Locations approximate.  
For illustrative purposes only.

<b>EXHIBIT NO. 12</b>
<b>APPLICATION NO.</b>
<b>A-1-HMB-99-051</b>
<b>(WAVECREST VILLAGE PROJECT)</b>
<b>DRAINAGE DITCH PROJECT</b>
<b>THROUGH PROJECT AREA</b>



<b>EXHIBIT NO. 13</b>
<b>APPLICATION NO.</b>
<b>A-1-HMB-99-051</b>
<b>PROPOSED WETLAND RESTORATION IN CENTRAL AREA</b>



WAVECREST VILLAGE DRAFT SPECIFIC PLAN EIR

**Legend:**

-  = Monterey Cypress
-  = Blue-gum Eucalyptus
-  = Black Acacia
-  = Riparian Scrub/Woodland

- AG** = Annual Grassland
- PG** = Perennial Grassland
- G/CB** = Grassland with Scattered Coyote Brush

For wetland vegetation see wetlands map.

**EXHIBIT NO.** 14  
**APPLICATION NO.**  
**A-1-HMB-99-051**  
**(WAVECREST VILLAGE PROJECT)**  
**VEGETATION MAP**

**Figure 40:**  
**Vegetation Map**

EXHIBIT NO. 15  
APPLICATION NO.  
A-1-HMB-99-051  
(WAVECREST VILLAGE  
PROJECT)  
12/20/00 LETTER FROM  
GARY DEGHI

Gary Deghi  
8 Pinehurst Lane  
Half Moon Bay, CA 94019

RECEIVED  
DEC 22 2000

CALIFORNIA  
COASTAL COMMISSION

December 20, 2000

Ms. Virginia Esperanza  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Subject: Populations of Raptors in the North Wavecrest Restoration Area in Half Moon Bay, California (Wavecrest Village, Appeal # A-1-HMB-99-051)

Dear Ms. Esperanza:

It has come to my attention that the California Coastal Commission has asked for information concerning the value of the North Wavecrest Restoration Area as habitat for raptors. This information has been requested as part of deliberations and review of the Wavecrest Village project currently before the Commission. I have continuous first-hand knowledge of the nature of the area as a habitat for raptors going back to 1987. I have an M.S. in Wildlife Ecology and have worked as an environmental consultant for the last 23 years, primarily in the areas of conservation planning and permitting related to wetlands and endangered species. I am a member of the Board of Directors of the Sequoia Audubon Society, a former member of the Half Moon Bay City Council, and have been an active "birder" for the last 20 years. Since 1987, I have personally visited this site routinely for purposes of noting raptors present, including visits nearly every year as part of the annual Audubon Society Christmas Bird Count.

The area has a mix of habitats making it of particular importance for raptors. Wildlife habitat types in the area include wetland and riparian habitats, open grassland and coastal scrub. Features which are of particular importance to raptors and other wildlife include dense cover along the riparian corridors, mature trees which provide cover, perching and roosting sites, and nesting substrate, and emergent wetlands and grasslands providing a nesting and foraging area for many species. The area is particularly valuable for populations of raptors due to an abundance of voles and other small rodents that provide a source of prey, in this area that is not tilled for agricultural purposes. Based on the quality of the habitat, numbers of individuals and the mix of species, this area is considered by Sequoia Audubon Society as the best habitat for wintering raptors in San Mateo County.

The Breeding Bird Atlas of San Mateo County cites confirmed breeding in this area by red-tailed hawk, red-shouldered hawk, American kestrel and great-horned owl, and possible breeding by sharp-shinned hawk. Common wintering raptors include red-tailed hawk, red-shouldered hawk, American kestrel, turkey vulture, great horned owl, barn owl, white-tailed kite (a state-designated fully protected species), Northern harrier, Cooper's hawk and sharp-shinned hawk. Numbers of white-tailed kite, Northern harrier and barn owl are impressive in the winter. The eucalyptus trees just south of Wavecrest Road harbored a population of 10 barn owls in one Christmas Count during the early '90s. Even the casual observer can often see barn owl roosting on the telephone lines along Wavecrest Road opposite Cameron's restaurant during the winter. Numbers of red-tailed hawks, red-

shouldered hawks and American kestrels, as well as harriers and kites, are easily seen by the casual observer from Highway 1, particularly in winter.

Other species of raptors use the area in the winter that are either unusual for the area or are, in fact, species of special concern to the state of California. A population of between one to five short-eared owls (a state species of special concern) winter in this area and are noted each year in the Audubon Society's Christmas Bird Count. I have observed these individuals every year since 1987. During the 2000 Christmas Count conducted on December 16, our group counted five short-eared owls at dusk in the fields near the end of Wavecrest Road.

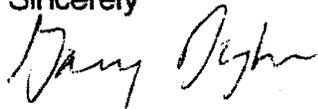
Wintering raptors have included merlin, and ferruginous and rough-legged hawks. Also observed in the area have been broad-winged hawk, golden eagle, peregrine falcon and prairie falcon. Two winters ago, an immature Swainson's hawk (state-listed as endangered) was observed in the area. This individual stayed for the entire winter, providing the first record of over-wintering Swainson's hawk ever in coastal Northern California. Of the species mentioned above, merlin and ferruginous hawk are listed as state species of special concern with respect to wintering populations, and golden eagle and peregrine falcon are listed as fully protected by state agencies. Ferruginous hawk is also considered a federal species of concern, and peregrine falcon is state-listed as endangered.

The value of the area as a winter foraging area for raptors on a local as well as regional scale cannot be underestimated. The value of the area for populations of raptors is certainly relevant to the Commission's review of development proposals for this area. It is unclear to me whether these issues were properly taken into account when a model airplane field was constructed in this area approximately ten years ago, or if they are being considered as part of the ongoing review for construction of a dog walking facility within this area.

The North Wavecrest Restoration Area is also a common destination for birders along with other heavily birded areas along the coast such as Pillar Point Harbor and Pescadero Marsh. Many species have been sighted in the area that "make the tape" on the regional birding hot lines and Rare Bird Alerts. Vagrant or rare birds that have been observed in the area that hold interest for birders include broad-winged hawk, ferruginous hawk, rough-legged hawk, Swainson's hawk, prairie falcon, golden eagle, short-eared owl, Pacific golden plover, dusky flycatcher, tropical kingbird, thick-billed kingbird (only the second occurrence ever in Northern California), black-and-white warbler, blackpoll warbler, palm warbler, white-throated sparrow, vesper sparrow, swamp sparrow (seen most years in the wetlands behind McCahon's nursery), clay-colored sparrow, grasshopper sparrow, snow bunting, chestnut-collared longspur, and bobolink. Rock sandpipers are sometimes found on the rocks along the shoreline and pelagic species such as marbled and ancient murrelets are at times found just offshore in winter.

If you need any additional information regarding the value of the North Wavecrest Restoration Area to raptors or other avian species please call me at 650-726-1340.

Sincerely



Gary Deghi

cc: Sara Wan, Chairperson

EXHIBIT NO. 16

APPLICATION NO.

A-1-HMB-99-051

(WAVECREST VILLAGE  
PROJECT)5/29/01 LETTER FROM  
GARY DEGHI

Gary Deghi  
8 Pinehurst Lane  
Half Moon Bay, CA 94019

May 29, 2001

Ms. Virginia Esperanza  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Subject: Populations of Raptors and other Wildlife in the North Wavecrest and Wavecrest Village Areas in Half Moon Bay, California (Wavecrest Village, Appeal # A-1-HMB-99-051)

Dear Ms. Esperanza:

On December 20, 2000, I submitted a letter to the California Coastal Commission with information concerning the value of the North Wavecrest Restoration Area (including Wavecrest Village) as a significant habitat area for raptors. The letter contained information regarding the habitat types supporting raptor use, lists of raptor species (including a number of special status species) that have been documented on the site, particularly using the site as a winter foraging area, and other information regarding avian use of the area. Since then the applicant's consultant has prepared a raptor nesting survey which unfortunately does not recognize the importance of the site in supporting significant winter raptor populations. It thus is necessary at this juncture to elaborate on winter raptor use and provide data in this regard.

I also recently received from Commission staff and reviewed a copy of the Staff Report dated September 28, 2000 regarding the Wavecrest Village project. I was surprised to find out that the ecologically sensitive area south of Wavecrest Road and west of the nursery (referred to as the Central area in Exhibit 13, and in which development is proposed in the applicant's site plan) is described on the wetland map in Exhibit 13 as one for which the wetlands were not determined. This area has extensive and well-developed wetlands, the presence of special-status species, and elements important to a significant population of wintering raptors on the overall site. I do not believe that the Commission should be considering an action on this project, when ecological constraints on the most environmentally sensitive portion of the site have not been fully evaluated.

I have an M.S. in Wildlife Ecology and have worked as an environmental consultant for the last 23 years, primarily in the areas of conservation planning and permitting related to wetlands and endangered species. I am a member of the Board of Directors of the Sequoia Audubon Society and a former member of the Half Moon Bay City Council, but I am making my comments as a concerned resident of the City of Half Moon Bay. Since 1987, I have personally visited the project area routinely for purposes of noting raptors and other birds present, including visits many years as part of the annual Audubon Society Christmas Bird Count. A copy of my resume is attached.

#### Raptor Use

The Breeding Bird Atlas of San Mateo County cites confirmed breeding in the area west of Highway 1 between Redondo Beach Road and Miramar (a fairly wide area encompassing the Wavecrest Village site) by red-tailed hawk, red-shouldered hawk, American kestrel, and great-horned owl, and possible breeding by sharp-shinned hawk. The nesting survey completed by the

Ms. Virginia Esperanza  
May 29, 2001  
Page 2

applicant's consultant documented nesting in the project site area with two pairs of red-tailed hawks and one pair of red-shouldered hawks with territories within or overlapping the Wavecrest Village site.

However, the data base that has been provided by the applicant totally ignores the value of the site as a winter habitat of considerable importance for raptor populations. The area has a mix of habitats making it of particular importance for raptors. Wildlife habitat types in the area include wetland and riparian habitats, open grassland and coastal scrub. Features which are of particular importance to raptors and other wildlife include dense cover along the riparian corridors, mature trees which provide cover, perching and roosting sites, and nesting substrate, and emergent wetlands and grasslands providing a nesting and foraging area for many species. The area is particularly valuable for populations of raptors due to an abundance of voles and other small rodents that provide a source of prey in this area that is not tilled for agricultural purposes.

Based on the quality of the habitat, numbers of individuals and the mix of species, this area is considered by Sequoia Audubon Society as the best habitat for wintering raptors in San Mateo County. Winter use of the site by raptors is evaluated annually as the North Wavecrest and Wavecrest Village areas are covered in the annual Christmas Bird Count conducted by Sequoia Audubon Society. Table 1 shows counts of the number of individuals of various raptor species observed during a number of these surveys conducted between 1988 and 2000. The data shows considerable use of the site during the winter by a variety of species of raptors. It has been determined by Sequoia Audubon Society that there is no other site in San Mateo County that achieves use by a greater number of raptor individuals and attains such diversity of raptor species in the winter.

Although the Christmas Bird Counts are for the wider North Wavecrest area, it should be pointed out that the Wavecrest Village area comprises a considerable portion of the area. The Wavecrest Village site contains grasslands and wetlands serving as foraging habitat and a eucalyptus grove and cypress trees serving as roost sites for the general area. More importantly, the Wavecrest Village site is adjacent to the remainder of the North Wavecrest area, and together they form an integrated complex of winter foraging area and roosting sites. In daily movements in winter an individual raptor would typically forage over many portions of the North Wavecrest area, in search of roost sites and prey. Significant roost sites in the general area include a cypress wind row and two eucalyptus groves on the north edge of the Wavecrest Village site, an additional cypress wind row further north, a eucalyptus grove and cypress trees in the Central area of Wavecrest Village south of Wavecrest Road and west of the nursery, and additional cypresses and eucalyptus along Redondo Beach Road south of Wavecrest Village at the south end of North Wavecrest.

According to my personal observations, the cypresses and eucalyptus along the north boundary of Wavecrest Village and in the area of Wavecrest Village located south of Wavecrest Road and west of the nursery are the most commonly used winter roosting areas within the overall North Wavecrest area. Notes taken by J. R. Blair (Biology lecturer at San Francisco State University) during the last four Christmas Bird Counts indicating location of raptor observations with North Wavecrest (see Attachment 1), shows that many of the observed individuals were utilizing habitat present on the Wavecrest Village site. Many of the individuals noted in the vicinity of Smith Field use the important area south of Wavecrest Road, which is proposed for development in the applicant's plans, as well as open fields located nearby.

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May 29, 2001  
Page 3

Common wintering raptors on the Wavecrest Village site and adjacent areas include red-tailed hawk, red-shouldered hawk, American kestrel, great horned owl, barn owl, white-tailed kite (a state-designated fully protected species), Northern harrier, Cooper's hawk and sharp-shinned hawk. Numbers of white-tailed kite, Northern harrier and barn owl are impressive throughout the North Wavecrest area in the winter. Red-tailed hawks, red-shouldered hawks and American kestrels, as well as harriers and kites, are easily seen by the casual observer from Highway 1 in winter. Barn owls are often seen in the evening on the telephone wires in the vicinity of Cameron's Restaurant at the corner of Wavecrest Road and Highway 1. On December 14 last year, two days before the Christmas Bird Count, my 8 year old son and I stopped along Highway 1 just north of Wavecrest Road to study three barn owls perched together on telephone lines there. The eucalyptus trees just south of Wavecrest Road and west of the nursery within the Wavecrest Village site harbored a population of 11 barn owls in the Christmas Bird Count conducted on December 17, 1994. A number of the surveys conducted for the Christmas Bird Counts tallied 20 or more red-tailed hawks within North Wavecrest over the course of the day. Other observers who have tallied such high counts of red-tailed hawks include Al Eisner, a respected birder and credible observer, who counted over 20 red-tailed hawks within North Wavecrest, many on the Wavecrest Village site, along with the other raptors noted on a day last fall. On a recent evening in January 2001, I personally conducted a visit to the area at dusk accompanied by Ken Curtis, Half Moon Bay Planning Director, Michael Ferreira and Robin King of the City's Planning Commission, and Kathryn Slater-Carter, Director on the Montara Sanitary District. From the model airplane field beyond the end of Wavecrest Road, we observed three short-eared owls, many Northern harriers and red-tailed hawks, two red-shouldered hawks, and so many white-tailed kites that I observed six within one binocular field of view, looking southeast toward the Central portion of the Wavecrest Village site, all within a period of less than a half an hour.

Species of raptors use the area in the winter that are either unusual for the area or are, in fact, species of special concern to the state of California. A population of up to six short-eared owls (a state species of special concern) winter in this area and are noted each year in the Audubon Society's Christmas Bird Count. I have observed these individuals every year since 1987. During the 2000 Christmas Count conducted on December 16, our group counted five short-eared owls at dusk in the fields near the end of Wavecrest Road. Al Jaramillo (a professional ornithologist with the San Francisco Bay Bird Observatory) has counted six short-eared owls on visits to the area. The short-eared owls use the wider North Wavecrest area as well as the Wavecrest Village site. I have many times watched the birds forage between the Wavecrest Village site and the adjacent areas both north and south of the ballfields, and have observed foraging birds passing over Wavecrest Road on occasion.

Other wintering raptors have included ferruginous hawk, rough-legged hawk, broad-winged hawk, golden eagle, peregrine falcon, prairie falcon and merlin. Two winters ago, an immature Swainson's hawk (state-listed as endangered) was observed in the area. This individual stayed for the entire winter, providing the first record of over-wintering Swainson's hawk ever in coastal Northern California. Of the species mentioned above, merlin and ferruginous hawk are listed as state species of special concern with respect to wintering populations, and golden eagle and peregrine falcon are listed as fully protected by state agencies. Ferruginous hawk is also considered a federal species of concern, and peregrine falcon is state-listed as endangered.

The value of the area as a winter foraging area for raptors on a local as well as regional scale must not be underestimated, and needs to be of paramount concern by the Coastal Commission when

Ms. Virginia Esperanza  
May 29, 2001  
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considering possible development of this area. Development of any significant portion of the North Wavecrest area would seriously compromise the value of the entire area for wintering raptor species.

#### Other Avian Use

The North Wavecrest area, including Wavecrest Village, is also a common destination for birders along with other heavily birded areas along the coast such as Pillar Point Harbor and Pescadero Marsh. The extensive and well-developed wetlands located within the Wavecrest Village site harbor many species adapted to these types of environments, including Virginia rails which are easily heard calling from immediately adjacent wetlands on winter mornings from the end of Wavecrest Road. Many species have been sighted in the area that "make the tape" on the regional birding hot lines and Rare Bird Alerts. Vagrant or rare birds that have been observed in the area that hold interest for birders include broad-winged hawk, ferruginous hawk, rough-legged hawk, Swainson's hawk, prairie falcon, golden eagle, short-eared owl, Pacific golden plover, pectoral sandpiper, dusky flycatcher, tropical kingbird, thick-billed kingbird (only the second occurrence ever in Northern California), sage thrasher, red-throated pipit, black-and-white warbler, blackpoll warbler, palm warbler, white-throated sparrow, vesper sparrow, swamp sparrow (seen most years in the wetlands just south of Wavecrest Road and west of the nursery), clay-colored sparrow, grasshopper sparrow (breeds), snow bunting, chestnut-collared longspur, Lapland longspur and bobolink. Recently (May 19, 2001) as I was helping out at my son's Little League game at Smith Field, a flock of approximately 20 white-faced ibis flew over the North Wavecrest area (including Wavecrest Village). In addition, rock sandpipers are sometimes found on the rocks along the shoreline and pelagic species such as marbled and ancient murrelets are at times found just offshore in winter.

Birds listed as species of concern to the state of California that have significant populations occurring on the Wavecrest Village site include the wintering population of up to six short-eared owls which forage throughout Wavecrest Village and are found every year, and a breeding population of saltmarsh common yellowthroat. Al Jaramillo, a professional ornithologist with the San Francisco Bay Bird Observatory, has documented territorial (breeding) pairs of saltmarsh common yellowthroat in the extensive wetlands located within the Wavecrest Village site south of Wavecrest Road and west of the nursery (Central area), as well as the riparian corridor further south.

#### Environmental Sensitivity

It appears as though additional study is necessary before an action can be taken on this project, especially within the Central area of the Wavecrest Village site. I am familiar with inundation characteristics of the Wavecrest Village site from many visits for the purposes of censusing avian populations, and nearly all of the Central area west and south of the eucalyptus grove has wetland vegetation and is sufficiently inundated in the winter that traversing the area requires a good pair of waterproof boots. Significant wetland resources supporting aquatic-adapted species such as Virginia rails cover much of this area. One state species of concern, short-eared owl, forages at the site in the winter. A second state species of concern, saltmarsh common yellowthroat, is documented as a breeding bird at this site. In addition, the eucalyptus grove and cypress trees at this site provide one of several important roosting sites for raptors in a general area believed by Sequoia Audubon Society to be the most important area for wintering raptors in the entire county. This Central area should satisfy criteria for designation as an Environmentally Sensitive Habitat Area (ESHA) under the Coastal Act and the City's Local Coastal Program (LCP). The applicant's

Ms. Virginia Esperanza  
May 29, 2001  
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development plans and mitigation programs developed to date by Commission staff for this area should be revisited, as these constraints were not previously considered. In addition, the extraordinary value of the entire project site as wintering habitat for raptors should be considered in evaluating impacts of development of any part of the Wavecrest Village site.

If you need any additional information regarding the above, please call me at 650-726-1340.

Sincerely



Gary Deghi

cc: Sara Wan, Chairperson, California Coastal Commission  
Ken Curtis, Planning Director, City of Half Moon Bay  
Michael Ferreira, Chairman, Half Moon Bay Planning Commission  
Robin King, Half Moon Bay Planning Planning Commission  
Carl Wilcox, California Department of Fish and Game  
Patricia Anderson, California Department of Fish and Game  
Mark Littlefield, U.S. Fish and Wildlife Service  
Robin Smith, President, Sequoia Audubon Society

Table 1. Observed Raptors During Sequoia Audubon Society Christmas Bird Counts at North Wavecrest, Half Moon Bay

Date	White-tailed Kite	Northern Harrier	Sharp-shinned Hawk	Cooper's Hawk	Red-shouldered Hawk	Red-tailed Hawk	Rough-legged Hawk	Ferruginous Hawk	Golden Eagle	American Kestrel	Merlin	Peregrine Falcon	Barn Owl	Screech Owl	Great Horned Owl	Observers	Area Of Survey
12/16/80	15	10	1		4	18				9				5		Hully Blair	(3)
12/18/80	5	6		3	4	6				6			1	2		Hully Nunn	(3)
12/19/80		8	2	1	3	10				3		1	1	1	1	Powell Hully	(3)
12/20/80	3	5		1	6	5			1 <sup>5</sup>	7	1			1		Powell Jaramillo	(3)
12/21/80		9	1	2	7	23	1			14			1	2	2	Powell Hully Blair	(3)
12/26/80	1	6	1	2	6	15		1		8				1		Powell	(4)
12/27/80	2	9	1		4	20	1			14			11 <sup>6</sup>			Deghi Powell	(4)
12/28/80	6	9		3	1	20 <sup>7</sup>				10			1	2	2	Deghi Kratter	(4)
12/29/80	6	5		1	1	5	6			9			1	4	1	Kratter	(4)

<sup>1</sup> Data for surveys conducted in 1990-1993 was unavailable. Due to fewer participants in the surveys prior to 1988, survey areas were too large to provide meaningful results for this analysis.

<sup>2</sup> J.R. Blair: Biology Lecturer at San Francisco State University.

Jim Hully, Gary Nunn and David Powell: All have many years experience in bird identification and are credible observers.

Alvaro Jaramillo: Professional ecologist working with the San Francisco Bay Bird Observatory.

Gary Deghi: see attached resume.

Andrew Kratter: Now has a Ph.D. in Ornithology from L.S.U. and serves as Ornithology Department Collections Manager at the Florida Museum of Natural History in Gainesville.

<sup>3</sup> North Wavecrest area (between Redondo Beach Road and Kelly Avenue west of Highway 1.

<sup>4</sup> In addition to North Wavecrest, the survey area included Ocean Colony (limited raptor habitat) and South Wavecrest (prior to development as an 18-hole golf course provided some habitat for species like Northern harrier and white-tailed kite). Most (nearly all) raptors counted between 1988 and 1995 were within the North Wavecrest area.

<sup>5</sup> Golden Eagle seen by Deghi/Kratter headed toward Wavecrest Village from east side of Highway 1.

<sup>6</sup> Barn owls roosting in Wavecrest Village eucalyptus grove.

<sup>7</sup> Red-tailed hawks included one Krider's red-tailed hawk.

received 5/29/01

## Attachment I

Notes on raptor observations in the vicinity of Wavecrest Lane, Half Moon Bay,  
 Christmas Bird Counts, 1996-1997, 1999-2000.  
 Observations by J.R. Blair.

## White-tailed Kite

- 12/18/99: 1 seen flying, later 2 in cypresses @ Smith Field
- 12/16/00: at least 10 in area, often interacting with each other & with harriers, 10 roosting south of Field @ dusk

## Northern Harrier

- 12/21/96: 1 male 1 female, 1 female, 1 female, vicinity of Smith Field
- 12/20/97: 1 female perched on coyote brush, then flying, dropped to ground once, chasing/being chased by kestrel once
- 12/18/99: 1 male 1 female, 1 male 1 female flying, sometimes male(s) chasing female(s)
- 12/16/00: at least 10 in vicinity of Smith Field, often interacting with each other & with kites

## Sharp-shinned Hawk

- 12/16/00: 1 juvenile flying south, Redondo Beach Road

## Cooper's Hawk

- 12/18/99: 1 adult female flying north from southern ravine, same? seen at ballfields later; 1 adult male flushed from north side of ballfields, flew west

## Red-shouldered Hawk

- 12/18/99: 2 @ Redondo Beach & SR-1, 1 adult perched in cypress n of Smith Field
- 12/16/00: 1 adult around cow pasture to south of Field, seen twice - once flushed from willows, once on fencepost

## Red-tailed Hawk

- 12/21/96: 1 adult, 1 immature, 1 adult vicinity of Smith Field; 2 perched, 1 adult flying, North Wavecrest
- 12/18/99: 3 singles flying and/or hovering, vicinity of Smith Field; 1 chasing kestrel near SH 1 & Redondo Beach Rd, 2 hovering near bluff end of RB Rd
- 12/16/00: at least 8 in area, mostly immature birds, vicinity of Smith Field; at least 5 off RB Rd; 1 sw part of North Wavecrest

## Rough-legged Hawk

- 12/21/96: 1 near model plane runway

## American Kestrel

- 12/21/96: 1 south side North Wavecrest
- 12/20/97: 1 female @ ballfield
- 12/18/99: 1 on wire @ Dolores St & SR-1; 1,2,1, vicinity of Smith Field; 1 chased by redtail Redondo Beach Rd near SR-1
- 12/16/00: 1 female @ ballfield; 1 @ Strawberry Ranch

## Barn Owl

- 12/18/99: 1 flushed from acacias to south of Field

## Short-eared Owl

- 12/21/96: 1 @ dawn, west of Smith Field
- 12/20/97: 1 @ dawn, same location
- 12/16/00: 5 @ dusk, same location

**RESUME OF GARY S. DEGHI**

8 Pinehurst Lane

Half Moon Bay, California 94019

TEL: 650-726-1340 ♦ Fax: 650-726-9726 ♦ Cell: 650-224-7263

Email: deghi@earthlink.net

**SUMMARY**

Gary Deghi has 25 years experience in ecological research, wetlands management, environmental review of land development proposals, regional and city planning, and the application of federal and state resource management regulations and policy. He has strong understanding of the interaction of the natural sciences and environmental policy and has extensive experience working with diverse public agencies and communities in reaching solutions to complex natural resource issues.

Mr. Deghi utilizes this unique set of skills in providing a variety of natural resource studies pursuant to the Clean Water Act of 1972, Rivers and Harbors Act of 1899, Endangered Species Act of 1973, National Environmental Policy Act of 1969 (NEPA), and the California Environmental Quality Act (CEQA) as well as environmental assessment and compliance requirements of the World Bank and Inter-American Development Bank. Services provided include permit procurement evaluations pursuant to Section 404 of the Clean Water Act such as wetlands jurisdictional determinations, 404(b)(1) alternatives analysis, development of wetland mitigation plans, the field monitoring of habitat restoration and enhancement activities and agency coordination, including negotiation of permit conditions. He is skilled in conducting evaluations for endangered species including surveys, Section 7 consultations, and Section 10(a) permitting. His expertise also includes regulatory compliance and environmental auditing, the development of resource management plans, ecological constraints analysis, and habitat evaluations and mapping in a variety of ecosystems. He has performed environmental consulting services throughout portions of the United States as well as parts of South America and the Caribbean.

Gary Deghi is a recognized expert in the application of requirements of both NEPA and CEQA. He has overseen the production of over 200 Environmental Impact Reports, Environmental Impact Statements and Environmental Assessments for residential, commercial, industrial and office developments, redevelopment plans, mass transit systems, airports, marinas, landfills, electric generating facilities, water and wastewater facilities, ocean dredge disposal operations, roadway projects, downtown parking programs, hotels, recreational facilities and planning actions such as General Plan Updates, General Plan Amendments, rezonings and annexations.

In addition to his skills in environmental review and ecological evaluation, Gary Deghi also has extensive specific experience with public interface and public participation. He has participated in over 100 meetings of city councils, city or county planning commissions, county boards of supervisors and boards of special districts, explaining environmental findings at public hearings. Mr. Deghi served as a member of the city council for the City of Half Moon Bay, where he led a series of public workshops leading to the development of an implementation plan for the voter-approved residential growth control initiative. He has also developed and implemented public participation programs for major transportation projects, and has assisted cities in preparation of planning documents including General Plan Updates, Local Coastal Program Land Use Plans and redevelopment plans, efforts which included extensive public coordination.

**EXPERIENCE**

**Deghi Environmental**  
Half Moon Bay, California

2000 to Present

Owns and manages an independent environmental consulting business providing pre-development planning, ecological studies, and evaluations pursuant to permit procedures related to natural resource issues.

**Huffman and Associates, Inc.**  
Larkspur, California

1992 to 2000

*Vice President/Wetland Regulatory Scientist.* Provided pre-development planning and permitting services related to ecological parameters such as wetlands and other sensitive habitats, special status species, and other environmental constraints. Implemented regulatory requirements of Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, Section 7 and Section 10 of the Endangered Species Act, among others. Conducted contract administration, technical evaluation, business development and budgetary compliance.

**Earth Metrics Incorporated**  
Brisbane, California

1981 to 1992

*Senior Vice President.* Performed senior level management of an environmental consulting firm including technical evaluation, business development, personnel management, contract negotiations and administration, project review and staff training. Served as a consultant to city and county planning departments, land developers, state and federal agencies and special districts providing planning and permitting services, environmental review of major development projects, and coordination with regulatory agencies.

**Environmental Systems and Service**  
Kelseyville, California

1980 to 1981

*Environmental Planner.* Performed environmental analysis related to geothermal exploration and development in Northern California.

**INTASA, Incorporated**  
Menlo Park, California

1978 to 1980

*Ecologist/Planner.* Performed analysis of public policies, programs, institutions and technologies related to management of natural resource and environmental systems.

**Center for Wetlands**  
University of Florida, Gainesville, Florida

1975 to 1978

*Research Assistant.* Worked with a multi-disciplinary team investigating the feasibility of recycling secondarily-treated wastewater through cypress wetlands. Tasks included extensive field studies, laboratory analysis, statistical analysis, ecosystem modeling, writing of reports to National Science Foundation and presentations at scientific symposia.

## EDUCATION

M.S. 1977. University of Florida, Gainesville, School of Forest Resources and Conservation, Wildlife Ecology.

B.S. 1974. University of California, Davis, Biological Sciences.

## CONSULTING EXPERIENCE - SELECTED PROJECTS

### Program Management

Managed the implementation of a five-year general service contract with the U.S. Environmental Protection Agency, Region IX. Evaluations under this agreement included the preparation and review of EISs and the management of numerous biological studies.

Coordinated an indefinite delivery order contract with the U.S. Army of Corps of Engineers. San Francisco District.

Coordinated a term contract with the U.S. Postal Service over a five-year period. Evaluations included over 30 engineering reports, environmental assessments, site planning reports and other environmental analysis necessary for site acquisition and development related to new or expanded postal facilities in California, Nevada, Utah, Arizona, New Mexico and Hawaii.

Orchestrated the preparation of environmental reviews, archaeological excavations, habitat assessments and monitoring of traffic, noise and air quality impacts for the 10 million square foot Hacienda Business Park in Pleasanton, California.

### Environmental Permitting and Compliance

Supervised and participated in an on-site audit of construction operations for a pipeline project in Bolivia for compliance with the environmental, health and safety provisions of the project's Environmental Management Plan (EMP) and provided recommendations for improving the implementation of that Plan. Also participated in a post-construction compliance audit of the pipeline project to verify the turnkey contractors completion of contracted work and compliance with environmental requirements of the EMP. Participated in an audit of the implementation of the Environmental and Social Management System for a related pipeline project in Mato Grosso, Brazil and nearby areas in Bolivia.

Project Manager or field investigator on numerous federal wetland jurisdictional determinations including delineations on properties within the Cities of Fremont, Milpitas, Fairfield, American Canyon, Benecia, Vacaville, Oakland, Sacramento, Foster City, Millbrae, Hayward, San Jose, Watsonville, Scotts Valley, Novato, Grass Valley, Windsor, and Los Angeles, and the Counties of Placer, Contra Costa, Kern, Monterey and Santa Cruz, California; Washoe County, Nevada; Orange County, New York and Ponce County, Puerto Rico.

Section 404 wetland permit documentation, mitigation planning, agency coordination, and receipt of regulatory approvals including Corps permits, water quality certifications from Regional Water Quality Control Boards, Stream Alteration Agreements from California Department of Fish and Game and endangered species approvals from the U.S. Fish and Wildlife Service, for numerous development projects including: PriceCostco Project and Woodlake Detention Basin Project, City of Sacramento; Orchard Baytech Centre, City of San Jose; Rancho Lagunita Project, Regional Commerce Center, Planned Employment Center, City of Fairfield; Northeast Sector Assessment District Water Pipeline, City of Vacaville; Preston Pipeline Office and Warehouse Project, City of Milpitas; Millbrae Avenue Interchange Improvements, City of Millbrae; Koll Arden Industrial Center, City of Hayward; Greenbrae Boardwalk Single-Family Home Structure, Marin County; Eccles Ranch Estates, Washoe County, Nevada; Reno-Cannon International Airport Runway Improvement Project, Reno, Nevada.

Ecological evaluations, preparation of permit application materials, mitigation planning, alternative siting analysis, review of third party environmental documentation and agency coordination for numerous projects in California with either pending regulatory approvals or withdrawn from consideration including: North Village and West Village Projects and Gibson Canyon Creek Flood Control Project, City of Vacaville; Bahia Master Plan, City of Novato; Cowell Ranch Development Plan, Contra Costa County; Polo Ranch Project, City of Scotts Valley; Petaluma Crossroads Project, City of Petaluma; Canyon Homes Project, City of American Canyon; Oro Loma Sanitary District Sludge Handling Facilities, San Lorenzo; Bryant Lease Site Project, City of Long Beach; among others.

Monitoring of mitigation construction and/or compliance monitoring and reporting for numerous projects including Stanford Ranch Project, Placer County; Northside Subdivision, Price-Costco Retail Development and Woodlake Detention Basin Project, City of Sacramento; AT&T Fiber Optic Cable Project and Garcia River Restoration, Point Arena; Madera del Presidio, Town of Corte Madera; Hayden Hill Mine, Lassen County; and Portage Realty Corporation's Tawny Lake Mitigation, South Bend, Indiana.

Section 7 consultation or Section 10(a) Permit/Habitat Conservation Plan for endangered or threatened species including salt marsh harvest mouse, California clapper rail, vernal pool fairy shrimp, San Francisco and giant garter snake, California red-legged frog, valley elderberry longhorn beetle, San Joaquin kit fox, among others. Surveys and/or mitigation planning for additional special status species including Smith's blue butterfly, Point Arena mountain beaver, Santa Cruz long-toed salamander, western snowy plover, burrowing owl, and others.

## Ecological Studies

Project Manager for development of a GIS-based natural resource inventory and Wetland Conservation Plan applied to nine wildlife management areas in the state of Nevada (the Overton, W.E. Kirch, Key Pittman, Mason Valley, Humboldt, Fernley, Scripps, Alkali Lake and Franklin Lake Wildlife Management Areas). Components of the plan included wetlands definition, inventory, classification, functions and values, integration of fish and wildlife values and public use, evaluation of protective measures, strategy development, public input and support, and plan approval and monitoring. Prepared for Nevada Division of Wildlife.

Principal Investigator for a GIS-based evaluation of the status and sustainability of native Monterey pine populations in California, Pebble Beach Company.

Ecological evaluations related to electric generating facilities including: wetland evaluations and EIS review for the EcoElectrica LNG Import Terminal and Cogeneration Project at Guayanilla Bay, Puerto Rico; an assessment of the recreational fisheries potential of cooling lakes for the Electric Power Research Institute; ecological evaluations pursuant to an Application for Certification related to modernizing the Morro Bay Power Plant in Morro Bay, California; field determinations of biomass and nutrient relationships in mangrove wetlands as part of a thermal effluent study at the Turkey Point Nuclear Power Plant in South Florida; analysis of the technologies and associated costs of alternative energy sources for the Appalachian Regional Commission; environmental evaluation of the Montezuma Hills Wind Farm in Solano County, California; and development of an air and water quality baseline related to geothermal exploration and development in the Geysers Geothermal Research Area of Northern California, including participation in a Department of Energy National Laboratory Program called ASCOT ("Atmospheric Studies in Complex Terrain").

Tijuana/San Diego Joint Mexico/U.S. International Wastewater Treatment Plant Special Studies: (i) Assessment of the Environmental Effects of Sewage Discharges on the Tijuana River Estuary, (ii) Assessment of Surf Discharges of Sewage on San Diego County Beaches, U.S. EPA, Region IX.

Reno/Sparks Joint Water Pollution Control Plant Ecological Simulation Model for the Truckee River/Pyramid Lake, Nevada, U.S. EPA, Region IX. Principal in Charge of funding eligibility study for new denitrification facilities at the sewage treatment plant. The model predicted water quality changes that could be assessed for ecological effects on the survival of threatened Lahontan cutthroat trout and endangered cui-ui in the Lower Truckee River.

Ecological research for several years in Florida as part of an overall study to determine the feasibility of recycling secondarily-treated wastewater through cypress wetlands. This research involved the development of a computer model to simulate long term effects of effluent application on the phosphorus cycles of these wetland systems. Additional research included investigations of the effect of sewage enrichment, flooding and burning on ecosystem succession and seedling growth in cypress domes.

Harkins Ranch Ecological Constraints Study and Habitat Restoration/Conservation Plan in Watsonville, California. Mitigation developed for wetland habitats and multispecies conservation including foraging raptors, endangered Santa Cruz tarplant, California red-legged frog and several species of special concern.

Wetland constraints analysis related to pipeline construction in the Bañados de Taquaral and Bañados de Izozog, Department of Santa Cruz, Bolivia.

Habitat Evaluation/Survey pursuant to Local Coastal Program (LCP) policy for several locations along Pilarcitos Creek and Frenchman's Creek, City of Half Moon Bay; Corte de Madera Creek and Arroyo de Medio, San Mateo County; the Moro Cojo Slough complex, Monterey County; Del Monte Beach LCP, City of Monterey; Pillar Point Harbor Wetlands Mitigation Area, San Mateo County Harbor District.

An analysis of forest resource-related issues pertaining to the U.S. Forest Service, Intermountain Region, and Utah Division of State Lands planning including timber, range, wildlife and watershed management, recreational development and multiple use. This work included assisting in the development of a U.S. Forest Service manual for training state forest resource planners in eleven western states.

Preliminary Environmental Constraints Analysis for a linear infrastructure proposal within the Northwestern Pacific Railroad Right of Way Between Novato and Corte Madera in Marin County, California.

Resource Management Plan for the Bosch Bahai School, County of Santa Cruz.

Systematic plant surveys, mitigation planning or mitigation implementation for numerous endangered and candidate botanical species including, but not limited to, the following: Santa Cruz tarplant, Scotts Valley spineflower, Sanford's arrowhead, Mt. Hamilton thistle, silver-leaved manzanita, Ben Lomond wallflower, Contra Costa goldfields, and Seaside, Pt. Reyes and salt marsh bird's beaks, among others.

#### Federal Environmental Documentation

MUNI Metro Turnaround Project EIS, Urban Mass Transportation Administration (UMTA) and San Francisco Public Utilities Commission.

Marathon Industrial Business Park EIS/EIR, U.S. Army Corps of Engineers and City of Hayward.

Tijuana/San Diego Joint Mexico/U.S. International Wastewater Treatment Plant Land Outfall Pipeline EA, U.S. EPA Region IX.

Fremont General Aviation Airport EIS/EIR, Federal Aviation Administration (FAA) and City of Fremont.

Los Angeles/Long Beach (LA-2) Ocean Dredge Material Site Designation EIS, U.S. EPA Region IX.

San Diego (LA-5) Ocean Dredge Material Site Designation EIS, U.S. EPA Region IX.

Mowry Avenue Roadway Widening Project EA/Initial Study, Durham Road/Fremont Boulevard Interchange Improvement Project EA, Caltrans, Federal Highway Administration and City of Fremont.

Marshall Road Extension Project EA/Initial Study, Caltrans, FHWA and City of Vacaville.

San Ramon Branchline Corridor Transportation Alternatives Environmental Analysis and Public Participation Program, UMTA and Contra Costa County.

Westside Corridor Transportation Alternatives Analysis/EIS, UMTA, Oregon Department of Transportation and City of Portland, Oregon.

#### CEQA Studies

Redevelopment Plan EIRs for the cities of Tiburon, Folsom, Roseville, Auburn, Rocklin, Grass Valley, Newark, King City, Soledad, Chico, Lakeport, Woodland, Yuba City, Redding, Modesto and Scotts Valley, California.

Residential subdivision EIRs for the Cities of Monterey, Novato, Los Gatos, Morgan Hill, San Jose, Saratoga, San Mateo, Millbrae, Daly City, Half Moon Bay, Pinole, St. Helena, Calistoga, Tiburon, Oakland, Jackson, Sutter Creek, Morro Bay, and Pittsburg, and the Counties of Marin, Sonoma, Santa Clara, San Mateo, Amador, Monterey, and Colusa, California.

Commercial project EIRs for the Cities of San Luis Obispo, Half Moon Bay, Merced, Lakeport, Paradise, Morgan Hill, Pleasanton, Livermore, Vacaville, Chico, Mountain View, Marina, Fort Bragg, Scotts Valley, and Auburn, California.

Numerous environmental evaluations for public works infrastructure including: Easterly Wastewater Treatment Plant Expansion EIR, City of Vacaville; Saxon Creek Water Project EIR, County of Mariposa; Lighthouse Curve Roadway Widening EIR, City of Monterey; Helman Lane Wastewater Pipeline EIR, City of Cotati; Novato Creek Flood Control Project EIR, Marin County; Downtown Parking Structure EIR, City of San Luis Obispo; Carlos Bee Boulevard and Harder Road Extension EIR, City of Hayward.

EIRs on solid waste management facilities including: Lynch Canyon Sanitary Landfill EIR, Solano County; Tri-Cities Resource Recovery Facility EIR, City of Fremont; Watsonville Sanitary Landfill Expansion EIR, City of Watsonville.

Old Capitol Site Pebble Beach Company Project EIR, Cannery Row Parking Garage and Retail Project EIR, Ponderosa Homes Del Monte Beach Condominium Project EIR, Laguna Seca West Annexation EIR, and the Monterey Plaza, Crowne Plaza, Verga Hotel, and Rohr Hotel Project EIRs on Cannery Row, City of Monterey.

Napa Valley Wine Train EIR, California Public Utilities Commission.

Skypark Specific Plan EIR, City of Scotts Valley.

Pillar Point East Harbor Master Plan EIR, Aquaculture Facilities Environmental Assessment, San Mateo County Harbor District.

Shasta-Metro Enterprise Zone EIR, City of Redding; Richmond Enterprise Zone EIR, City of Richmond.

#### **APPOINTMENTS/AFFILIATIONS/ACTIVITIES**

Served on the Half Moon Bay City Council and Community Redevelopment Agency, 1991.

Technical Advisory Committee, Fitzgerald Marine Reserve Master Plan, San Mateo County, 1998.

Public Advisory Committee for Half Moon Bay General Plan and Local Coastal Program Land Use Element Update, 1997.

Panelist/Environmental Expert, Informational Forum on Devil's Slide Bypass and Tunnel Alternatives, Pacifica Chamber of Commerce, Pacifica, California, October 23, 1996.

Committee to Establish an Affordable Housing Ordinance for the City of Half Moon Bay, California, 1992.

Citizens EIR Review Committee, North Wavecrest Redevelopment Plan, City of Half Moon Bay, California, 1990.

Training, Wetland Delineation Using the Federal Methodology for Identifying and Delineating Jurisdictional Wetlands, American Fisheries Society, 1990.

Independent natural history study in Southeast Asia, Central America, South America, Western Europe, the Hawaiian Islands, the Caribbean, and many parts of North America, including Alaska.

Member, Society of Wetland Scientists, California Native Plant Society, American Birding Association. Field Trip Leader and Board of Directors, Sequoia Audubon Society.

#### **SELECTED PUBLICATIONS**

Deghi, G.S. 1977. Effects of Sewage Effluent Application on the Phosphorus Cycling in Cypress Domes. M.S. Thesis, University of Florida. 143pp.

Deghi, G.S., K.C. Ewel and W.J. Mitsch, 1980. Effects of sewage effluent application on litter fall and litter decomposition in cypress swamps. *Journal of Applied Ecology* 17: 397-408.

Deghi, G.S. and K.C. Ewel, 1982. Simulated effect of wastewater application on phosphorus distribution in cypress domes. Chapter 10 in *Cypress Swamps* (Ed. by K.C. Ewel and H.T. Odum), University Presses of Florida, Gainesville.

Deghi, G.S., 1982. Seedling survival and growth rates in experimental cypress domes. Chapter 14 in *Cypress Swamps* (Ed. by K.C. Ewel and H.T. Odum), University Presses of Florida, Gainesville.

Deghi, G.S. and T.O. Morrison, 1985. Preliminary Assessment of Environmental Effects of Sewage Discharges on the Tijuana River Estuary. Earth Metrics Incorporated, Burlingame, California. Report to U.S. EPA, Region IX.

Deghi, G.S., T.O. Morrison, H.M. Runke, J.T. Brock, C. Caup, and D.L. Galat. 1987. Reno/Sparks Joint Water Pollution Control Plant Funding Justification Special Study of Truckee River/Pyramid Lake, Nevada. Final Report to U.S. EPA, Region IX.

Deghi, G. S., R.T. Huffman, and J. W. Culver. 1995. "California's Native Monterey Pine Populations: Potential for Sustainability." *Fremontia*, A Journal of the California Native Plant Society, Vol. 23, No. 1, January 1995, ppg 14-23

Huffman, R.T., G.S. Deghi, A.B. Hodgson and T. Retterer. 1998. Wetland Conservation Plan Applicable to Nine State of Nevada Wildlife Management Areas. Huffman & Associates, Inc. Larkspur, California. 90 pp. plus attachments. Prepared for Nevada Division of Wildlife, Reno, Nevada.

Huffman, R.T., G.S. Deghi, A.B. Hodgson and T. Retterer. 1998. Wildlife Resource Values of Wetlands at the State of Nevada Wildlife Management Areas. Huffman & Associates, Inc. Larkspur, California. 50 pp. plus attachments. Prepared for Nevada Division of Wildlife, Reno, Nevada.

Huffman, R.T., G.S. Deghi, A.B. Hodgson and T. Retterer. 1998. Wildlife Resource Values of Wetlands: Protective Mechanisms for the Management of Wetlands on Nevada Division of Wildlife Wildlife Management Areas. Huffman & Associates, Inc. Larkspur, California. 51 pp. plus attachments. Prepared for Nevada Division of Wildlife, Reno, Nevada.



**EXHIBIT NO. 18**

**APPLICATION NO.**

**A-1-HMB-99-051**

**(WAVECREST VILLAGE  
PROJECT)**

**5/29/01 LETTER FROM ALVARO  
JARAMILLO**

Alvaro Jaramillo  
236 9<sup>th</sup> Street  
P.O. Box 371509  
Montara, CA  
94037

May 29, 2001

RECEIVED  
MAY 31 2001

CALIFORNIA  
COASTAL COMMISSION

Ms. Virginia Esperanza  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Subject: Populations of Raptors in the North Wavecrest Restoration Area in Half Moon Bay, California (Wavecrest Village, Appeal # A-1-HMB-99-051)

Dear Ms. Esperanza:

Through local biologist Gary Deghi I have realized that the California Coastal Commission has asked for information concerning the value of the North Wavecrest Area as habitat for birds and raptors in particular. I have been living on the coastside since June of 1995 and observing birds and visiting the North Wavecrest Area frequently during the last six years. I have an M.S. in Evolution and Ecology, and work as a biologist for the San Francisco Bay Bird Observatory in Alviso, California. Furthermore I have published extensively on the subject of birds including research conducted on the diet of Swainson's Hawks in their winter quarters. I am a past member of the Board of Directors of the Sequoia Audubon Society, and currently Associate Editor for the bird distribution and populations journal North American Birds.

First let me begin by saying that I have observed and surveyed birds throughout San Mateo County, and I have the opinion that the North Wavecrest Area may be the most significant single site for raptors in the county. There are two factors that come to mind, both numbers of raptors and diversity of species present. It is not uncommon to see 10+ Northern Harriers in the area, multiple White-tailed Kites (6-10 at times), and 20 or more Red-tailed Hawks on a short visit during the winter months. I can confidently say that the largest numbers of Northern Harriers and White-tailed Kites I have observed on a single visit to one site in San Mateo County were at the North Wavecrest site. The area also holds good numbers of Red-shouldered Hawks. On the coastside it is the only site we know of where Short-eared Owls regularly winter, I have observed them here as far back as my first year living on the coast (1995) and every winter since then. As many as half a dozen can be viewed during an evening visit. Bair Island, on

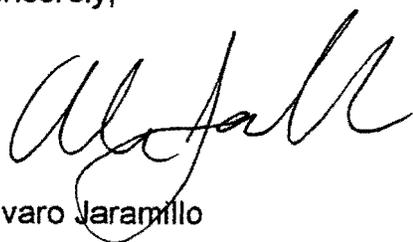
the bay-side of the county is the only other spot where this species may be so regular in San Mateo County. However, at that spot numbers may be lower than what is found at North Wavecrest. The Short-eared Owl is a California Species of Special Concern.

The diversity of species of raptors at this site is high. Personally, I have observed the following in or around the North Wavecrest site: Turkey Vulture, White-tailed Kite, Northern Harrier, Sharp-shinned Hawk, Cooper's Hawk, Red-shouldered Hawk, Red-tailed Hawk, Swainson's Hawk, Rough-legged Hawk, Ferruginous Hawk, American Kestrel, Merlin, Peregrine Falcon, Barn Owl, Short-eared Owl, and Great Horned Owl. This is not a complete list, as other observers have seen several other species at this site. There is no other site in the county where I have seen this many raptor species. The total list of raptors reported from this site is surely one of the largest, if not the largest for any single site in the county.

The habitat of the North Wavecrest is not grazed and not tilled, unlike most other coastal sites in the county. This has created a complex grassland which is habitat for a wide variety of grassland and wetland species. The wetland between the baseball fields and the greenhouses is large enough to attract wetland species such as Virginia Rails, Common Snipe and wintering Swamp Sparrows. The latter is a bird that many birders come to look for at this site, as its distribution is patchy in California. The grasslands also hold good populations of breeding Grasshopper Sparrows, a species considered a Migratory Nongame Bird of Management Concern by the US Fish and Wildlife Service, due to a dependence on vulnerable or restricted habitat. Numbers vary from year to year, but they nest in the area annually. There are a couple of pairs there this year (2001) already, and the peak breeding season has not yet arrived. Loggerhead Shrikes, a species that has shown declines throughout the continent and which is listed as a Species of Special Concern by California Fish and Game winters commonly on the site. Finally, the Salt Marsh Common Yellowthroat another state species of Special Concern both breeds and winters in the area. It primarily is found in moister sites, particularly the wetland between the ballfield and the nursery and in the riparian corridor south of the model airplane field. I have documented territorial (breeding) birds in the area. Development proposals in this area should consider the important value to raptors and sensitive species known to occur there.

I hope this information is useful to you. Please contact me at 650-563-9044, or [alvaro@sirius.com](mailto:alvaro@sirius.com) if you would like more information regarding raptors or other birds in the North Wavecrest Area.

Sincerely,



Alvaro Jaramillo

## Alvaro P. Jaramillo - Curriculum Vitae

Home Address:  
 P.O. Box 371509  
 Montara, CA.  
 94037  
 (650)-563-9044  
 e-mail: alvaro@sirius.com

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### Employment Experience

- Jan. 99 - present San Francisco Bay Bird Observatory, Alviso, CA  
 Biologist
- April 2000 - present. Field Guides Incorporated.  
 International birding guide, specializing in the New World.
- July 96 - 1999 Coyote Creek Riparian Station, Alviso, CA  
 Wildlife Biologist.
- Mar. 96 - present A & C Black Publishers, London in  
 conjunction with Princeton University Press.  
 Under contract to write a field guide  
 to the birds of Chile.

### Post Secondary Education

- Sept. 93- June 95. Simon Fraser University, Vancouver.  
 (not completed) Ph.D. in Biology  
 Thesis: Social Foraging in ants.  
 Supervisor: Dr. Ronald C. Ydenberg
- Completed Aug. 93 University of Toronto.  
 Master's of Science.
- Thesis: Parasite-host coevolution in the cowbirds *Molothrus rufoaxillaris* and  
*Molothrus badius*: Egg mimicry in shape and size.  
 Supervisor: Dr. James D. Rising
- Sept. 88 - May 91 University of Toronto.  
 Zoology Specialist Year 2 through 4
- Sept. 86 - April 87 University of Guelph. Biology Year 1

### Committee Activities

1999-2000. Sequoia Audubon Society. Board Member.  
 1999-2001. California Bird Records Committee. Voting Member.

### Books Published

Jaramillo, A. and P. Burke. 1999. *New World Blackbirds: The Icterids*. Princeton University Press.

### Publications

Jaramillo, A. P. and J.D. Rising. 1995. Intense Natural Selection in a population of Cliff Swallows. *Kansas Ornithological Society Bulletin*. 46(2): 21- 22.

Jaramillo, A. P. 1993. Wintering Swainson's Hawks in Argentina: food and age segregation. *Condor* 95: 475-479.

Francis, I.S., N. Penford, M. E. Gartshore, and A. Jaramillo. 1992. The White-breasted Guineafowl *Agelastes meleagrides* in Tai National Park, Cote d'Ivoire. *Bird Conservation International* 2(1): 25 - 60.

### Publications In Preparation:

Jaramillo, A. and S. Hudson. In Review. Long-term trends and habitat associations of birds using a riparian restoration site. *Proceedings of the Riparian Habitat and Floodplains Conference*, 2001.

Sandercock, B. and A. Jaramillo. Annual Survival Rates of Wintering Sparrows: Assessing the Demographic Consequences of Migration. *Auk*, manuscript in review.

Gardali, T. and A. Jaramillo. Further Evidence of a Population Decline in the Western Warbling Vireo. *Western Birds*, manuscript accepted.

Jaramillo, A., P. Burke and D. Beadle. In prep. *Field guide to the birds of Chile*. Princeton University Press, Princeton, NJ.

### Other Publications

Jiguet, F. , A. Jaramillo, and I. Sinclair. 2001. Identification of Kelp Gull. *Birding World* 14 (3): 112- 125.

Jaramillo, A. 2001. Wing covert pattern as an aid to identifying female and immature male Bullock's and Baltimore Orioles – another look. *Birding* 33(1): 61-64.

Lane, D. and A. Jaramillo. 2000. Identification of *Hylocichla/Catharus* Thrushes. Part III: Gray-cheeked and Bicknell's Thrush. *Birding* 32 (4): 318-330.

Lane, D. and A. Jaramillo. 2000. Identification of *Hylocichla/Catharus* Thrushes. Part II: Veery and Swainson's Thrush. *Birding* 32(3): 242-254.

Lane, D. and A. Jaramillo. 2000. Identification of *Hylocichla/Catharus* Thrushes. Part I: Molt and Aging of Spotted Thrushes and Field ID of Wood Thrush and Hermit Thrush. *Birding*. 32(2): 121-135.

Jaramillo, A. and D. Beadle. 2000. Identification of Female Cassin's and Purple Finches. *Birders Journal* 8(6): 288-295.

Jaramillo, A. and P. Burke. 1999. Identification Review: Red-winged and Tricolored Blackbirds. *Birding* 31(4): 320-327.

Jaramillo, A. 1999. Identifying a Mystery Oriole. An Answer to the February Photo Quiz. *Birding*: 31(3): 259-261.

McKee, B. and A. Jaramillo. 1999. Variation in Iris Color of Female Brewer's Blackbird. *Western Birds* 30: 131-132.

Jaramillo, A. 1997. The birds, mammals, butterflies and dragonflies of Everett Crowley Park, Vancouver, B.C. Published by the Evergreen Foundation.

Jaramillo, A. and B. Henshaw. 1995. Identification of breeding plumaged Long- and Short-billed Dowitchers. *Birding World* 8(6): 221-228.

Jaramillo, A. 1995. Townsend's and Hermit warblers in Eastern Canada. *Birders Journal* 4 (5): 232- 236.

Burke, P. and A. Jaramillo. 1995. Fall and winter plumages of male Rusty and Brewer's Blackbirds. *Birders Journal* 4 (2): 97-101.

Jaramillo, A. 1994. Siberian Accentor - New to Canada. *Birders Journal* 3(2): 93-98.

Jaramillo, A. 1992. Eskimo Curlew - A Glimmer of Hope. *Birders Journal* 1(4):202.

Jaramillo, A., R. Pittaway, and P. Burke. 1991. The identification and migration of breeding plumaged dowitchers in southern Ontario. *Birders Journal* 1(1): 8-25.

Jaramillo, A. 1990. Toronto Region Bird Report- 1987. In *Toronto Birds 1987 and Toronto Christmas Bird Count Summary (1925-1988)* pp 1-71. Toronto Ornithological Club, Toronto.

**Papers presented at professional meetings**

Riparian Habitat and Floodplains Conference, 2001.

Title: Long-term trends and habitat associations of birds using a riparian restoration site.

A. Jaramillo and S. Hudson. March 2001.

North American Ornithological Conference, 1998

Title: A banding study of migration patterns in two subspecies of the White-crowned Sparrow.

April, 1998.

Pacific Ecology Conference, 1994.

Title: Egg mimicry in the brood parasitic Screaming Cowbird. March 6, 1994.

American Ornithologists Union, 111th meeting.

Title: Reproductive success of Bay-winged cowbirds and their parasites, Screaming Cowbirds, in Argentina. June 11, 1993.

Wilson Ornithological Society, 74th meeting.

Title: Food and age segregation of the Swainson's Hawk (*Buteo swainsoni*) in Argentina. April 30, 1993.

#### **Professional Affiliations and Activities**

Member of:            American Ornithologist's Union  
                               Cooper Ornithological Society  
                               Union de Ornitologos de Chile.  
                               Western Field Ornithologists.  
                               Dragonfly Society of the Americas  
                               California Bird Records Committee

References available on request.

Alvaro Jaramillo  
236 9<sup>th</sup> Street  
P.O. Box 371509  
Montara, CA  
94037

May 29, 2001

RECEIVED  
MAY 31 2001

CALIFORNIA  
COASTAL COMMISSION

Ms. Virginia Esperanza  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

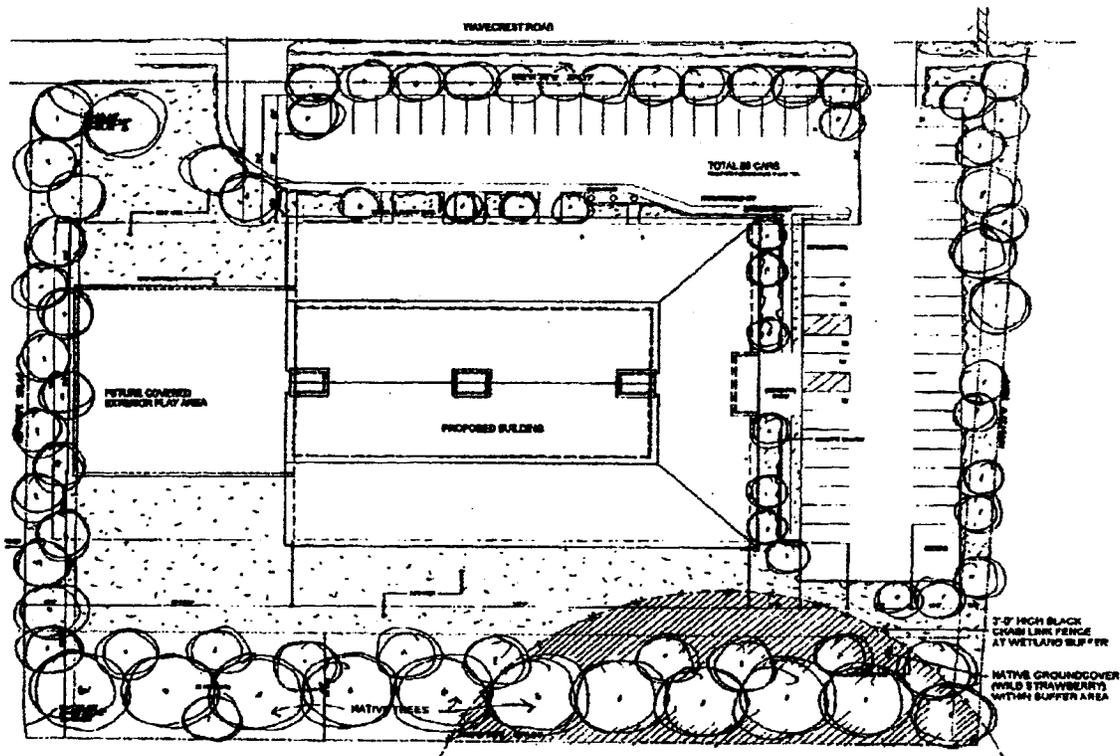
Subject: Populations of Raptors in the North Wavecrest Restoration Area in Half Moon Bay, California (Wavecrest Village, Appeal # A-1-HMB-99-051)

Dear Ms. Esperanza,

I am including a letter to you summarizing information on bird use in the North Wavecrest area in Half Moon Bay. Please also find included my C.V. giving my credentials as a biologist and bird watcher. Please note that I will be away for the first two weeks of June, in case you try to contact me.

Thank you very much.  
Sincerely,





**BOYS & GIRLS CLUB OF THE COASTSIDE**  
AUGUST 4, 2000

**CARRASCO & ASSOCIATES ARCHITECTS**  
128 RAMBLTON AVENUE  
PALO ALTO, CA

*Affordable housing*

*Boys and Girls Club*



**Diagram 1. Site Plan and Aerial Photo.**

EXHIBIT NO.	19
APPLICATION NO.	A-1-HMB-99-051
(WAVECREST VILLAGE PROJECT)	
BOYS & GIRLS CLUB SITE	

EXHIBIT NO. 20

APPLICATION NO.

1-HMB-99-051

WAVECREST VILLAGE  
PROJECT

PROPOSED DETENTION BASIN  
WESTERN PROJECT AREA

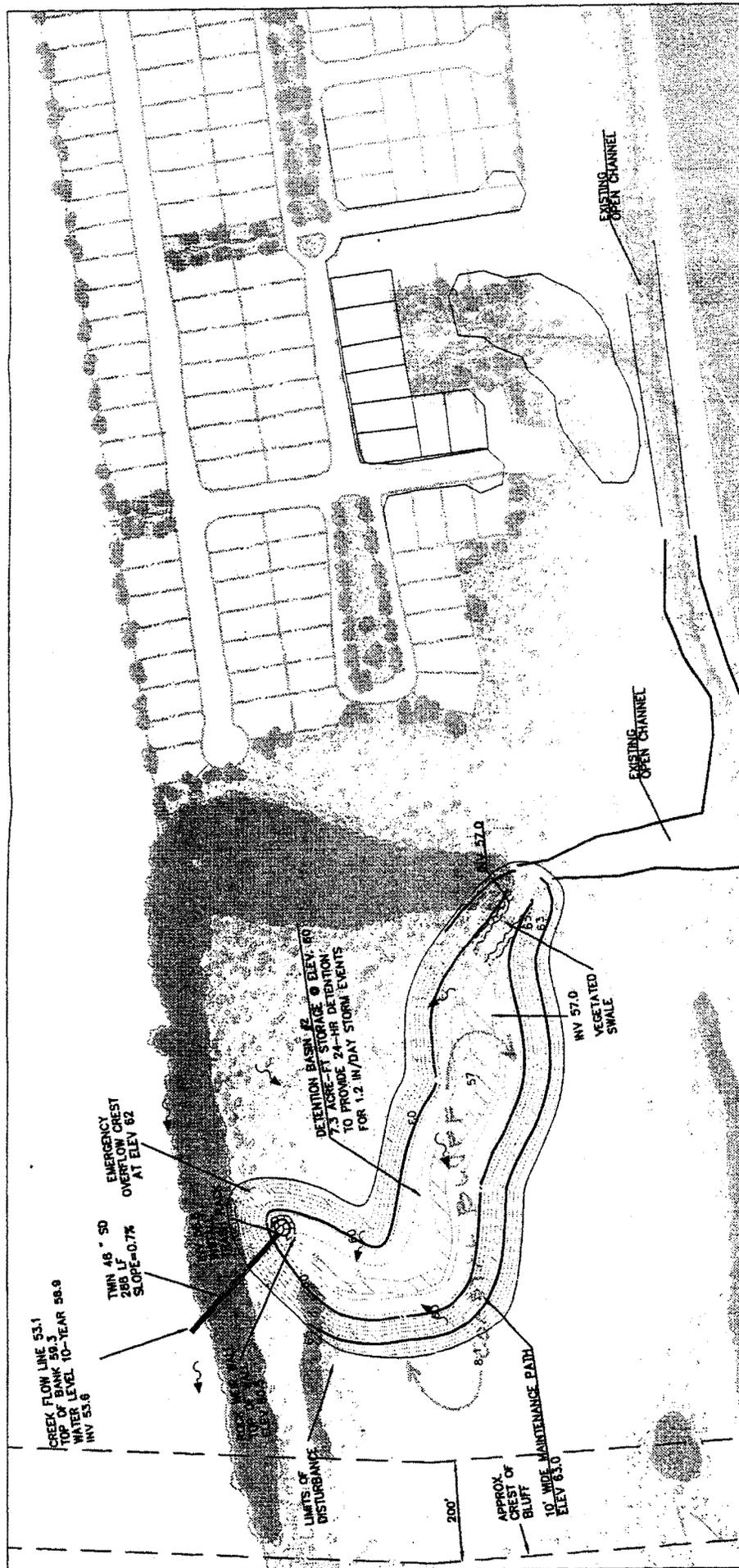


FIGURE 3  
WAVECREST DEVELOPMENT  
PROPOSED SUB AREA B  
DETENTION BASIN  
04/04/01

SCALE 1"=200'

**Brian Kangas Foulk**

Engineers • Surveyors • Planners

DRAWING NAME: J:\MG09\9901\310\WV\08 DT SIGN C SD\subarea04.dwg  
PLOT DATE: 04-05-01 PLOTTED BY: rdb

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

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

EXHIBIT NO. 21

APPLICATION NO.

A-1-HMB-99-051

(WAVECREST VILLAGE PROJECT)

3/01 MOU BETWEEN CCC AND CITY

GRAY DAVIS, Governor



MEMORANDUM OF UNDERSTANDING

BETWEEN THE CALIFORNIA COASTAL COMMISSION

AND THE CITY OF HALF MOON BAY

REGARDING EXPENDITURE OF MITIGATION FUNDS

A. WHEREAS, the California Coastal Commission ("COMMISSION") expects to receive shortly the amount of \$ 250,000 from permittee Half Moon Bay Resort Hotel pursuant to Special Condition No. 3 of Coastal Development Permit No.3-91-71 (Half Moon Bay Resort Partners, City of Half Moon Bay);

B. WHEREAS, payment of the \$250,000 fee referred to above was required as part of Permit No. 3-91-71 to mitigate for the fact that there would not be adequate room to provide for a satisfactory range of low/no cost recreational facilities on the hotel site. Special Condition No. 3 requires that the \$250,000 payment be used for "the completion of off-site public access improvements within the adjacent North and South Wavecrest Redevelopment areas, including roads, trails, parking facilities, restrooms and vertical accessways;"

C. WHEREAS, the City of Half Moon Bay ("CITY") is a municipal corporation organized and existing under and by virtue of the laws of the State of California and is anticipating undertaking the completion of such off-site access improvements within the adjacent North and South Wavecrest areas as described in detail in paragraph B;

D. WHEREAS, the COMMISSION is a state agency established pursuant to section 30300 of the California Coastal Act of 1976 (California Public Resources Code, §§ 30000 *et seq.*) is charged with primary responsibility for implementing and enforcing the Coastal Act, and is authorized by Public Resources Code section 30532 to enter into agreements with any public agency for the purpose of assisting the COMMISSION in meeting the public access requirements of the Coastal Act;

E. WHEREAS, the COMMISSION and the CITY desire to use the \$250,000 mitigation fund referred to above for the completion of off-site access improvements within the North and South Wavecrest areas as described in paragraph C;

F. WHEREAS, the Commission has determined that the \$250,000 fund shall be used for off-site access improvements within the adjacent North and South Wavecrest areas in the following order of priority:

**First Priority:** construction of the segment of the Coastal Trail from Redondo Beach Road to the Ocean Colony property line in the trail location generally depicted in Exhibit 1, including land acquisition in the trail corridor if absolutely necessary to construct the trail consistent with the CITY's Local Coastal Plan policies relating to environmentally sensitive areas;

**Second Priority:** design and construction of improvements to Redondo Beach Road to provide suitable all-season access to the shoreline;

**Third Priority:** construction of vertical accessways at the seaward end of Redondo Beach Road;

**Fourth Priority:** construction of parking facilities at the seaward end of Redondo Beach Road;

**Fifth Priority:** construction of restrooms at the seaward end of Redondo Beach Road.

NOW, THEREFORE, the COMMISSION and the CITY agree as follows:

1. After both (a) execution of this Memorandum of Understanding by both parties and (b) receipt by the COMMISSION of \$250,000 from the permittee, the COMMISSION shall effectuate a transfer to the CITY of \$250,000 consisting of the funds referenced in paragraph A;
2. The CITY shall use the transferred funds exclusively to finance the completion of off-site access improvements within the adjacent North and South Wavecrest Redevelopment areas in accord with the CITY's request to the COMMISSION of March 8, 2001, attached as Exhibit 2 hereto and made a part hereof by incorporation. The CITY shall secure any and all permits necessary for such improvement projects. To the extent that there are differences between the CITY's request of March 8, 2001 and this Memorandum of Understanding relating to the particular projects on which the funds shall be spent and/or the priority in which the funds will be spent, this Memorandum of Understanding shall govern. In using the funds, the CITY shall comply fully with the use prioritization described in paragraph F such that the CITY shall spend all (or such portion) of the transferred funds as is necessary to complete the First Priority before spending any portion of the funds on the Second Priority, and so on until the Fifth Priority is completed. *If the CITY and the Commission's Executive Director together determine and agree that the First Priority cannot be accomplished with the funds available in a manner that meets that priority's objectives, then the Second Priority shall become the First Priority; if it is determined through the same process that the Second Priority is infeasible, then the Third Priority shall become the First Priority. This process shall be repeated as necessary through the Fifth Priority.* The CITY may use no more than five percent (5%) of the transferred funds to pay for administrative costs relating to the completion of such access improvements incurred by the CITY and/or its contractors or subcontractors. The CITY shall maintain accurate accounts of its expenditures from the transferred funds in accordance with generally accepted accounting procedures.
3. The CITY shall submit a report to the COMMISSION within six months of the transfer of funds as to the status of the use of the funds. The CITY shall submit another report on the status of the use of the funds and status of completion of the subject projects when the projects have been completed or within eighteen months of the transfer of the funds, whichever date comes first. If the subject projects have not been completed within eighteen months from the transfer of the funds, the CITY shall submit a third status report upon completing the projects. If the entire \$250,000 is not used and/or the off-site access improvements have not been

completed by April 1, 2003, the CITY shall submit a report to the COMMISSION detailing why the projects have not been completed. The COMMISSION'S Executive Director may, at his or her discretion, grant to the CITY an extension of time beyond April 1, 2003 for use of the transferred funds upon a showing of good cause. The COMMISSION staff shall review all said reports to insure compliance with the terms of Special Condition No. 3 of Permit No. 3-91-71 imposed by the COMMISSION and with this Memorandum of Understanding.

- 4. If (a) less than all of the \$250,000 is used by the CITY in completing the subject projects and/or (b) all of the \$250,000 has not been expended by April 1, 2003 and the COMMISSION's Executive Director has not granted an extension of time for the CITY's expenditure of the transferred funds pursuant to paragraph 3, the balance of the funds shall be returned to the COMMISSION or a COMMISSION-approved alternate entity within 60 days of notification to the CITY by the COMMISSION.
- 5. This Memorandum of Understanding may be altered, changed, or amended by mutual consent of the COMMISSION and the CITY.
- 6. Either party to the Memorandum of Understanding may terminate this Memorandum of Understanding by providing written notification 30 days prior to termination. In the event of termination, any and all remaining funds shall be transferred by the CITY to the COMMISSION or a COMMISSION-approved alternate entity within 60 days of termination.

DATE: 3/30/2001 DATE: 3/29/01

CALIFORNIA COASTAL COMMISSION

CITY OF HALF MOON BAY

By: *Peter Douglas*  
PETER DOUGLAS  
Executive Director

*Blair King*  
BY: BLAIR KING  
City Manager

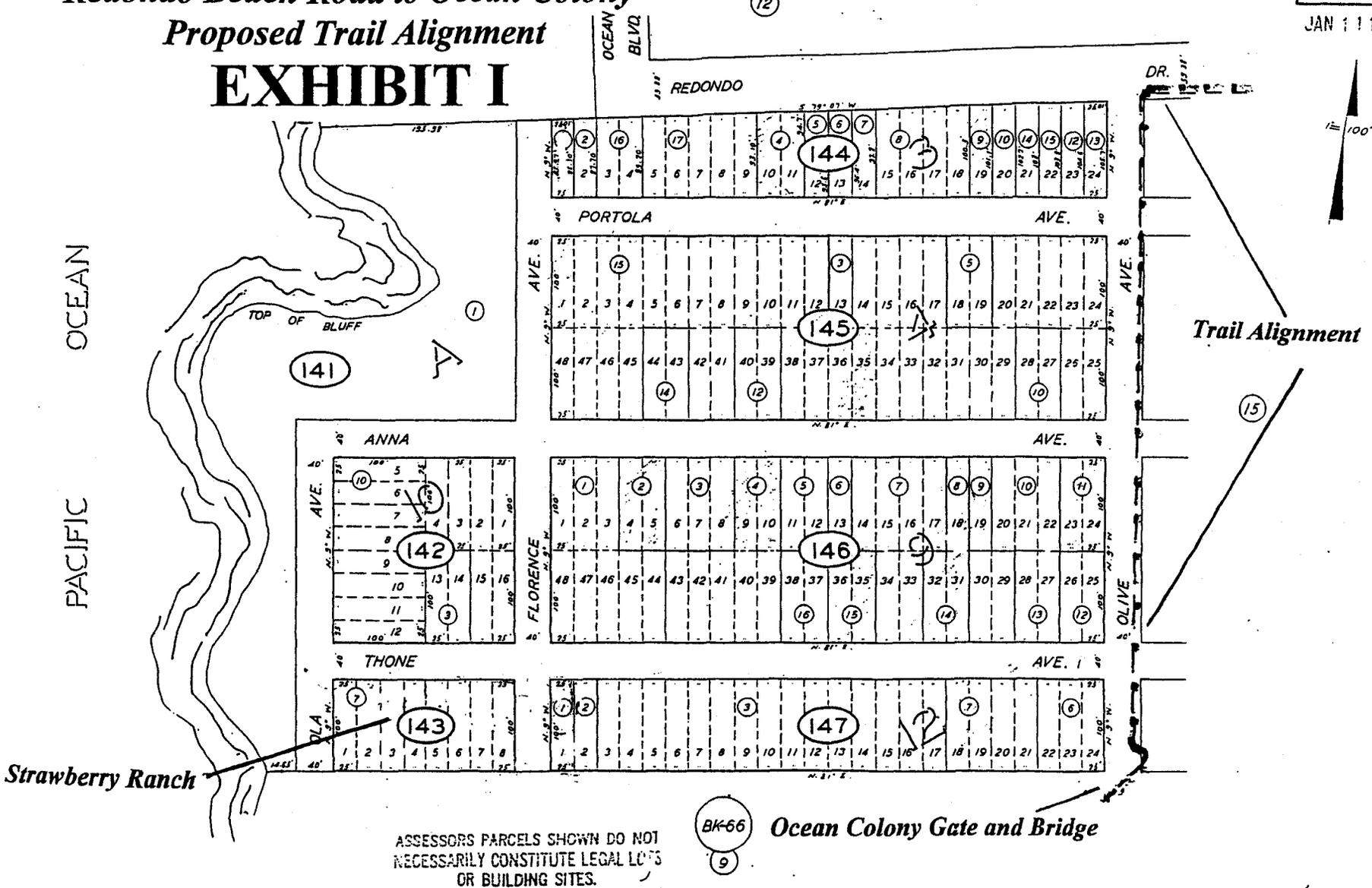
**Redondo Beach Road to Ocean Colony  
Proposed Trail Alignment**

**EXHIBIT I**

TAX CODE AREA \_\_\_\_\_

65-14

JAN 11 1993

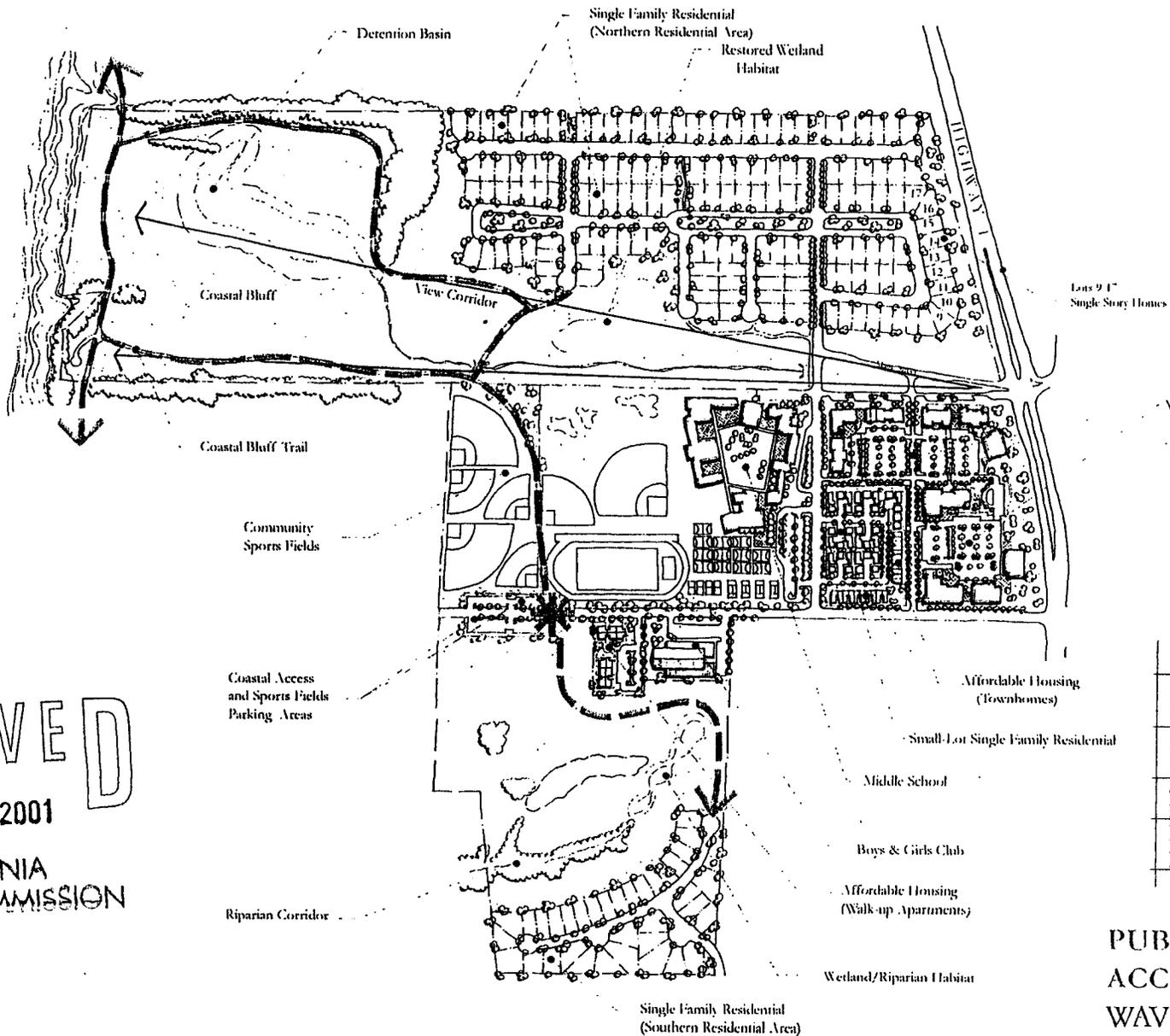


ASSESSORS PARCELS SHOWN DO NOT  
NECESSARILY CONSTITUTE LEGAL LOTS  
OR BUILDING SITES.

**Ocean Colony Gate and Bridge**

OLA VISTA BEACH TRACT RSM 6/6R

PACIFIC OCEAN



**RECEIVED**  
 MAY 23 2001  
 CALIFORNIA  
 COASTAL COMMISSION

<b>EXHIBIT NO. 22</b>
<b>APPLICATION NO. A-1-HMB-99-051 (WAVECREST VILLAGE PROJECT)</b>
<b>PROPOSED LATERAL PUBLIC ACCESS</b>

**PUBLIC COASTAL  
 ACCESS ROUTE  
 WAVECREST VILLAGE  
 HALF MOON BAY, CA  
 May 2001 EDAW, INC**

0 200 400 600

**EXHIBIT NO. 23**

**APPLICATION NO.  
A-1-HMB-99-051  
(WAVECREST VILLAGE  
PROJECT)**

**REDONDO BEACH RD  
BETWEEN OCCIDENTAL &**

**HIGHWAY 1 ON APN MAP OF  
EXISTING PARCELS**

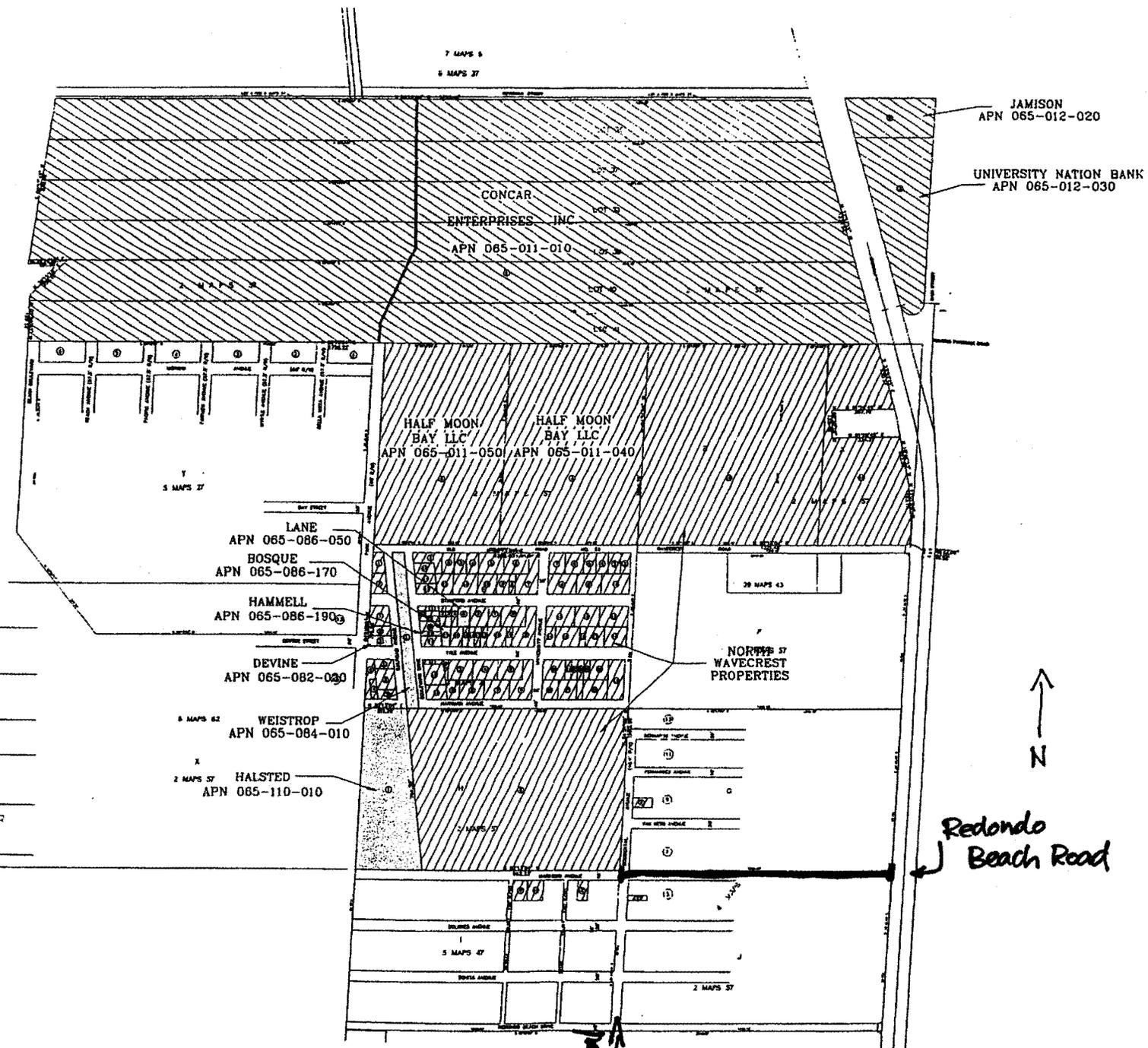
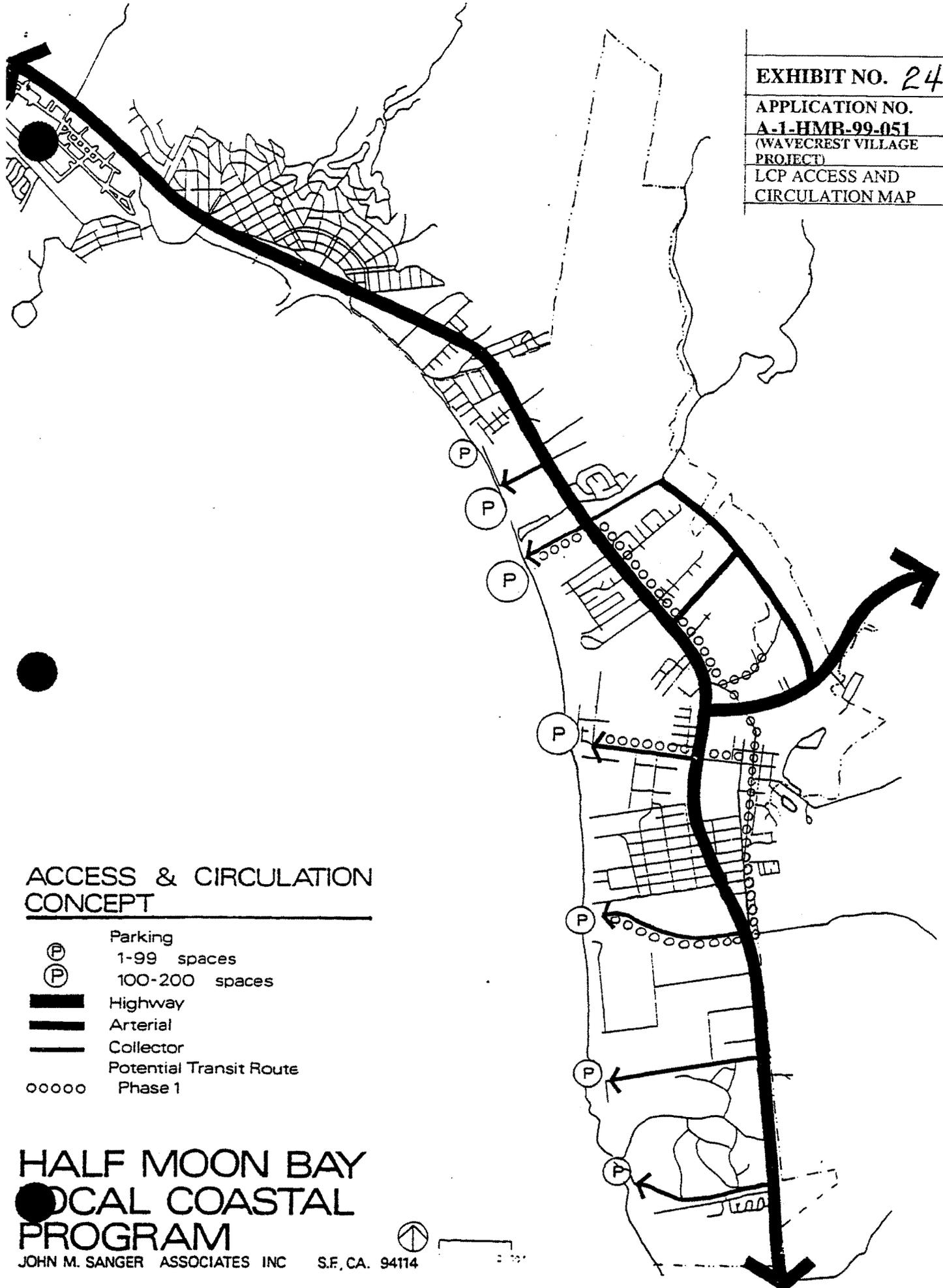


EXHIBIT NO. 24
APPLICATION NO. A-1-HMB-99-051 (WAVECREST VILLAGE PROJECT)
LCP ACCESS AND CIRCULATION MAP



**ACCESS & CIRCULATION  
CONCEPT**

- Ⓟ Parking
- Ⓟ 1-99 spaces
- Ⓟ 100-200 spaces
- ▬ Highway
- ▬ Arterial
- ▬ Collector
- ⋯ Potential Transit Route
- o o o o o Phase 1

**HALF MOON BAY  
LOCAL COASTAL  
PROGRAM**

JOHN M. SANGER ASSOCIATES INC S.F., CA. 94114

EXHIBIT NO. 25

APPLICATION NO.

A-1-HMB-99-051

(WAVECREST VILLAGE

PROJECT)

POTENTIAL LATERAL AND

VERTICAL ACCESS FROM

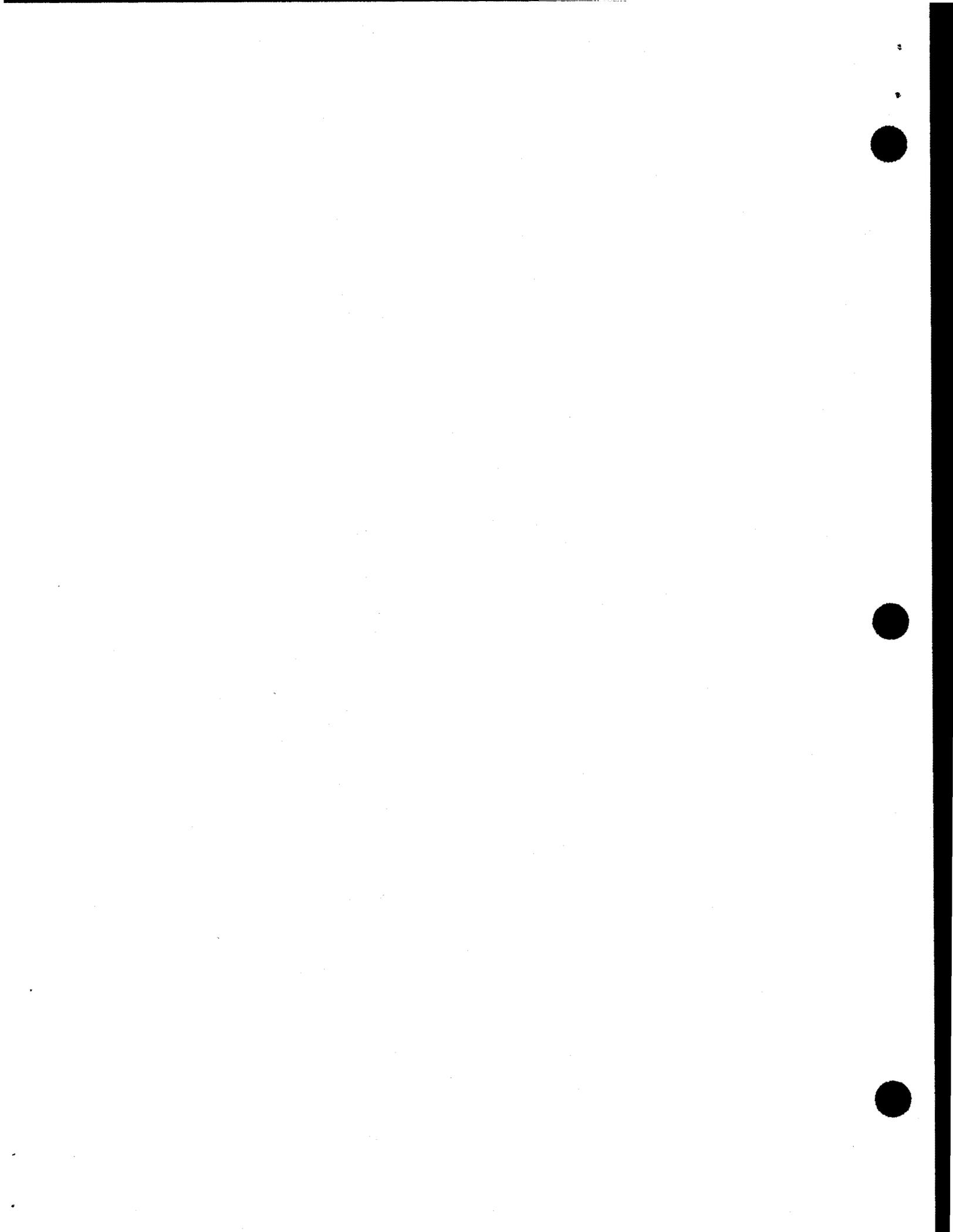
REDONDO BEACH ROAD



Potential trail  
alignment

Rose Ave





## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
 SOUTH CALIFORNIA ST., SUITE 200  
 SANTA MONICA, CA 93001  
 (805) 641-0142

APPLICATION NO. A-1-HMB-99-051 (WAVECREST VILLAGE PROJECT) STAFF REPORT FOR SANTA MONICA MOUNTAINS SUBDIVISION
---



# TH4a

**DATE:** April 25, 1996

**TO:** Commissioners and Interested Persons

**FROM:** Peter M. Douglas, Executive Director  
 Steven F. Scholl, Acting District Director, South Central Coast District  
 Gary Timm, Manager, South Central Coast District 

**SUBJECT:** Review of the Malibu/Santa Monica Mountains Transfer  
 of Development Credit (TDC) Program (For Commission meeting of  
 May 9, 1996)

## I. Introduction.

This report addresses the current Transfer of Development Credit (TDC) program for the Malibu/Santa Monica Mountains area of the Coastal Zone. Staff has initiated this review of the current program as a first step in evaluating whether future modifications are indicated.

The TDC Program is one of the more innovative tools utilized by the Commission in the Malibu/Santa Monica Mountains area. The Commission first implemented this program through several permit actions in 1978. Since that time, the Commission has required applicants to mitigate the impacts of new subdivisions approved in the Malibu/Santa Monica Mountains area through the provision of one TDC for each new lot created. Over 500 lots have been retired through the TDC program. Of these lots, ninety percent have been located in small-lot subdivisions and ten percent have been located in sensitive resource areas.<sup>1</sup> The Malibu/Santa Monica Mountains TDC program is considered to be one of the most successful in the nation.<sup>2</sup>

<sup>1</sup> M. Elizabeth Wiechec, "Transfer of Development in the Malibu Coastal Zone", prepared for the Santa Monica Mountains Conservancy, 1995, p. 77.

<sup>2</sup> Rick Pruetz, Putting Transfer of Development Rights to Work in California, Point Arena, California, Solano Press Books, 1993, p. 53.

A review of the program has been initiated by staff in response to several factors, including the incorporation of the City of Malibu, which covers approximately one-fifth of the land area previously located within the Malibu/Santa Monica Mountains coastal zone. Additionally, the Santa Monica Mountains Conservancy recently commissioned a study, entitled "Transfer of Development in the Malibu Coastal Zone" to look at the history of the TDC program and opportunities for future modifications. Recent staff review of TDC condition compliance requests have raised issues such as expansion of the areas where lots would qualify for TDC credit, and timing of responses which has prompted staff to examine the criteria and original intent of the program. Further, the Malibu/Topanga Fire of 1993 and the flooding in 1995 caused staff to consider the inclusion of hazard prone lands in the areas that qualify for TDC credit.

In order to benefit from the experience of public agency representatives, non-profit groups, private TDC brokers, and members of the public, Commission staff held two public workshops in the Malibu area to solicit comments on the current and future operation of the TDC program. The topics of discussion at the workshops included: (1) Operation and Application of Existing TDC program; (2) Establishing a Workable Program Involving Both the City and the County; (3) Potential New Donor Sites (i. e. hazard areas, scenic viewsheds, parkland/trails and small lot subdivisions); (4) Revised TDC Exchange Rates; and (5) Expansion of the Cold Creek In-lieu Fee Program.

The workshops were well attended and generated a significant amount of comments. Exhibit 3 is a summary of the comments and suggested modifications to the TDC program which were discussed at the January 1996 workshop. After the public workshops, it became apparent to staff that a large amount of information needs to be gathered before significant changes to the current TDC program can be properly evaluated. Staff has identified the following potential future areas where lots might qualify for TDC credit:

- Hazard Areas (Flood prone areas, Fire prone areas, geologically unstable areas, steep slopes/topographically constrained lots)
- Small-lot Subdivisions within the City of Malibu
- Parkland
- Areas adjacent to parklands
- Environmentally Sensitive Habitat Areas within the City of Malibu
- Scenic/Ridgeline Areas
- Other

Staff anticipates exploring these and other possible areas further including collection of information, identification of entities or funding to provide planning studies, convening of additional public workshops, identification of data base and mapping capabilities, and coordination with the County of Los Angeles and the City of Malibu to modify the existing program, if necessary, to be incorporated into their respective LCP's. Representatives from both the County of Los Angeles and the City of Malibu have indicated a willingness to participate in the TDC program and address its implementation

in the development of their respective local coastal programs. The City is in the process of developing an LCP. The County representatives have indicated their intention to develop an Implementing Actions Program to their certified Land Use Plan (LUP). The County would have to amend its LUP to incorporate a TDC program. Additionally, the Coastal Conservancy has committed to assisting staff in future TDC program review. Staff intends to present a future report to the Commission on any proposed modifications. Revisions could potentially narrow or restrict application of the program in some areas if existing components are no longer valid or necessary.

As a first step in this process, staff has reviewed the current program. Until such time as LCP's have been certified for the City and County, the Commission will continue to review permit applications for land divisions and multi-family projects which will require cumulative impact mitigation. Such conditions will be met following the criteria of the existing program. Section III. below contains a detailed description of these criteria.

Additionally, in order to assist permittees in condition compliance, staff is working to develop a checklist which enumerates the information that needs to be submitted to staff for each donor site qualification request. This information will enable staff to evaluate each request and determine compliance with the TDC program criteria. Provision of complete information will also help staff to maintain an efficient response time. Further, staff is currently developing a computer data base to assist in tracking donor site qualification requests as well as lots retired. At present, the Commission does have a system to track lots retired, but it will be helpful in the administration of the program to access information on the qualification requests as well.

## **II. TDC Program History.**

The TDC program was created to address the fundamental planning problems caused by the existence of a large number of undeveloped parcels and the limited availability of urban services. In 1978, the report entitled "Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone" was prepared for the Santa Monica Mountains Comprehensive Planning Commission and the Coastal Commission. The report identified some 5,200 undeveloped parcels in small-lot subdivisions and 3,400 other undeveloped parcels in the Los Angeles County portion of the Santa Monica Mountains area, for total of approximately 8,600 undeveloped lots (See Exhibit 4).

Because of the large number of existing lots and the potential demands on coastal roads, services, recreational facilities, and beaches which would result from development of these lots, the 1978 report recommended that land divisions should not be approved if they increased the total number of lots in the Santa Monica Mountains coastal zone. In other words, the study recommended that a means should be found to combine existing lots or otherwise retire existing lots so that new land divisions would not result in a net increase in the amount of development which could occur.

At the same time, the Coastal Commission was faced with applications for land divisions which raised at least one, and sometimes a second, major issue. The major issue raised by all proposed land divisions was the large number of undeveloped lots mentioned above. The second issue, raised by some land divisions, was the technical requirement of Section 30250(a) of the Coastal Act regarding new land divisions outside existing developed areas. That section requires that such land divisions shall be permitted only where 50 percent of the usable parcels in the area have been developed and where other criteria are met. The Commission found that "existing developed area" applied only to the urbanized strip, or coastal terrace, along Pacific Coast Highway and did not apply to the interior of the Santa Monica Mountains. The Commission further found that the area addressed by the 50% criterion was the market area, amounting to the entire Malibu/Santa Monica Mountains coastal zone. Within that area, a majority of existing parcels were not yet developed, thus causing all proposed land divisions outside the coastal terrace to fail the required test of Section 30250(a).

Based on these concerns, the Commission found no alternative to denial of a number of land divisions requested in the area (#507-77, Bel Mar Estates; #527-77, Schiff; #28-78, Brown). Faced with continuing applications, the Commission instituted the TDC program through a series of permit decisions (#155-78, Zal; #158-78 Eide). The program was designed to address both the cumulative impact problem represented by the large number of existing lots and the technical criteria of Section 30250(a) regarding proposed land divisions outside the coastal terrace.

The TDC program acts in such a way as to ensure that no net increase in development occurs, even if land divisions are approved. The developability of existing parcels is extinguished at the same time new parcels are created, in order to accomplish this end. Because under this program land divisions do not add to the stock of parcels eligible for future potential development and, in fact, "transfer" development (parcels) to more appropriate areas, the potential cumulative impacts are mitigated. Similarly, because land divisions coupled with lot retirement do not increase the number of potentially usable parcels, the technical criterion of 30250(a) concerning 50% of the usable parcels in the area is, in effect, met.

In addition to assuring conformance with Section 30250(a), the TDC program implements the objectives articulated in the following Coastal Act sections: Sections 30210 and 30211, which state in part, that maximum public access and recreational opportunities shall be provided to all people, consistent with private property rights and new development shall not interfere with the public's right of access to the sea; Section 30251, which requires that scenic and visual qualities of coastal areas be considered and protected as a resource of importance; Section 30231, which requires maintaining the biological productivity and quality of streams and other water bodies; Section 30240, which states in part, that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values; and, Section 30253, which requires that new development minimize risks to life and property in areas of high hazard and that

such development neither create nor contribute to erosion, geologic instability or destruction of the site or surrounding area.

The program was seen, in connection with these first permit actions, as a pilot program. Later, as applications for land divisions continued to be filed, the program was extended (#346-78; Flood and #119-78, Markham). The program was later applied to construction of multi-family projects, not involving land divisions, and the sliding scale TDC requirement for multi-family projects with relatively small units was also instituted (#182-81; Malibu Deville and #196-81, Malibu Pacifica). The program was fully described in the Interpretive Guidelines for the Malibu/Santa Monica Mountains Coastal Zone which were adopted by the Commission on July 16, 1979 and later revised on June 17, 1981.

The Commission, in considering the Malibu Deville permit contemplated modifying the program to an in-lieu fee approach, in which a fee would be imposed on a subdivision of land instead of the direct retirement of parcels. Instead, the Commission reaffirmed the direct mitigation embodied in the TDC program. The Malibu Pacifica decision addressed the applicant's contentions that the TDC program should not apply to development within existing developed areas, and furthermore, was beyond the Commission's authority and was unreasonable. The Commission reaffirmed the appropriateness of the program and found it to be necessary throughout the Malibu coastal zone, including existing developed areas. Later Commission permit decisions also reaffirmed the use of the program (#5-83-43, Heathercliff).

In 1985, the Commission certified the Malibu/Santa Monica Mountains Land Use Plan (LUP) with Suggested Modifications. One suggested modification the Commission made to the County was that the TDC program be added to the LUP to address the mitigation of the cumulative impacts of development. When the County submitted their revised LUP in 1986, it did not include a TDC program. However, the LUP did include (Policy P272) six alternative techniques to reduce the potential buildout of existing non-conforming lots. These techniques were: (1) institution of a building cap; (2) acquisition of non-conforming lots by public agencies; (3) offering tax delinquent lots to owners of adjoining parcels; (4) providing incentives for the consolidation of contiguous parcels under the same ownership; (5) implementation of redevelopment projects; and (6) exchanging surplus governmental properties for non-conforming lots. The LUP was certified with these six provisions and no TDC program.

In several permit actions after the LUP certification [5-86-592 (Central Diagnostic Labs), 5-86-951 (Ehrman and Coombs), 5-85-459A2 (Ohanian), and 5-86-299A2 and A3 (Young and Golling)], the Commission found that the County did not have mechanisms in place to implement any of the six techniques provided in P272 of the LUP. The Commission further found that until such time as the County did have the means to implement these programs, it was appropriate to continue to require permittees to participate in the TDC program as a way to mitigate the cumulative impacts of new subdivisions and multi-family project. The Commission found that the TDC program

remained a valid means of providing mitigation in the interim period during which the County prepared its implementation program. Without some means of mitigation, the Commission found that it would have no alternative but to deny subdivisions.

In addition to the TDC Program, the Commission has reviewed and approved four plans for lot retirement, called "restoration projects" proposed and implemented by the State Coastal Conservancy. All four of the restoration programs were located in small lot subdivisions in the Santa Monica Mountains. Under these projects, the Coastal Conservancy purchased large numbers of small lot subdivision parcels and sold the TDC credits generated by retirement of the lots to recoup a portion of their initial investments. The El Nido Restoration Project, generated 67.8 TDCs which resulted in the retirement of 173 lots.<sup>3</sup> The Malibu Lake Restoration Project, resulted in the retirement of 125 lots (over 15 acres), 82 of which were transferred to the State Department of Parks and Recreation to be consolidated with Malibu Creek State Park. The project generated 28 TDCs. The largest restoration project in the Santa Monica Mountains area began in 1982 in the Las Flores Heights Small Lot Subdivision. Although this subdivision is not included in the donor areas for small lots, the Commission found that the retirement of 70 larger sized, scenic lots which totaled approximately 200 acres and were able to provide recreational benefit, qualified for TDC credit consistent with the Coastal Act sections applicable to the program's objective. This project generated over 65 TDC credits. In conjunction with the Mountains Restoration Trust, a non-profit organization created by the State Coastal Conservancy, all 200 acres were transferred to the National Park Service.

The Cold Creek Watershed Lot Retirement Program was initiated in 1980. To date, it is estimated that several hundred acres have been retired. In this area, known as the Cold Creek buffer zone, developability of existing parcels is relatively high, based on good road access, availability of water, and relatively gentle slopes. Due to resulting high land values and the relatively small number of lots which would qualify as donor lots (that is, those to be retired from development), the Commission was concerned that retirement of lots through the ordinary TDC program would prove to be infeasible. Therefore, the Commission adopted a more flexible variation of the program, in which mitigation funds are provided by subdividers to enable purchase and retirement of lots elsewhere within the Cold Creek area (#204-79, Colman and Conel). The Cold Creek in-lieu fee program is described in more detail in Section IIIC. below.

### **III. Operation of the TDC Program.**

The TDC program in the Malibu/Santa Monica Mountains Coastal Zone is voluntary, in that it applies only to those who wish to intensify land use through land divisions or multi-family projects. As such, an applicant retains the option of applying for one residential unit on each residential parcel without being required to participate in the

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<sup>3</sup> *California Coastal Commission Staff Report, "CA Coastal Conservancy El Nido Restoration Plan," February 4, 1980*

TDC program. The program requires that individuals applying for land divisions or multi-family projects provide TDC credits for additional lots/units created. In the same way, retirement of those lots which are eligible for TDC credit because of their location within designated donor areas is also voluntary. The TDC program provides an incentive for the owner of a lot within a donor area to not develop the parcel.

Following is a detailed discussion of the specific criteria of the TDC Program pertaining to "receiver" areas where additional development intensity may be accommodated and "donor" areas, where lots should be retired to reduce buildout.

**A. Receiver Areas.**

One of the underpinnings of the TDC Program is Section 30250(a) of the Coastal Act which requires that new development be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it. The areas where new development created through land divisions or multi-family projects may be accommodated are designated as "receiver areas". The Commission identified the existing developed area of the Malibu/Santa Monica Mountains area to be the coastal terrace. Additionally, the Commission found that there may be limited circumstances where land divisions in rural areas could be approved consistent with the resource protection and concentration of development policies of the Coastal Act.

To begin, the applicant submits a coastal development permit application to the Commission for approval of a parcel map, tract map, or multi-family project. To approve land division permits, the Commission must find that the parcels created contain building sites which can be developed in accordance with all Coastal Act policies, and, if outside of the existing developed area, that it conforms to the 50% criteria and will create lots no smaller than the average size of the lots in the surrounding areas. As a condition of approval, the Commission requires the applicant to mitigate the cumulative impacts of the project with the purchase of TDCs. This begins the TDC process.

The applicant will be required to retire sufficient lots ("donor sites") to provide 1 TDC per new lot created. In the approval of multi-family projects, the Commission will require one development credit for each unit, minus the number of existing parcels within the project site (i.e., a six-unit project to be sited on two existing parcels requires four development credits). An exception to this requirement may be allowed where multiple-family projects include units with less than 2500 square feet of gross structural area (GSA). In such cases, the TDC credit requirement may be calculated at a lesser rate, proportionate to the size of the units (one TDC per 2500 sq. ft. of GSA). The new lots or the multi-family units created are the "receiver sites".

**B. Donor Areas.**

Permittees must seek their required TDC in "donor areas" where the Commission found that the development rights of existing inappropriately designed or located parcels should

be retired. Presently, the donor areas consist of small-lot subdivisions, parcels located within Environmentally Sensitive Habitat Areas (ESHAs) and parcels located within Significant Watersheds. Below, each category of donor area is discussed in detail.

### 1. Small Lot Subdivisions

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas which were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small-lot subdivisions" are comprised of parcels of less than one acre but generally range in size from 2,000 to 15,000 square feet. The 1978 "Build-out" report prepared for the Santa Monica Mountains Comprehensive Planning Commission and for the Coastal Commission, found that of the total existing undeveloped parcels identified in the Malibu/Santa Monica Mountains area, 60 percent were located within the small lot subdivisions.<sup>4</sup>

The cumulative development constraints common to small-lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled: "Cumulative Impacts of Small Lot Subdivision Development In the Santa Monica Mountains Coastal Zone". The study acknowledged that the existing small-lot subdivisions can only accommodate a limited amount of additional new development due to major constraints to buildout of these areas that include: geologic problems, road access problems, water quality problems, disruption of rural community character, creation of unreasonable fire hazards and others. The report concluded that the large number of existing undeveloped small lots, if developed, would have a significant adverse impact on coastal resources.

In order to minimize these adverse cumulative impacts, the Commission implemented several incentives to reduce the potential for buildout of existing lots within the rural small lot subdivisions (those located outside of coastal terrace area). For one, the Coastal Conservancy and the Commission developed restoration programs for four different small lot subdivisions that targeted and retired a large number of small lots from development. Additionally, the Commission established that a primary goal of the TDC program was to provide an incentive to retire the development potential of small lots. Finally, the Commission has restricted the total size of residences developed within small lot subdivisions, based on lot size and slope.

There are ten recognized rural small lot subdivisions which meet the criteria of the TDC program (See Exhibit 1):

<i>Topanga Oaks</i>	<i>Malibu Bowl</i>	<i>Vera Canyon</i>
<i>Malibu Lake</i>	<i>Topanga Woods</i>	<i>Fernwood</i>
<i>Malibu Vista</i>	<i>Monte Nido</i>	<i>El Nido</i>
<i>Malibu Mar Vista</i>		

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<sup>4</sup>*Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone, prepared by Curtis S. Williams and Dale Briker, 1978.*

Qualification Criteria

The criteria for establishing TDC eligibility in small lot subdivisions are as follows:

*(1) One credit for one or more small lots which are served by existing road and water mains and are not located in an area of landslide or other geologic hazard with a sum total credit area of at least 1500 square feet as determined by the Credit Area formula*

*(2) As an alternative to (1), the required 1500 square foot credit area may be calculated on the basis of 500 square feet of credit area per small lot, provided that each small lot exceeds 4000 square feet in area and is served by existing roads or water mains within 300 feet of the property and is not located in an area of landslide or other geologic hazard.*

*(3) One credit for any combination of one acre or more of small lots, regardless of the current availability of road and water service to such lots.*

*(4) Monte Nido Criteria:*

*One credit for any two parcels in the Monte Nido small-lot subdivision which are contiguous and buildable (with road access and water available).*

*One credit for any five parcels in the Monte Nido small-lot subdivision which are not contiguous or do not have road access or water available.<sup>5</sup>*

This criteria sets forth a straightforward, three-part process to determine if small lot subdivision lots qualify for TDC credit. Permittees may compare prospective donor sites with this criteria and determine if the sites qualify, and how many TDCs may be generated from their retirement. Permittees can then determine how many lots must be retired to comply with the TDC condition of their permit. Staff utilizes the same criteria to verify the qualifications of the potential donor sites before they are extinguished. Following is a description of each of the three parts of the criteria:

**(1)** If the potential donor site is located in one of the ten small lot subdivisions (including Monte Nido) enumerated above, the permittee would first determine if the lot would qualify under section (1) of the criteria. First, the lot must have been legally created, served by existing road and water mains, and not located in an area of landslide or other geologic hazard. Where there is any question of geologic stability, the permittee must submit a geologic assessment which determines that the lot is buildable. Next, the permittee needs to calculate the sum total credit area using the following formula:

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<sup>5</sup>Adopted Suggested Modifications, Malibu/Santa Monica Mountains Land Use Plan, County of Los Angeles Local Coastal Program, 1985

*Credit Area =  $(A/S) \times (50-S) / 35$  where A= the area of the small lot in square feet, and S= the average slope of the small lot in percent. All slope calculations should be based on natural (not graded) conditions. (Maps of a scale generally not less than 1" = 10' showing the building site and existing topographic contours and noting appropriate areas and slopes, prepared by a Licensed Surveyor or Registered Professional Civil Engineer, should be submitted with the application).*

If the permittee's calculation of the formula yields a credit area of 1,500 sq. ft. or more, the site would qualify for 1 full TDC. The permittee could receive fractional credit. For instance, a Credit Area of 750 sq. ft. would qualify for 1/2 credit. A small lot cannot qualify for greater than one TDC, however.

(2) If the permittee's calculations reveal a credit area of less than 500 sq. ft. (or if the permittee chooses not to prepare a credit area calculation), then it should next be determined if the potential donor qualifies under section (2) of the criteria. (If the lot is located in the Monte Nido subdivision, the permittee would determine the TDC credits in section 4 below) Under section (2), the lot must have been legally created, must have a total area in excess of 4,000 sq. ft., be served by existing roads or water mains within 300 feet of the property (for purposes of this evaluation, the permittee must measure the distance to existing roads along topographically feasible road alignments from the nearest paved road to the lot), and not be located in an area of landslide or other geologic hazard. Assuming these parameters apply, the required 1,500 sq. ft. per TDC may be calculated on a basis of 500 sq. ft. per parcel. In other words, three such lots would qualify for 1 full TDC. Under this scenario, the permittee could receive fractional TDC credits.

(3) If a potential donor site does not qualify under either of the first two sections of the criteria, the permittee should determine its qualification under section (3). In this case, the lot must have been legally created. Regardless of the current availability of road or water service, any combination of one acre or more of such lots would qualify for 1 full TDC credit. Under this scenario, the permittee could receive fractional TDC credits, based on the area of the lots to be retired as a fraction of one acre.

(4) If a potential donor site is located within the Monte Nido small lot subdivision, the permittee would determine if the lots to be retired are contiguous. If there are two lots which are contiguous, were legally created, and have road access and water available, they would qualify for 1 full TDC. If the lots are not contiguous or do not have road access or water available, they would qualify for TDC credit on a basis of 1 TDC for five such lots.

#### Slope Intensity Formula

It should be briefly noted here that the Commission has applied a parallel, yet separate requirement for the development of small lots. The Commission has required applicants for the development of single family residences on small lots to calculate the maximum

allowable square footage of the structure using the "slope-intensity formula". This formula is enumerated in Policy 271 of the Malibu/Santa Monica Mountains LUP (depicted in Exhibit 6)

This formula was developed to assure that the size of any structure located within the small lot subdivisions is directly related to the suitability of the site for development. The allowable size of any residence is based on the slope and size of the lot. This formula provides for a minimum gross structural area of 500 sq. ft. for small and steeply sloped lots, with a larger structural area for gentler slopes. Additionally, applicants may receive a square footage bonus to be added to their GSA for retiring the development rights of either lots contiguous to their building site or non-contiguous lots in the vicinity. The formula thus provides an incentive to combine lots into appropriately sized building sites and/or to retire additional lots from development.

Because the TDC Program and the GSA/Slope Intensity Formula requirement are parallel and related, they are often confused. The aim of each is the reduction of buildout in small lot subdivisions, but a distinction between the two should be made. Namely, the retirement of small lots for a TDC mitigates the impacts of the creation of new lots in other areas, and the retirement of small lots for a GSA bonus mitigates the impacts of additional square footage in residences built within the small lot subdivision. The two in tandem, have resulted in the retirement of significant areas of the small lot subdivisions.

## 2. Environmentally Sensitive Habitat Area/Significant Watersheds

The current TDC donor site qualification criteria include parcels located within Environmentally Sensitive Habitat Areas (ESHAs) and Significant Watersheds. Coastal Act Section 30107.5 defines environmentally sensitive area as:

*... any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in the ecosystem and which could be easily disturbed or degraded by human activities.*

The current TDC program recognizes undisturbed riparian woodland, streams, undisturbed oak woodland and savannahs as environmentally sensitive habitat area within the Malibu/Santa Monica Mountains Coastal Zone, consistent with the Coastal Act definition of ESA.

Significant Watersheds are large, relatively undisturbed, natural drainage basins that contain exceptional riparian and oak woodlands and provide habitat for various declining, restricted, rare or endangered species. The current TDC program recognizes eight Significant Watersheds (See Exhibit 2):

*Arroyo Sequit  
Solstice Canyon  
Cold Creek Canyon  
Tuna Canyon*

*Zuma Canyon  
Malibu Canyon  
Corral Canyon  
Trancas Canyon*

The Significant Watersheds and ESHAs were designated as donor areas in order to preserve and protect the most critical resource areas where continued build-out would adversely impact sensitive coastal resources. Protection of these resources are limited to those areas that are mapped as either Significant Watersheds, ESHAs or undisturbed Oak Woodlands on the Resource Map in the 1986 certified Malibu/Santa Monica Mountains Land Use Plan or any other area that may be so designated by the Commission on the basis of substantiating evidence.

Although the Commission originally developed the program to reduce the buildout of small lot subdivision areas, the 1981 District Guidelines also included ESHAs and Significant Ecological Areas as eligible donor sites in order to protect those areas against significant disruption of habitat values and to maintain the biological productivity of streams and coastal waters as mandated by the Coastal Act (Public Resource Code § 30240 and § 30231). In the 1986 certified Malibu/Santa Monica Mountains Land Use Plan the Significant Ecological Areas were redesignated and reclassified as Significant Watersheds (See Exhibit 2). This expanded the sensitive resource areas eligible for TDC lot retirement.

In 1992, the Executive Director determined and the Commission concurred that ESHA lots located in small lot subdivisions are eligible for one (1) full TDC based on their ESHA value. In other words, small lot subdivision lots located in documented ESHA areas were not subject to the small lot subdivision qualification criteria described above, rather they would be evaluated according to the ESHA criteria described below.

### Qualification Criteria

The criteria for establishing TDC eligibility in ESHAs and Significant Watersheds are as follows:

*(1)(a) One development credit shall be generated for each parcel located within an ESHA, except where the parcel exceeds 20 acres in size, one credit shall be generated for each 20 acres. Fractional TDCs shall be allowed.<sup>6</sup>*

*(b) One development credit shall be generated for each parcel located in a small lot subdivision lot within an ESHA, if the lot is at least 4,000 sq. ft. in size, is served by an existing road and water main within 300 ft. and is not located in an area of landslide or other geologic hazard.<sup>7</sup>*

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<sup>6</sup> *ibid.*

<sup>7</sup> *Coastal Commission Staff Report, February 2, 1992.*

*(2) One development credit shall be generated for each parcel located within a Significant Watershed, except where the parcel exceeds 20 acres in size, one credit shall be generated for each 20 acres. Fractional TDCs shall be allowed.<sup>8</sup>*

Permittees may compare prospective donor sites with this criteria and determine if the sites qualify, and how many TDCs may be generated from their retirement. The following is a discussion and clarification of the ESHA and Significant Watershed qualifying criteria.

**ESHA (Environmentally Sensitive Habitat Area).**

(a) The recognized ESHA donor areas include undisturbed riparian and oak woodlands, streams and savannahs. If the subject lot is located either wholly or partially within these ESHA areas, the lot qualifies for 1 (one) TDC. First, the permittee must demonstrate that the lot is located within an ESHA area, as identified on the Malibu/Santa Monica Mountains Land Use Plan Resource Map. Second, the staff must perform a site visit and confirm that the lot meets the Coastal Act definition of ESHA. In the case of lots that are not entirely within mapped ESHA areas, a site visit is necessary to determine whether or not the lot contains a significant area of ESHA (i.e. if development on the site is not feasible without causing adverse impacts to the ESHA area). Where there is question of the lot's ESHA value, the permittee is required to submit a biological assessment to determine the biological significance of the mapped ESHA, as defined in Section 30107.5 of the Coastal Act, in relationship to the area ecosystem.

The Malibu/Santa Monica Mountains Land Use Plan designates certain Oak Woodlands and savannahs as "Disturbed Sensitive Resources" (DSRs).<sup>9</sup> The DSRs are riparian woodlands, streams, oak woodlands and savannahs that are located in areas of existing development and/or have been disturbed to a state where they are no longer able to support a significant number of species normally associated with healthy functional habitat (See Exhibit 2, Resource Map). Even though lots located within DSRs contain habitat value, due to the level of disturbance they are not considered ESHA, as defined by the Coastal Act and, therefore, they do not qualify as donor lots under the current TDC program. In the past staff has concluded that certain lots located within the DSRs qualified as donor sites on the basis that the lots contained some habitat value, albeit minimal in most cases. Under the current program, staff concludes that the objective of retiring ESHA lots should be directed toward qualifying donor sites which contain large, relatively undeveloped ecosystems. In other words, those lots located within riparian corridors or undisturbed oak woodlands and savannahs, as determined by the Commission to meet the Coastal Act definition of environmentally sensitive areas are eligible donor lots.

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<sup>8</sup> *Adopted Suggested Modifications, Malibu/Santa Monica Mountains Land Use Plan, County of Los Angeles Local Coastal Program, 1985*

<sup>9</sup> *LUP Policies 58 and 61.*

Where the potential donor lot is up to and including 20 acres in size, the permittee receives one (1) full TDC and lots in excess of 20 acres receive fractional TDCs. For example, a 30 acre parcel would be eligible for 1.5 TDCs

(b) ESHA lots located within small lot subdivisions, qualify for one (1) full TDC. In addition to the above criteria, in order for a small lot subdivision lot to be eligible for ESHA value, the permittee must provide evidence that the lot has been legally created, has a total area in excess of 4,000 sq. ft., is served by existing roads and water mains within 300 feet of the property, and is not located in an area of landslide or other geologic hazard. Staff concludes that the existing road service standard of within 300 ft. should be measured along topographically feasible road alignments from the nearest existing paved road to the site. Application of the 300 ft. road length standard ensures that it is possible to access the site in conformance with the resource protection policies and is one of the criteria that determines site buildability. Where there is question of geological stability, the permittee is required to submit a geological assessment to determine if the lot can be developed. If there is a question as to the lots ESHA value, a site visit and biological assessment may be required. Assuming these parameters apply, the lot would qualify for one (1) TDC.

### **Significant Watersheds.**

If a lot is located within any of the eight Significant Watersheds it qualifies as a donor lot. Lots up to and including 20 acres in size receive one (1) full TDC and lots in excess of 20 acres receive fractional TDCs. Lots that are bisected by the Significant Watershed boundary are eligible for TDC qualification, consistent with the above qualification.

### **3. In Lieu Fee Program for the Cold Creek Basin**

The Cold Creek Watershed In-Lieu Fee Program is an alternative to the TDC program that is available in the Cold Creek Resource Management Area and Significant Watershed. The program was initiated in 1980 as a restoration project by the State Coastal Conservancy, in response to a coastal development permit appeal approved by the Commission that involved a 51 lot subdivision (from three lots which total 160 acres).<sup>10</sup> The program also was initiated to address the existing level of development in the area which had adversely affected the watershed's resources. Two studies performed in the late 1970s suggested that the Cold Creek Area was already developed to its capacity at 250 units and that the watershed should be subject to lot retirement.<sup>11</sup> Therefore, the restoration project approved by the Commission, which is also known as the "in-lieu fee program", was based on the State Coastal Conservancy's

<sup>10</sup> *Coastal Development Permit Appeal 204-79 (Coleman and Conel), 8/14/79.*

<sup>11</sup> *"Land Capability/Suitability Mapping and Analysis - Significant Area Study," prepared by England and Nelson, 1972-1976 and Final Report -- "Waste Treatment Management for the Malibu/Topanga Area", L.A. County Civil Engineering Division, prepared for SCAG.*

recommendations regarding the feasibility of the alternative TDC program for the Cold Creek Watershed.<sup>12</sup>

The intent of the in-lieu fee program is to deal with the particular problems presented by development impacts in the Cold Creek Watershed area. The Cold Creek Watershed consists of a large number of substandard, poorly located but developable lots. Development of these lots would have threatened the ecologically sensitive Cold Creek riparian corridor, Malibu Creek riparian corridor and Malibu Lagoon. The Commission requested the State Coastal Conservancy to provide a means of permitting orderly development through a feasible mitigation program.

To carry out the Cold Creek Watershed lot retirement program, the State Coastal Conservancy established a local nonprofit land trust: the Mountains Restoration Trust (the Trust). The Trust was set up under the auspices of the Coastal Conservancy to administer mitigation funds generated under the in-lieu fee program. Under the in-lieu program, developers were given an option. Instead of searching for available individual lots within Cold Creek with which to create a TDC to satisfy their permit conditions, developers could simply pay a fee to the Mountains Restoration Trust in lieu of buying a TDC. The Trust would then retire the number of building sites in Cold Creek equivalent to the number of new lots approved by the Commission under the applicant's subdivision. Through the use of this system of in-lieu fees, many procedural burdens of complying with the TDC program were alleviated.

Thus, in 1980, the Commission approved the State Coastal Conservancy Restoration Program for Cold Creek which would retire and consolidate: "...up to 100 building sites financed by developer contributions as an alternative to the Transfer of Development Credit Program".<sup>13</sup> The intent of the Santa Monica Mountains Restoration Trust was to proceed to acquire, retire and consolidate the lots in the Cold Creek area whose elimination was and continues to be most critical in efforts to mitigate cumulative environmental impacts based on the potential amount of land divisions in Cold Creek. At the time of the Trust creation, Los Angeles County plans regarding land use density indicated that approximately 100 new building sites could be created through land divisions in the watershed. Therefore, the Cold Creek Restoration Project was designed for the retirement of 100 existing building sites.

The subdivision approved in the permit appeal (CDP 204-79), which provided the impetus for the in lieu fee approach, has never been developed. The Cold Creek lot retirement program has been considered a success in that many lots have been retired from development. In 1989, the State Coastal Conservancy estimated that the lots retired in Cold Creek totaled approximately 40 acres. To date it is estimated that several

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<sup>12</sup> "Preliminary Investigation of a Publicly Directed Program to Retire and Transfer Development Potential Within the Cold Creek Watershed", prepared by State Coastal Conservancy and Peter L. Bass and Assoc., April 1980.

<sup>13</sup> Coastal Commission staff report for Coastal Conservancy project #80-9, submitted 12/11/80, page 1.

hundred acres have been retired as a result of the Cold Creek lot retirement program. In 1995, the TDCs generated as a result of the Cold Creek lot retirement program were calculated in the report titled "Transfer of Development in the Malibu Coastal Zone" prepared by M. Elizabeth Weichec. The distribution of recorded TDCs is as follows:

<i>Location of TDCs</i>	<i>TDCs Generated</i>
Monte Nido Small Lot Subdivision	37 TDCs
Fernwood Small Lot Subdivision	14.5 TDCs
Resource Land in Cold Creek	22 TDCs
<b>Total</b>	<b>73.5 TDCs<sup>14</sup></b>

The goals of the TDC program and the Cold Creek in-lieu fee lot retirement program are the same: with TDCs, the applicant directly retires donor building sites in a number equal to those being newly created; under the in-lieu fee program, the applicant pays a fee in lieu of TDCs, and the mitigation work is performed under the guidelines of the lot retirement program.

The Cold Creek in-lieu fee program allowed for the retirement of a limited number of low cost lots in Topanga/Fernwood to offset or minimize the economic constraints associated with the higher costs of lots in the Monte Nido area. The in-lieu fee program allowed for the qualification of 30 "reserve" TDCs located in Topanga/Fernwood. If the Trust was unable to negotiate commitments to acquire lots within the original program parameters by the end of the first year of operation, the in-lieu program could expand to the Topanga/Fernwood area. The focus of the program, however, remains retirement of parcels within the Cold Creek basin in order to offset the impacts of creating additional parcels in that area.

#### *Qualification Criteria*

The criteria relative to the Cold Creek area, also referred to as Zone II, under both the transfer of development transaction and the in-lieu fee program are as follows:

*1) One credit for any two parcels in the Monte Nido small-lot subdivision which are contiguous and buildable (with road access and water available).*

*[Under the in-lieu fee program one credit for any two parcels in the Fernwood small-lot subdivision which are contiguous and buildable (with road access and water available)(Not to exceed 30 TDCs)].<sup>15</sup>*

*2) One credit for any five parcels in the Monte Nido small-lot subdivision which are not contiguous or do not have road access or water available.*

<sup>14</sup> Weichec, page 78.

<sup>15</sup> Coastal Commission staff report, December 11, 1980

3) *One credit for any legal parcel in Zone II outside the Monte Nido small-lot subdivision up to and including 10 acres in size.*

4) *Credit for parcels over 10 acres in size shall be calculated in the same manner as for ESHAs and Significant Watershed parcels described in the previous section [1(a) and 2(a)]. (Fractional TDCs shall be allowed for parcels over 20 acres in size)<sup>16</sup>*

These enumerated criteria above allows the permittee to receive higher TDC values for the retirement of lots within Cold Creek Watershed. Lot combinations within Monte Nido Small Lot Subdivision and individual lots within Cold Creek Watershed yield a higher TDC value than other small lot subdivision, ESHA and Watershed donor lots.

As stated previously, the in-lieu fee program was intended to enhance the TDC lot retirement efforts in the Cold creek area. In contrast with the TDC program, the intent of the in-lieu program was to operate on a small scale (retirement of 100 lots). In part, the small scale of the program helped to insure accountability and that the lots would actually be retired. However, the real estate development boom and incorporation of the City of Malibu substantially increased the demand for TDCs in the late 1980s and early 1990s. During this period, staff temporarily expanded the program to include lots for the in-lieu fee program that were located outside of the Cold Creek area. The basis for allowing the program to expand was due in part to the need to allow a large number of permittees to satisfy subdivision TDC requirements. The sale of in lieu fees throughout the Malibu/Santa Monica Mountains coastal zone has resulted in a back log of uncompleted and unrecorded TDC transactions, however.

Presently, the economic climate does not indicate the need for the in-lieu fee program to operate in the entire coastal zone. Moreover, a broad application of the in-lieu fee program does not meet the Coastal Act objective which mandates that development be concentrated in existing developed areas which are able to accommodate it.

The Trust has proposed that they be allowed to continue to operate the in-lieu fee program outside of the Cold Creek Watershed and throughout the Santa Monica Mountains Coastal Zone similar to its operation during the high demand period of the late eighties and early nineties. In addition, the Trust has proposed that the program be expanded to include donor sites located within the City of Malibu and that these lots be assigned higher TDC values than currently granted to comparable lots in the County based on higher economic values primarily. Staff will address proposed changes relative to increased donor site locations in a future report to the Commission.

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<sup>16</sup> *Adopted Suggested Modifications, Malibu/Santa Monica Mountains Land Use Plan, County of Los Angeles Local Coastal Program, 1985*

In summary, staff has analyzed the facts regarding the operation of the in-lieu fee program and the TDC program in the Cold Creek Watershed and concluded the following:

- 1) It is appropriate for the in-lieu fee program to continue to operate in the Cold Creek Watershed up and until the development potential of 100 building sites (or all existing and available undeveloped lots within the Watershed) have been retired. Once 100 building sites have been retired by the Trust, evaluation of the transfer development potential within the Cold Creek area should be re-evaluated.
- 2) Without further study and analysis regarding the operation of a publicly directed program to retire and transfer development potential within the entire Santa/Monica Mountains Coastal Zone, it is not appropriate to allow the in-lieu fee program to operate outside of Zone II (Cold Creek).
- 3) TDC transactions within Cold Creek Watershed that retire existing legal and undeveloped parcels should continue.
- 4) The Trust can and should market TDCs throughout the area's coastal zone pursuant to the current program criteria outlined above, similar to any other private entity.

#### 4. Other TDC Donor Areas

Lots adjacent to parkland have been qualified as TDCs. Staff review of TDC qualification records has evidenced that staff has qualified donor lots in order to provide buffer areas to parkland habitat and recreational resources. In the 1978 permit decision (A-158-78) that originally established the use of TDCs, the Commission granted the applicant two TDCs in exchange for retiring the development potential of two building sites. The two building sites were located adjacent to Malibu Creek State Park. The TDCs were granted as a means of economic incentive in exchange for retiring the development potential of lots where such development would have adverse impacts on parkland resources. Although, the County's zoning density would have allowed for a total of four building sites on the 20 lots (4 acres total), the Commission found that only two homes could be built without having adverse impacts on coastal resources and the adjacent parkland. Moreover, the Commission found that retirement of the remaining lots, which were qualified as 2 (two) TDCs, would assure conformance with Coastal Act Section 30240(b). In addition, the Commission allowed the two TDCs to be transferred as two building sites approved under a subdivision permit in an area that was considered to be better suited to accommodate such development (Coastal Development Permit 155-78)

Additionally, staff has qualified TDCs adjacent to parkland where the subject lots are located next to approved State Coastal Conservancy Restoration Programs in the Malibu

Creek State Park Area and in the Las Flores Heights area.<sup>17</sup> Due to their proximity to parkland, lots retired in Malibu Lake and Fernwood Small Lot Subdivision have resulted in increased habitat protection of visual and recreational resources. As listed in the 1981 District Guidelines, lots contiguous with Malibu Creek State Park (Malibu Canyon SEA) were considered eligible donor lots. Staff continued and expanded this criteria and qualified donor sites located adjacent to parkland based on the idea that these undeveloped lots serve as a buffer to park areas throughout the Malibu/Santa Monica Mountains Coastal Zone.

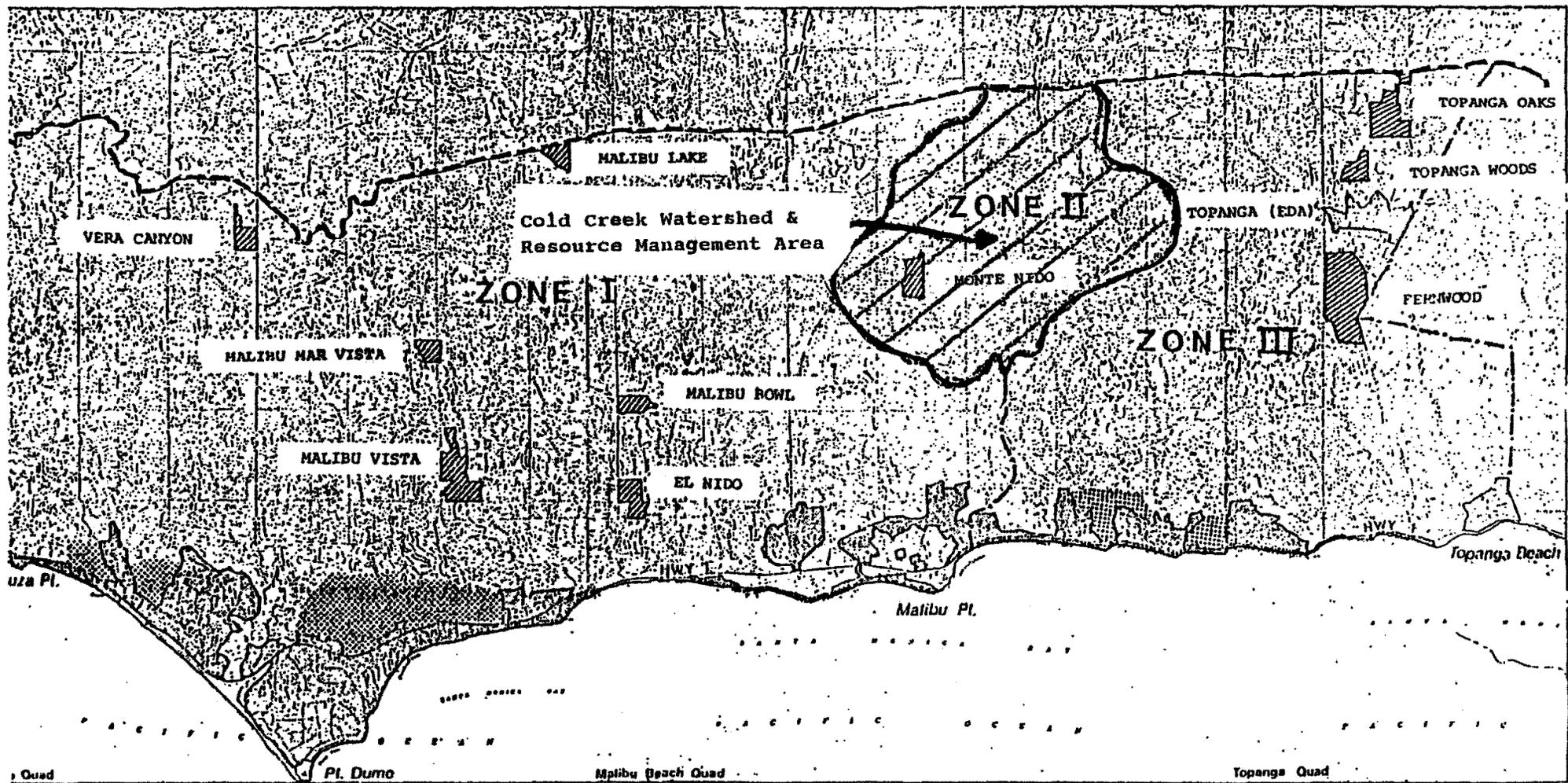
Staff has reviewed existing park holdings and trails located within the coastal zone and discovered that the park agencies within the Santa Monica Mountains Recreation Area have not updated their land acquisition and habitat protection plans since 1984. As represented to staff, the National Park Service is presently in the process of updating their plan and this update will be reviewed by the public and will include specific conservation criteria associated with protecting the habitat values of ESHAs and parkland. Therefore, staff believes that further study and evaluation of qualifying TDC lots adjacent to parkland necessary before any additional lots are qualified.

#### **IV. Conclusion.**

The TDC program was designed to mitigate adverse impacts on coastal resources and public access associated with build-out of lots in Malibu/Santa Monica Mountains Coastal Zone. Retiring the potential development rights of existing, legal parcels in certain areas of the Malibu/Santa Monica Mountains Coastal Zone and transferring this development potential to other areas of the coastal zone has insured that area buildout will not be increased. The employment of the TDC program has resulted in the retirement of over 500 lots located in donor areas which include small lot subdivisions, ESHA and Significant Watershed areas, the Cold Creek Watershed and lots adjacent to parkland. The retirement of the lots have insured that these areas have been preserved and protected in perpetuity. The TDC program has provided the Commission a means to permit applicants to subdivide their property in areas able to accommodate intensification of use and mitigate the adverse cumulative impacts associated with the creation of additional lots and units in the Malibu/Santa Monica Mountains Coastal Zone. Staff's review of the current program suggests that future study and review of development patterns, of regional resource plans, of recreation needs and of community goals and visions may suggest that the TDC program should be modified. Irrespective of the program's future, the program to date has successfully furthered the mandate of the Chapter 3 policies of the Coastal Act.

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<sup>17</sup> See Section IIIA, *Small Lot Subdivisions*.



# TRANSFER OF DEVELOPMENT CREDIT

## DONOR AREAS - Rural Small Lot Subdivisions

Zone I - Western Mountain Area

Zone II - Cold Creek Watershed

Zone II - Eastern Mountain Area

-  Coastal Zone Boundary
-  Existing Developed Area (EDA)
-  Potential Expansion to EDA
-  Donor Area

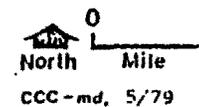
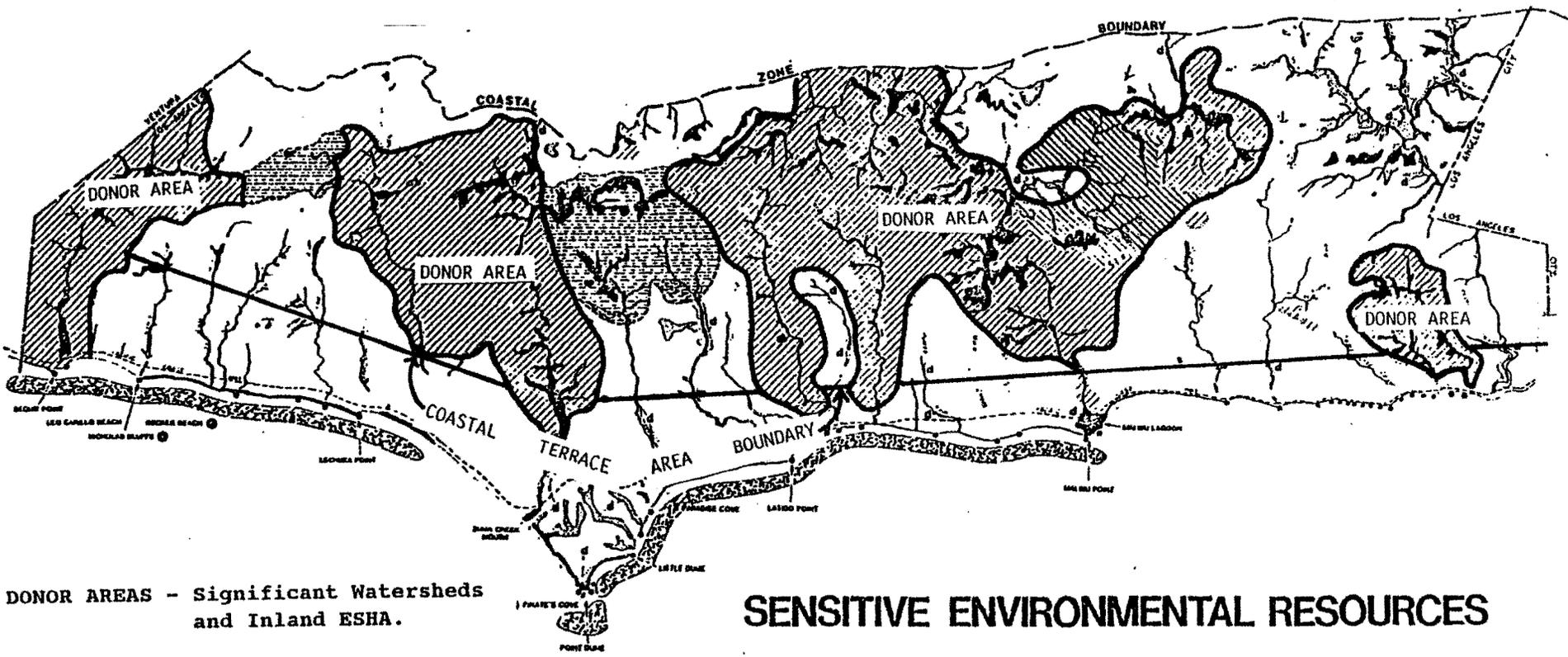


EXHIBIT NO. 1  
 TDC REPORT  
 DONOR AREAS

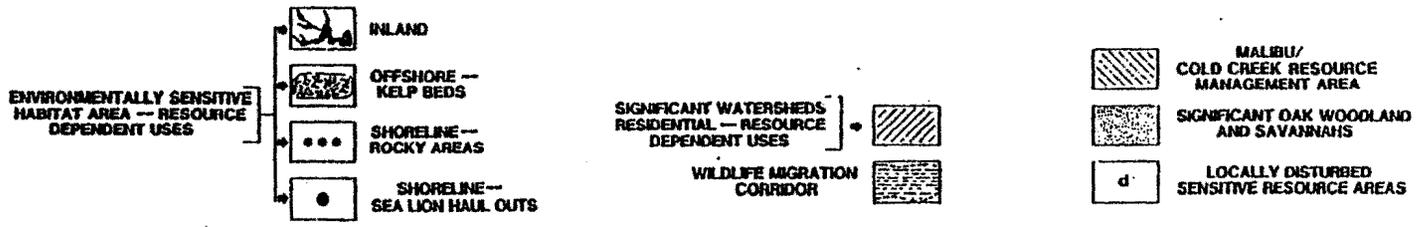
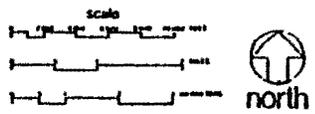


TDC DONOR AREAS - Significant Watersheds and Inland ESHA.

**SENSITIVE ENVIRONMENTAL RESOURCES**

acres

EXHIBIT NO. 2  
TDC REPORT  
RESOURCE MAP



**MALIBU/SANTA MONICA MOUNTAINS TRANSFER OF DEVELOPMENT CREDIT PROGRAM WORKSHOP  
JANUARY 22, 1996**

<i>Group</i>	<i>Comments</i>	<i>Suggested Modifications to Baseline Program</i>
<b>CITY OF MALIBU</b> Mayor Joan House, Councilwoman Carolyn Van Horn, Joyce Parker- Bozylinsky, Vince Bertoni	The City intends to include a TDC program in their LCP. They need more time to collect information and develop program. They want a direct relationship between donor and receiver sites with any additional density approved in the City to be mitigated within the City. They want the Commission to delay any changes to existing program until City develops program. The City opposes the use of parkland for TDC's.	<ol style="list-style-type: none"> <li>1. Any receiver site within the City be linked to donor sites within the City.</li> <li>2. Existing parkland held by public agencies should not be used to generate TDC's.</li> </ol>
<b>COUNTY OF LOS ANGELES</b> George Malone	The County lacks the ability to implement a TDC program at this time. They are willing to consider including a TDC program in their Implementing Actions Program. Staff lacks information on which lots have already been deed-restricted.	
<b>COASTAL CONSERVANCY</b> Steve Horn, Prentiss Williams	The Conservancy originated the program, but now has no inventory of land to generate TDCs. Raised the question of whether we need a TDC program, or whether another alternative could work as well.	<ol style="list-style-type: none"> <li>1. Consider possibility of implementing other land retirement programs.</li> </ol>
<b>NATIONAL PARK SERVICE</b> Scott Erikson, Tedra Fox	The National Park Service lacks authority to encumber their lands with deed restrictions, and they are reluctant to accept land which has been encumbered. The Park Service is interested in conservation banking, and they are concerned that such a concept might conflict in some way with the TDC program. Another area of interest is benefit assessment districts, under a joint powers authority.	<ol style="list-style-type: none"> <li>1. Current program should not be modified to include TDC credit for parklands.</li> </ol>
<b>STATE PARKS</b> Dan Preece, Neil Braunstein, Rich Rozzelle	DPR has pretty much decided not to be a source of TDCs. Their holdings are preserved as it is, and they share a concern for encumbrances on their land. In general, they don't view parklands as mitigation sites for problems created elsewhere. But they would welcome retirement of lands immediately adjacent to state parks.	<ol style="list-style-type: none"> <li>1. Current program should not be modified to include TDC credit for parklands.</li> <li>2. Consider including private land adjacent to parklands in TDC program.</li> </ol>
<b>MOUNTAINS RESTORATION TRUST</b> Peter Ireland, Margot Feuer	One concern is with present process; there is a need to speed up the evaluation process at the Coastal Commission and to resolve questions of eligibility of lands for TDC program credit. Would like to see a list of donor sites, so it is clear what criteria have been applied. Need a method to encourage participation within the city, where land values are high. Where private lands are used for TDCs, the future participation of some sort of agency is an issue.	<ol style="list-style-type: none"> <li>1. Past staff decisions in TDC qualification should be considered precedential and should be applied uniformly.</li> <li>2. Consider giving higher value to donor sites within the City to reflect higher property values.</li> <li>3. Only private property should be used to generate TDC's.</li> </ol>

EXHIBIT NO. 3

TDC REPORT

Workshop Comments

<p><b>SAVE OPEN SPACE</b> Frank Angel, Mary Wiesbrock, Siegfried Othmer</p>	<p>There are plenty of donor sites as it is - such as the small-lot subdivisions. TDC program has strong legal underpinning in the Coastal Act. Parkland TDCs would be a fraud on the public and could reduce public support for future land acquisition funding.</p>	<ol style="list-style-type: none"> <li>1. Current program should not be modified to include TDC credit for parklands.</li> <li>2. Consider a modification to TDC exchange rates because not all land has the same environmental value.</li> </ol>
<p><b>COALITION TO SAVE LAS VIRGENES</b> Susan Genelin</p>	<p>If there are 80,000 acres of parklands, to grant TDC credit to parklands could mean up to 400,000 more houses. Furthermore, parkland TDCs would just equal raising money and decreasing environmental values. Parkland TDCs are just a fiction, since parks are not developable land.</p>	<ol style="list-style-type: none"> <li>1. Current program should not be modified to include TDC credit for parklands.</li> </ol>
<p><b>ELIZABETH WIECHEC</b> <b>NORMAN HAYNIE</b></p>	<p>Has already presented her study for the Mountains Conservancy which speaks for itself. Thinks the TDC program works, but could be better. Suggests banking of TDCs, prior to having a subdivision approved. Thinks TDC value of different areas should be more equivalent; for instance, TDC value of 1 per 20 acres is not fair, nor is it equivalent to the minimal impact of a lot split in developed area. Although traffic impacts of 1 lot versus retiring another may be equivalent, other environmental effects are not equivalent (for instance, effects of fire suppression in the mountains are major). Does not support parkland TDCs. Every developable lot should equal 1 TDC. Does not support concept of in lieu fees as they could lead to abuse and do not mitigate the impacts of development. Supports a private TDC program only.</p>	<ol style="list-style-type: none"> <li>1. The program should include TDC banking whereby the retirement of lots for TDC's would be allowed before a project requiring mitigation is identified</li> <li>2. The TDC generation rate should be higher for lots of greater environmental value.</li> <li>3. No TDC's should be granted for parkland</li> <li>4. Every developable lot should qualify for at least 1 full TDC</li> <li>5. No in-lieu fee program for TDC's should be allowed.</li> </ol>
<p><b>WALT KELLER</b></p>	<p>By diverting development from the mountains to shore areas, TDC program may create a conflict with visitors who come for the beaches. TDCs could potentially be cheaper, since many owners want to buy a lot next door to their homes and donate it to the MRT.</p>	
<p><b>BARBARA CAMERON</b></p>	<p>Concerned with affordability of TDCs; believes recommendations in the Mountains Conservancy report would limit markets and thus TDCs would end up costing more.</p>	
<p><b>MICHAEL LABERGE</b></p>	<p>TDC program was set up before LCP done; now, many mitigation programs in effect, so no longer need a program. Thinks TDC program has not been a success, since there is no nexus between donor and receiver sites. Section 30250 of the Coastal Act is not as applicable as it once was, since many areas are now 80-90% developed.</p>	<ol style="list-style-type: none"> <li>1. Remove City of Malibu from the program.</li> </ol>
<p><b>PATT HEALY</b></p>	<p>Thinks TDCs are relatively cheap now. A loophole involves commercial property; in Malibu such lands will be intensively used, but there's no TDC requirement. Conditional use permit projects should require extra TDCs, as they are typically intense.</p>	<ol style="list-style-type: none"> <li>1. Require developers of commercial projects to mitigate impacts with TDC's.</li> </ol>

**MALIBU/SANTA MONICA MOUNTAINS COASTAL ZONE**

**NUMBER OF EXISTING PARCELS, 1983**

	<b>TOTAL EXISTING PARCELS</b>	<b>DEVELOPED PARCELS</b>	<b>UNDEVELOPED PARCELS</b>
<b>COASTAL TERRACE</b>	5,978	4,182	1,796
<b>RURAL VILLAGES</b>	5,405	1,381	4,024
<b>SIGNIFICANT WATERSHEDS, OTHER AREAS</b>	2,520	774	1,746
	<b>13,903</b>	<b>6,337</b>	<b>7,566*</b>

*Source: L. A. Regional Planning Department/1986 Certified Malibu/Santa Monica Mountains Land Use Plan*

*\* Total number of undeveloped parcels shown here is in contrast to the 8,600 undeveloped lots counted in the 1978 Build-Out Study because Table reflects the number of existing parcels in 1983.*

## SMALL LOT SUBDIVISION LOT RETIREMENT

**924 LOTS RETIRED\* = 453 TDCs QUALIFIED**

SUBDIVISION	TOTAL # OF LOTS	# LOTS RETIRED	% OF LOTS RETIRED
EL NIDO	347	173	50%
<i>FERNWOOD</i>	1497	123	8%
LA COSTA	260	3	1%
LAS FLORES HEIGHTS	99	75	69%
<i>MALIBU BOWL</i>	187	142	70%
<i>MALIBU LAKE</i>	198	138	70%
<i>MALIBU MAR VISTA</i>	138	101	73%
<i>MALIBU VISTA</i>	522	126	24%
<i>MONTE NIDO</i>	411	67	16%
OLD POST OFFICE	276	3	1%
OLD TOPANGA	773	18	2%
<i>TOPANGA OAKS</i>	861	75	9%
<i>TOPANGA WOODS</i>	222	0	0%
<i>VERA CANYON</i>	109	6	5%
<b>TOTAL</b>	<b>5900</b>	<b>910</b>	<b>16%</b>

*Source: Transfer of Development in Malibu Coastal Zone, by M. Elizabeth Wiechec, April 26,  
Denotes Small Lot Subdivisions that meet the criteria of the TDC program*

*\* 924 lots includes 14 lots retired within Garapitas Subdivision*

EXHIBIT NO. 5  
 TDC REPORT  
 Lot Retirement

**Slope-Intensity Formula:**

$$GSA = (A/5) \times ((50-S)/35) + 500$$

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = the area of the building site in square feet. the building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

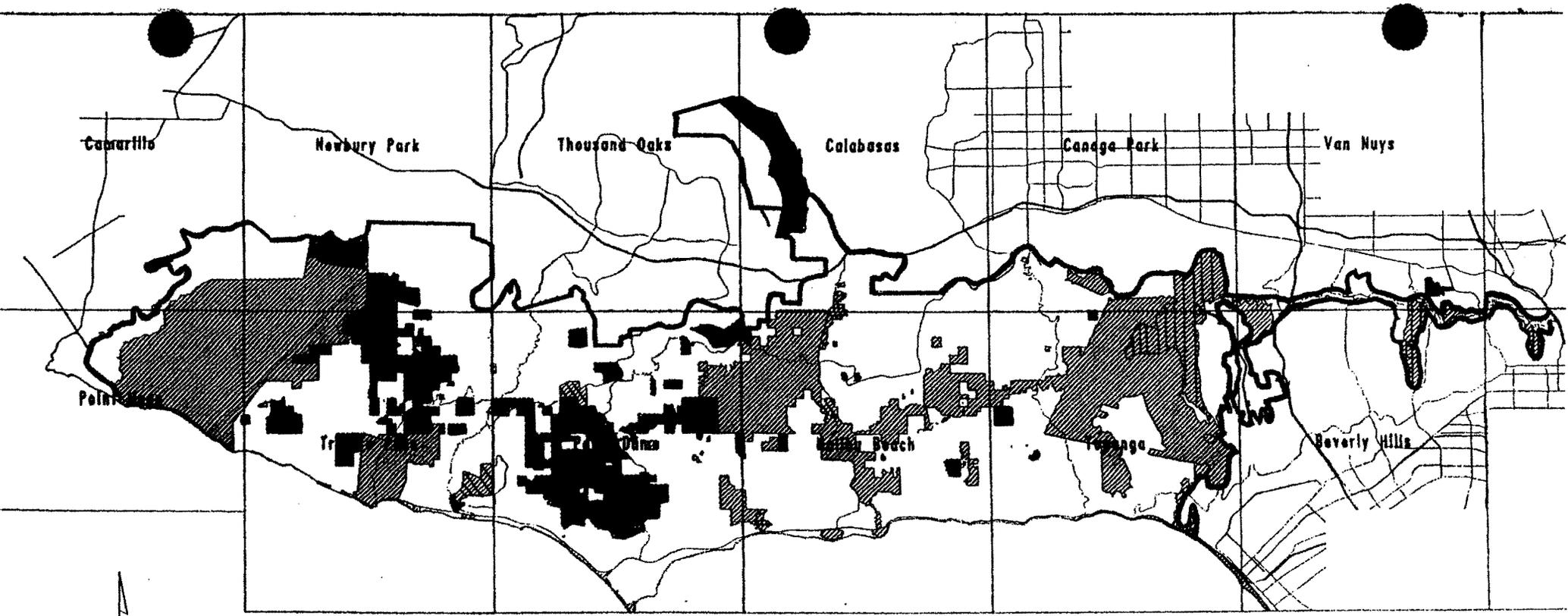
L = total accumulated length of all contours of interval "I" in feet

A = the area being considered in square feet

EXHIBIT NO. 6

TDC REPORT

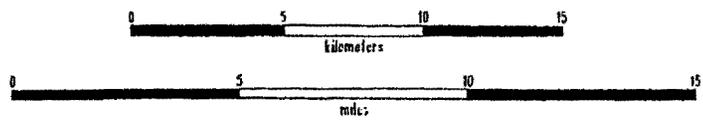
GSA FORMULA



# Santa Monica Mountains National Recreation Area Public Parkland

- National Park Service land
- California State parkland
- Los Angeles County parkland
- Los Angeles City parkland
- Other parkland

scale = 1:175000



Map produced by National Park Service  
 Santa Monica Mountains National Recreation Area GIS  
 (8) 597-1036 ext. 236  
 Maps courtesy of THOMAS BROS. MAPS

EXHIBIT NO. 7  
 TDC REPORT  
 PARK AREAS

**WAVECREST DEVELOPMENT  
HYDRAULICS AND HYDROLOGY  
BKF JOB # 19990154  
04/05/01  
DRAFT**

<b>EXHIBIT NO. 28</b>
<b>APPLICATION NO. A-1-HMB-99-051 (WAVECREST VILLAGE PROJECT)</b>
<b>4/5/01 WATER TREATMENT REPORT</b>

**EXISTING CONDITIONS**

The Wavecrest Village project site drains to the Pacific Ocean at two locations. There is a northern swale that serves a 266-acre drainage, of which 67 acres is east from off-site areas east of Highway 1. The southern swale serves a 62-acre drainage area. Drainage areas are shown on Figure 1, with subarea B designating areas that currently flow to the northern swale and subarea A designating areas that drain to the southern swale. Immediately west of Highway 1, the drainage divide separating subareas A and B is at Wavecrest Road.

The peak flow during a 10-year storm event from subarea A is 72 cfs and from subarea B is 233 cfs.

**PROPOSED CONDITIONS**

Subarea A, Southern Drainage - There will be an increase in the drainage area to the subarea A discharge point. The drainage area will increase by 112 acres from 62 acres to 174 acres. This will result in an increase in the 10-year event peak flow rate from 72 cfs to 205 cfs. Detention will be provided to maintain the existing peak rate of runoff. Table 1 shows the hydrologic analyses of the existing and proposed drainage areas to the subarea A discharge point.

Figure 2 shows a conceptual detention basin for sub area A with 4.8 acre-foot of storage. With this storage, the peak discharge to the subarea A discharge point during a 10-year storm event is less than that of existing conditions. The upstream invert of 73 and design water level of 75.8 in the detention basin are established using a conceptual storm drainage system on Wavecrest Road that serves the mixed-use area, the nurseries, and the area east of Highway 1. The required detention basin volume is based on all drainage areas that will discharge to the southern swale flowing through the detention basin.

The only proposed development area that will be directed to the subarea A discharge point is the 21.5-acre mixed-use area. Runoff from this area should either be treated on-site using grass-lined swales prior to commingling with the remaining runoff, or, this area should be piped separately to an area where it can be treated separate from the remainder of the flow. The 24-hour runoff volume from the mixed-use area is about 1.7 acre-feet.

Subarea B, Northern System - With the development of the project site, runoff from approximately 112 acres that currently drains to the subarea B discharge point will be redirected to the south. Redirected areas include a 67-acre drainage area that is east of Highway 1 and the proposed mixed-use site. With development and no stormwater

detention facilities, there is a resulting decrease in the 10-year event peak runoff rate to the north of 31 cfs, from 233 cfs to 202 cfs. Stormwater detention for the 10-year event is not required for the subarea B drainage system. Table 2 shows the hydrologic analyses of the existing and proposed drainage areas to the subarea B discharge point.

For water quality purposes, extended 24-hour detention is currently recommended for subarea B. The system currently proposed is sized for the rainfall rate at which 90 percent of the average annual rainfall runoff is treated. (Based on discussions with the Regional Water Quality Control Board, a rainfall rate of 1.2 in/day is used. This is subject to further study.) With the proposed redirection of runoff, a total of 7.3 acre-feet of storage will be required for the 1.2-inch 24-hour event. Figure 3 shows a conceptual layout for the extended detention basin. As a result of the redirected drainage area to the south, the surface area required for detention is reduced from 13.8 to 7.7 acres. For the revised drainage system, it may be possible to use a vegetated swale with no detention provided.

Figure 4 shows the location of, (1) the existing North Wavecrest irrigation pond, and (2) a proposed alternate location for the pond. The location of the irrigation pond shown on Figure 4 maintains the existing surface area and meets the 100-foot setback requirement.

## Wavecrest Village Development—Wetland Restoration Program Description

*Prepared By Dr. Michael Josselyn of Wetlands Research Associates*

Three areas of riparian and wetland restoration will be completed as part of the Wavecrest Village development. These features will be designed to increase habitat diversity and improve wetland function with the project area. Each of these areas is described by their respective watershed subareas as shown on the designs prepared by BKF.

### Subarea A. -- Riparian/Wetland Restoration

Under existing conditions, the central area supports emergent wetland vegetation consisting primarily of wetland grasses and cattails. Because of its historic agricultural uses, most of the upland areas consist of non-native, ruderal grasslands with scattered areas of coyote brush vegetation. A large portion of the wetland hydrology is supported by irrigation water discharged by the greenhouse nurseries to the east of the site. A riparian habitat with a small channel also occurs in the southwest portion of the area. It is currently surrounded by pasture lands.

The overall goal of the riparian/wetland restoration program is to increase habitat diversity within this area and to continue to sustain wetland areas with water derived from the upland drainages of the site. The specific objectives are (1) increase wetland habitat area, (2) extend the existing riparian habitat into the central area, and (3) improve water quality and reduce discharge downstream of the area. The basic plan is the construction of a channel consisting of a series of wetland pools that will extend upslope from the existing riparian area into the ruderal grasslands. The wetland pools will have areas of open water and emergent vegetation, bordered by riparian vegetation.

The elements of the riparian/wetland restoration are:

1. Extend the existing riparian habitat upstream into the central area. The riparian habitat will be extended into areas currently supporting non-wetland ruderal grasses. Willows will be planted within this riparian area on the edges of the created channel and wetland pools (described below).
2. Create a central stream channel into the central area extending from the existing riparian channel to a headworks located 100 ft from the edge of the Boys and Girls Club. The headworks will contain a discharge pipe that has diverted a portion of the flows from the upland areas east of the project site. The channel will consist of a series of wetland pools that will support wetland vegetation and open water habitat. The pools will provide some retention and detention functions. The first basin will act as a settling basin for particulates and will be maintained so as to reduce downstream siltation. The remainder of the basins will be separated by small weirs so as to reduce peak storm flows downstream, thereby reducing channel and coastal bluff erosion.

**EXHIBIT NO. 29**

**APPLICATION NO.**

**A-1-HMB-99-051**  
**(WAVECREST VILLAGE**  
**PROJECT)**

**4/01 WETLAND RESTORATION**  
**PLAN DESCRIPTION**

3. Water from the greenhouse operation will also be directed to these wetland pools. They will be unlined so that the water can percolate into the surrounding groundwater and continue to sustain the wetlands in this area. In addition, water from the upland watershed served by the drainage facility will also contribute to groundwater levels in this area.
4. During major storm events, the spillways along the edges of each of the pools will be provided such that water will be distributed into the central area wetlands.

Siltation has occurred within the existing riparian area. This silt can potentially move downstream during high storm events. As part of this restoration, removal of silt will occur within the existing channel and where necessary, the channel may need to be reconstructed.

The overall channel design will take into account regional stream geomorphological characteristics. Wetland pools and channels will be designed to be similar to natural systems observed elsewhere along the San Mateo coastline.

#### **Subarea B --Vegetated swale/seasonal wetland**

The existing conditions in the region of Subarea B include agricultural drainage ditches with steep sides surrounded by agricultural lands or ruderal grasslands. The overall goal for the improvement of this situation is the construction of a vegetated swale and a seasonal wetland that will act as a detention basin and wetland habitat. The specific objectives include expanding riparian and wetland habitat, improving water quality, and reducing peak storm flows that cause erosion within the channel and at the coastal bluffs.

Within Subarea B, a vegetated swale and seasonal wetland are proposed to improve overall water quality and to provide additional wetland habitat. The vegetated swale will be constructed to carry runoff from upland areas within the development including commercial, residential, and the school site. The swale will be designed so that wetland vegetation will become established along the bottom and side slopes. Its location will be similar to the existing location, however, it will be moved to provide greater opportunity to create sinuosity and natural habitat features. Channel edges will be 3:1 or shallower if possible. In areas where erosion may be expected, geoweb or other biotechnological features will be used so that the channel can be planted with wetland and riparian vegetation.

The seasonal wetland area will be created downstream of the vegetated swale. It will consist of a large shallow basin designed to retain peak storm flows and reduce erosive flows downstream. The basin will be planted with emergent wetland vegetation chosen from a suite of plants that are typically found in coastal terraces within San Mateo County. The low berms surrounding the basin will be planted with coyote brush and native grasses and herbaceous species typical of natural upland areas.

### **Subarea C – Enhanced agricultural pond/seasonal wetland**

The existing agricultural pond is bounded by berms and was used to retain irrigation water for past farming practices. The berms are 6 feet tall and effectively block any natural transition between the wetland and the surrounding uplands. There is no watershed to support this pond and over time it is likely to revert to ruderal grassland—its original condition prior to the berms being constructed and water pumped into it. Presently, emergent wetland vegetation is present within the pond bottom that could be used for enhancement of a more sustainable feature.

The overall goal for the pond is to construct a wetland that is sustainable over time and which gradually transitions into surrounding upland—thereby providing habitat for wildlife that may use the seasonal wetland. In addition, the reconfigured wetland would have a more natural shape (rather than being a rectangle) and will be similar to the existing seasonal wetlands to be preserved within the school site. This will provide for a larger complex of wetlands and will improve both wildlife and educational opportunities.

The reconfigured wetland will be created by excavating into the shallow soils by one to two feet. The depth will depend on the soil conditions underlying this area. The design objective will be to utilize the underlying clay layer to perch surface water within the wetland.

The elements of the seasonal wetland design are:

1. Excavate an area similar in size to the agricultural pond (approximately 1.4 acres) to create suitable ponding area above the underlying clay layer
2. Shape the surrounding upland areas to grade gradually into the wetland.
3. Divert storm water from the landscaped areas within the northern residential area development. This water will be passed through vegetated swales before entering the seasonal wetland
4. Transplant wetland vegetation from the existing agricultural pond and augment those planting with native wetland vegetation typical of the other seasonal wetlands preserved within the school site.
5. Plant native coastal terrace species within the surrounding uplands.

Fencing and a trail network should also be designed such that public use of this area will not restrict wildlife use or affect wetland function.

**APPENDIX A**  
**Substantive File Documents**

**References**

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- Jesperon, Steve. *Equestrian Trails South of Poplar Street on Coastsides Trail*. Letter to Lynette Stanchina, June 2, 1999.
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## **APPENDIX B**

### **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.

("Environmentally sensitive area", per Section 30107.5, means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.)

##### **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 30211**

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

##### **Section 30212**

...

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

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

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exist nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height, or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

#### **Section 30212.5**

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

### Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

### Section 30233

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

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.
- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (7) Restoration purposes.
- (8) Nature study, aquaculture, or similar resource dependent activities. (Emphasis Added.)

(b) Dredging and spils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited

to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California," shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

**Section 30240 (a)**

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

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

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

#### **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 30253**

New development shall: (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard; (2) assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

#### **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 (excerpt)**

### **Section 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.

### **Section 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.

### **Section 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 2-2**

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

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

### **Policy 2-6**

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

### **Policy 2-16**

Designate, sign, and improve western extension of Higgins Canyon Road, Miramontes Point Road, Redondo Beach Road, one additional beach access route as may be called for in the Conservancy Plan, and a new State Park entrance north of Venice Beach Road, as beach access routes.

### **Policy 2-17**

Provide improved State parking facilities for at least 1,000 automobiles generally in accordance with the allocation provided on the Access Improvements Map with most parking located at the end of the primary Beach Access Routes.

- a. No parking facility designed for more than 200 vehicles.
- b. No parking facility south of Kelly designed for more than 50 cars, located at least 50 feet back from the bluff edge.
- c. Parking lots to be located on public property accessible directly from primary and secondary access routes, located at least 100 feet from lots zoned for residences and suitably screened by berms landscaping, or lowered elevation.
- d. Parking surfaces to be designed to ensure that water runoff does not exceed that which exists prior to the improvement.

### **Policy 2-21**

The State and County of San Mateo should construct new paths or stairs down to the beach from the end of the westerly extension of Higgins Canyon Road as designated in Policy 2-16. In conjunction with adjacent new development, encourage the construction of paths or stairs to the beach as shown on the Access Improvements Map.

### **Policy 2-22**

Provide an improved bluff edge trail designed to improve coastal access and avoid increase in bluff edge runoff from Kelly to Miramontes Point Road as shown on the Access Improvements Map or as determined by the Wavecrest Conservancy Project for the area between Seymour and Redondo Beach Road. Connect the lateral trail to the beach with vertical trails at the end of Kelly, midway between Kelly and Seymour, at the end of Seymour, midway between Seymour and Redondo Beach Road as determined by the Wavecrest Conservancy Project, near the end of Redondo Beach Road, and at the end of Miramontes Point Road.

### **Policy 2-23**

Provide a new recreational vehicle campground for not more than 100 vehicles within the Wavecrest Project Area to be screened by trees to the greatest extent possible.

### **Policy 2-29**

Generally locate new visitor-serving commercial development facilities that provide lodging, food, and automobile services within the downtown core, within and near Ocean Colony/Half Moon Bay Golf Links, at Pillar Point Harbor (near Dunes Beach), and in the Wavecrest area as designated in the Wavecrest Conservancy Project.

### **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 vernal wet areas where the soils are not hydric.

**LUP Policy 3-2, Designation of Sensitive Habitats:**

*Designate sensitive habitats as those, including but not limited to, shown on the Habitat Areas and Waer Resources Overlay.*

**Policy 3-3**      Protection of Sensitive Habitats

- (a) Prohibit any land use and/or development which would have significant adverse impacts on Sensitive Habitat areas.
- (b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the Sensitive Habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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 7-1:**

The City will establish regulations to protect the scenic corridor of Highway 1, including setbacks for new development, screening of commercial parking, and landscaping in new developments.

The City will establish and map scenic corridors for Highway 1 to guide application of the policies of this chapter.. Minimum standards shall include all areas within 200 yards of State Highway 1 which are visible from the road.

**Policy 7-4:**

Utilities shall continue to be placed underground in all new developments.

**Policy 7-5:**

All new development, including additions and remodeling, shall be subject to design review and approval by the City Architectural Review Committee. (Check if review by CARC happened).

**Policy 7-9:**

New development shall be sited and designed so as to avoid or minimize destruction or significant alteration of significant existing plant communities identified in the General Plan (which include riparian vegetation along stream banks, and notable tree stands).

Note: Monterey Pines are specified in LUP as species with unique status. "Unique species have 1) scientific or historic value; 2) few indigenous habitats, or 3) some characteristic(s) which draw attention or are locally uncommon. For unique species, protection is desirable and may prevent future endangered status." (check on Monterey pines on site, removal of trees – affects raptor nesting areas)

**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 7-11:**

New development along primary access routes from Highway 1 to the beach, as designated on the Land Use Plan Map, shall be designed and sited so as to maintain and enhance the scenic quality of such routes, including building setbacks, maintenance of low height of structures, and landscaping which establishes a scenic gateway and corridor.

**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)

General Policy 9-3 of the City of Half Moon Bay LUP states in applicable part:

All new development permitted shall comply with all other policies of the Plan.

- 9.3.2 – Specific Planned Development Policies.

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

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

- a) A specific plan shall be prepared for the entire area or, in the event the Project is developed in phases, for each phase, 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 locations of open space, public recreation, and commercial recreation. Each specific plan shall be subject to environmental review under City CEQA guidelines.

The specific plan and accompanying environmental documents shall be submitted to the Planning Commission, who may recommend additional conditions for development of the site.

- b) A maximum of 912 residential units may be developed on the site including at least 20% affordable to persons of low and moderate income.
- c) Suitable landscaping, fencing, or other means shall be used to ensure that direct pedestrian access to the bluff edge is controlled and limited in accordance with accessways to the beach and protection of the bluff face from erosion.
- d) At least 15 acres of the site shall be reserved and developed for community recreation if another site is not designated pursuant to Policy 2-34.

Consideration shall be given to reserving 20-30 acres for a major park affording active and passive recreation opportunities within a natural environment.

- e) At least 30% of the site shall be retained in open space for public and commercial recreational use and sited and designed to protect view corridor from Highway 1 and the ocean, to provide buffers between primary coastal access routes and residential development, to absorb groundwater so as to retard cliff erosion, and to protect habitat areas.

- f) As a part of any development, a lateral accessway along the bluff shall be improved for pedestrian and bicycle use parallel to the shoreline within the existing area of County ownership.
- g) As a part of any new development, vertical accessways shall be constructed to the beach from the bluff affording access to the beach near the end of designated beach access routes. A third accessway to the beach may be required approximately equidistant between the two primary access routes.
- h) As a part of any new development, provision shall be made for improvement of the two designated beach access routes in the district, either along existing platted alignments or in accordance with new alignment designed to afford equivalent access opportunities.
- i) New residential units shall not front on beach access routes unless no other access is available, and access to beach access routes from any area of residential development shall be limited to protect beach access.
- j) At least a 10-acre site, within the Project area, shall be reserved for the development of a recreational vehicle park. Consideration shall be given to reserving a site of at least 5 acres for future visitor-serving facilities. Visitor-serving densities shall not exceed 20 lodging units or campsites per acre.
- k) New access to Highway 1 shall be limited and one new access shall be at the existing intersection of Highway 1 and Higgins-Purissima Road, if feasible.
- l) Provision shall be made to ensure that irrigation of open space for park, recreational, and general open space purposes shall, to the extent feasible, maximize the use of reclaimed water and measures such as retention in basins, grading, revegetation, and drainage improvements shall be taken to prevent destabilizing effects on the coastal bluffs.
- m) Development shall be clustered to the maximum extent feasible.
- n) Development shall give maximum consideration to preserving and enhancing the existing cypress and eucalyptus hedgerows at the west end of the L. C. Smith property.
- o) As part of any new development, provision shall be made for dedication of right-of-way for the Miramontes Point Road extension to the extent required.
- p) No residential structure shall be located west of the extension of Miramontes Point Road.
- q) All beach and all land not otherwise devoted to a public or commercial recreational use to the west of the extension of Miramontes Point Road, not in public ownership, shall be offered for dedication to the County or the State Department of Parks and Recreation, as a part of any development, to become a part of the public recreation area.
- r) The Wavecrest Restoration Project may be developed in two or more phases.

**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 9-6:**

The City shall develop a fee schedule or other fiscal impact measures necessary to assure that new development permitted by the Land Use Plan within the Urban/Rural Boundary will generate sufficient revenues to cover costs to the City for providing public services (i.e. police, fire, school, roads, etc.)

**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, individually or collectively, when parcels comprising a site designated PD are in separate ownerships.

**Policy 9-9 – Flexible Design Concepts.**

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

- (a) Protection of the scenic qualities of the site;
- (b) Protection of coastal resources, i.e. habitat areas, archaeological sites, prime agricultural lands, etc., as required by the Coastal Act;
- (c) Avoidance of siting structures in hazardous areas; and
- (d) Provision of open space, recreation, and/or beach access.

**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 10-3**

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

### **Policy 10-4**

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 10-13:**

The City will support and require reservation of water supplies for each priority land use (visitor serving?) in the Plan, as indicated on Table 10.3....p. 199

### **Policy 10-25**

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.

The City shall request all agencies providing major (water, sewer, roads) utilities to monitor their services. Based upon actual use (reported annually to the City) of services, the City shall determine the need and timing for additional services. ...

### **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. 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.

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

Pedestrian Access to Coastal Resources states in part:

- A. All subdivision applications filed subsequent to the effective date of this Title located in whole or in part along the Shoreline Trail Alignment shown on the Access Improvements Map of the City's Local Coastal Plan or along the Pedestrian Trail provided for in the Park and Recreation Element of the General Plan shall provide a lateral easement for public access along the shoreline.

#### 17.40.095 Vehicular Access to Coastal Resources

*Vehicular access to coastal resources shall be provided where indicated on the access improvements Map of the City Local Coastal Plan, the General Plan and any of its Elements, and any Specific Plan. Primary access routes which end in public parking facilities shall not have new residential development fronting on the route and shall not be necessary for the local traffic circulation.*

#### 17.40.100 Beach Dedication:

In conjunction with any proposed division of land fronting on the ocean, bay, or a beach, all privately owned beach seaward of the base of any coastal bluff shall be dedicated for public access in accordance with the provisions of this Title and Title 18, the City Zoning Code.

#### 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.

#### 18.15.010 Intent and Purpose.[of a PUD]

This District is intended to provide for a variety of land uses, such as attached and detached single-family residential development, multiple-family housing development, professional and administrative areas, commercial and industrial uses, institutional uses, and public and private open space and recreation opportunities through the adoption of a comprehensive development plan as set forth in the City of Half Moon Bay General Plan and this Chapter. The intent of establishing the Planned Unit Development District is to:

- A. Implement the plans and policies of the adopted City of Half Moon Bay Land Use Plan, or General Plan, and the Land Use Plan Map;
- B. Establish regulations and procedures for the preparation, review, and approval of Planned Unit Development Plans to guide the orderly development of land within this District;

- C. Establish a procedure for the **administration** of Specific Plans and Precise Plans, prepared in accordance with the **State Government Code** and consistent with the **Half Moon Bay Land Use Plan**;
- D. Provide for the classification and **development** of parcels of land as coordinated , comprehensive projects so as to take **advantage** of the superior environment that can result from requiring that **an entire area be planned** as a unit and developed under a single plan;
- E. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of **surrounding** properties, neighborhoods, and the City;
- F. Avoid piecemeal development and provide for the replatting of old subdivisions for development under a comprehensive **planning** document;
- G. Avoid monotony by allowing greater **flexibility** in the design and development of land within this District;
- H. To ensure that a minimum of 20% of the site area in any Planned Unit Development is provided in public and/or private open space;
- I. Encourage variety and diversification of land uses; and
- J. Provide flexibility required for achievement of coastal access goals, protection of coastal resources, provisions of open space and recreation areas, and avoidance of siting structures in hazardous areas.

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.

...

18.36.120 Required Spaces designated. The number of off-street parking spaces required shall be set forth in Table A: Required Off-Street Parking.

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:

- A. Scenic Corridors. Visual Resource Areas along the Highway One corridor and scenic beach access routes, defined as follows:
  - 1. Highway One Corridor. Located on both sides of Highway One, for a distance of 200 yards in those areas where Highway One is designated as a Scenic Highway by the State of California and in those areas shown on the Visual Resources Overlay Map in the City's Local Coastal Program Land Use Plan.

...

3. Scenic Coastal Access Routes. Primary access routes from Highway One to major parking facilities adjacent to State Beaches:...secondary access routes from Highway One to minor parking facilities: Wavecrest Road, Redondo Beach Road, Miramontes Point Road.

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.

18.37.30 Scenic Corridor Standards. Public views within and from Scenic Corridors shall be protected and enhanced, according to the following standards:

A. Development within areas shown on the Visual Resources Overlay Map as providing Broad Ocean Views. Development within areas shown on the Visual Resources Overlay Map as providing Broad Ocean Views. Development may not significantly obscure, detract from, or negatively affect the quality of broad ocean views. All new development shall be reviewed by the Planning Commission for conformance with the following criteria:

1. Structures shall be sited and designed to preserve unobstructed broad views of the ocean and shall be clustered to the maximum extent feasible.
2. Landscaping plan shall be provided which incorporated landscaping species which, when mature, will not interfere with public views of the ocean.
3. Within the mapped area of the Visual Resources Overlay Map, building height shall not exceed one story or 15 feet, unless an increase in height would not obstruct public views to the ocean from the highway or would facilitate clustering of development which would result in greater view protection. The building height may be increased upon approval by the Planning Commission, if findings are made that greater view protection will result or public views will not be obstructed, but in no case shall building height exceed a height of 28 feet.

B. Development within the Highway One Corridor and Scenic Corridors along all designated shoreline access routes as indicated on the Visual Resources Overlay Map where existing permits or development does not exist. In general, structures shall be:

1. Situated and designed to protect any views of the ocean and scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance the scenic quality of visually degraded areas.
2. Located where least visible from the public view. Development shall not block views of the shoreline from scenic road turnouts, reststops or vista points.
3. Designed to be compatible with the environment, in order to maintain the natural features such as streams, major drainage, mature trees, and dominant vegetative communities.
4. Set back an appropriate distance from the Highway One Right-of-Way and from the Highway One Right-of-Way and from scenic beach access routes in accordance with the intent of this Ordinance.

**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 vernal 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 than 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 Elfyn 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.

(c) 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.

Larry M. Kay

## PUBLIC INPUT

California Coastal Commission project # A-1 HMB - 99-051  
 WAVECREST VILLAGE (Half Moon Bay)

12 Sunset Terrace  
 Half Moon Bay, California  
 94019

Telephone & Fax:(password required)  
 650-712-9554

United States Mail to: P O Box 394, Monterey, Calif. 94037  
 Email to: Larry3Kay@AOL.com

May 19, 2001 (via fax to: <sup>904</sup> 415-94-5400)

To: Chair Sara Wan and all other Commissioners  
 Attn: Virginia Esperanza, Project Analyst

EXHIBIT NO.
APPLICATION NO. A-1-HMB-99-051 (WAVECREST VILLAGE PROJECT)
5/19/01 LETTER FROM LARRY KAY

Dear Ms. Esperanza,

Recently I became aware of certain things which may be problematical regarding this application. I am seeking your clarification as to whether that is so.

During my recent inspection of CUSD board public documents concerning a "Preliminary Endangerment Assessment" at the proposed middle school site, it came to my attention that the site has been examined and studied for residual agricultural toxins and I think that is admirable. What disappointed me was that there was no analysis of the fact that this site was a WWII military installation which fact, I would think, should have triggered an analysis based on the widespread contamination discoveries made during the nationwide military base closings during the 1990s.

I was also nonplussed to observe that the old concrete ammunition bunkers were not described as military in origin in the District's reports and were only analyzed in terms of removing the lead based paint prior to their destruction. Their destruction, mind you.

I suppose I should apologize for not having been aware of the fact that this project was contemplating the destruction of the only WWII historic buildings in Half Moon Bay. I can only offer as an excuse that I find it inconceivable that such is the case. I would have thought such relics could be incorporated as storage facilities (if some practical utilization is necessary) with a plaque of sorts commemorating its past. Are there not LCP policies requiring the preservation of Historical Resources?

In closing, I would like to add that there is also a smaller bunker on what I believe to be the proposed Boys and Girls Club site, and I would hope that my questions can be considered relevant to that artifact, also.

I enclose six (6) exhibits, some with multiple pages. The exhibits are:

- #1 - My statement and a public notice, but in the wrong newspaper.
- #2 - Begs for a review by California Coastal Commission legal staff. (The already submitted CUSD EIR does not deal with historical buildings. This "PEA" does not either.)

# 3 - ACRONYMS used in my excerpts from the 300-400 page "PEA". (CUSD has not to my knowledge provided all of these excerpted facts, that is the entire PEA, to the California Coastal Commission.)

# 4 - The three (3) pages of the conclusions/recommendations section. Section 10.1 does not reveal military WWII uses. The wording impresses me as obscure.

# 5 - Sec 2.1.9 misses a fine opportunity to correctly identify what the "to be destroyed" structures are. (They are World War II historical structures.)

# 6 - This "background" information should be investigated by California Coastal Commission staff, in my opinion. The Preliminary Endangerment Assessment does not fall within the jurisdiction of the California Coastal Commission, however, environmental (CEQA) facts revealed by the PEA obviously do fall within the jurisdiction of the California Coastal Commission.

Sincerely,

Larry Kay



**EXHIBIT # 1**

**Regarding:**

**California Coastal Commission A-1 HMB - 99 - 051**

**Beneath is a public notice published in the San Mateo County Times by the Cabrillo Unified School District on May 4, 2001.**

**The below important public notice was published in a newspaper of general circulation as required by law (the SMCTimes), but not in the local newspaper, the Half Moon Bay Review.**

**The Cabrillo Unified School District will give 15 minutes (on June 7, 2001 between 6:45pm and 7:00pm.) for public comment on a danger assessment regarding danger assessment (toxic, etc) at the suggested new middle school site at the proposed new "Wavecrest Village". That is what the "PEA" (preliminary danger assessment) deals with.**

~~~~~

**PUBLIC NOTICE**

**Notice of public review and comment.**

**Notice is hereby given that the Board of Trustees of the Cabrillo Unified School District, Half Moon Bay, Ca. hereinafter referred to as "DISTRICT" will have on display for public review and comment:**

**FINAL DRAFT PRELIMINARY:  
ENDANGERMENT ASSESSMENT REPORT**

**CABRILLO UNIFIED SCHOOL DISTRICT  
NORTH WAVECREST ROAD  
HALF MOON BAY, CALIFORNIA**

**Management and coordination of the review is the responsibility of the District. All inquires about the review are to be directed to the DISTRICT, 498 Kelly Avenue, Half Moon Bay, Ca., 94019  
ATTENTION: Roberta Carlson at 650-712-7112;  
FAX 726-0270.**

**The Final Draft Preliminary Endnagerment Assessment hereinafter referred to as "PEA" will be available from:**

**May 4, 2001 through June 7, 2001 for public review between the hours of 9:00am and 4:00pm in the DISTRICT Office, located at 498 Kelly Avenue, Half Moon Bay, Ca., 94019.**

**Public comments and concerns will be heard by the DISTRICT at the DISTRICT Office, 498 Kelly Avenue, Half Moon Bay, Ca., 94019 on June 7, 2001 between 6:45pm and 7:00pm.**

**san mateo county times #2057121  
published may 4, 2001.**

\*\*\*\*\*

**END OF EXHIBIT # 1**

## EXHIBIT # 2

Regarding:

California Coastal Commission A - 1 HMB - 99 - 051

Published Friday, March 30, 2001, in the San Jose Mercury News

SAN FRANCISCO

Supreme Court requires historic-landmark reviews

In a victory for preservationists, the California Supreme Court on Thursday barred cities from stripping buildings of historic-landmark status without environmental reviews.

The court decided unanimously that Sierra Madre had improperly removed 29 buildings from a list of historic properties through a 1998 city-sponsored ballot measure.

The decision will affect all sorts of ballot measures by cities and counties. For instance, a county no longer will be able to put a general plan on the ballot for approval without having done a study of its environmental impact.

In an opinion written by Justice Marvin R. Baxter, the court said only citizen-placed initiatives are exempt from the California Environmental Quality Act, which requires a range of reviews, depending on how serious the environmental consequences appear to be.

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Mercury News wire reports

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## END OF EXHIBIT # 2

**List of Figures****EXHIBIT #3-A**

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**List of Appendices**

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| Appendix A | Resumes and Copy of IT Corporation's Hazardous Waste Contractor's License |
| Appendix B | Lead-Based Paint and Asbestos-Containing Materials Survey                 |
| Appendix C | Boring and Sampling Procedures                                            |
| Appendix D | Field Sheets                                                              |
| Appendix E | Certified Analytical Reports and Chain-of-Custody Documents               |
| Appendix F | Quality Assurance Program                                                 |
| Appendix G | Census Information                                                        |

**List of Acronyms**

|       |                                                   |
|-------|---------------------------------------------------|
| AST   | above ground storage tank                         |
| bgs   | below ground surface                              |
| BTEX  | benzene, toluene, ethylbenzene, and total xylenes |
| CARB  | California Air Resources Board                    |
| CDFG  | California Department of Fish and Game            |
| COCs  | chemicals of concern                              |
| COPCs | chemicals of potential concern                    |
| CUSD  | Cabrillo Unified School District                  |
| DDD   | 4,4'-DDD                                          |
| DDE   | 4,4'-DDE                                          |
| DDT   | 4,4'-DDT                                          |
| DSP   | Draft Specific Plan                               |
| DTSC  | Department of Toxic Substances Control            |
| EDR   | Environmental Data Resources                      |
| ESA   | Environmental Site Assessment                     |
| IT    | IT Corporation                                    |
| LOAEL | lowest-observed-adverse-effects level             |

## List of Acronyms (continued)

**EXHIBIT #3-B**

|        |                                                     |
|--------|-----------------------------------------------------|
| LUFT   | leaking underground fuel tank                       |
| MTBE   | methyl tert butyl ether                             |
| µg/dL  | micrograms per deciliter                            |
| µg/kg  | micrograms per kilogram                             |
| mg/kg  | milligrams per kilogram                             |
| msl    | mean sea level                                      |
| NOAEL  | no-observed-adverse-effects level                   |
| NPDES  | National Pollutant Discharge Elimination System     |
| OCPs   | organochlorine pesticides                           |
| ORNL   | Oak Ridge National Laboratory                       |
| PEA    | Preliminary Endangerment Assessment                 |
| PRGs   | Preliminary Remediation Goals                       |
| QA/QC  | quality assurance/quality control                   |
| RfDs   | reference doses                                     |
| site   | Cabrillo Middle School                              |
| SMCDA  | San Mateo County Department of Agriculture          |
| SMCDEH | San Mateo County Department of Environmental Health |
| TPH    | total petroleum hydrocarbons                        |
| TPH-d  | total petroleum hydrocarbons as diesel              |
| TPH-g  | total petroleum hydrocarbons as gasoline            |
| UCL    | upper confidence limit                              |
| UCR    | University of California Riverside                  |
| USEPA  | U.S. Environmental Protection Agency                |
| USGS   | U.S. Geological Survey                              |
| UST    | underground storage tank                            |
| WRA    | Wetlands Research Associates                        |

## 10.0 Conclusions and Recommendations

EXHIBIT #4-A

Section 17213.1 of the Education Code established criteria for assessment of new school sites under the oversight of the DTSC. IT completed this PEA for the CUSD's proposed middle school site located in the proposed Wavcrest Village Development Project in Half Moon Bay, California consistent with the PEA Guidance Manual and the Interim Guidance for Sampling Agricultural Sites. The site and adjoining properties have historically been used for dry farming production of grain crops. Agricultural activities have been phased out over the previous 15 years. The proposed development plan includes residential, commercial, and civic land uses.

### 10.1 Site Setting

The 26-acre proposed middle school site has historically been used for agricultural purposes and is presently open space. The site and adjoining land have been dry-farmed for grain crops. Two small concrete block structures and a concrete pad are located near the southwestern corner of the proposed school site. No evidence of hazardous waste material storage or soil staining was observed near the structures or the concrete pad. Little League baseball fields were constructed to the west of the proposed school site in the 1960's and are currently in use. The proposed development plan includes using the eastern portion of the ball fields for school recreation and athletic fields and using 10 acres of the existing baseball fields for new baseball and softball fields separate from the school grounds.

### 10.2 Hazardous Substances

COCs identified for the site consisted of OCPs, paraquat and diquat, petroleum hydrocarbons, and heavy metals. The OCPs and paraquat and diquat may have been used in the field and have long soil half-lives and persistence in the environment. Some of the heavy metals may be associated with agricultural land use and residual lead may be associated with the use of lead-based paints. No evidence of hazardous materials storage or releases were identified during the Phase I ESA or during the PEA sampling. The San Mateo County Agricultural Commissioner's Office had no records of agricultural chemical use at the subject site. Staff had no recollection of chemical use on the site or applications filed for chemical use.

### 10.3 PEA Investigation Results

Forty-six soil borings (including the drain sample and four off-site borings) were sampled using a combination of GeoProbe equipment and hand auger equipment. Groundwater was not encountered as either a shallow perched zone or at the water table to the total depths explored of

END OF EXHIBIT #4-A

**EXHIBIT # 4 - B**

26 to 35 feet bgs. Five locations within drainage routes were also sampled. Borehole depths, sample intervals, and laboratory analysis were selected based upon past land use and potential source areas. Soil samples for evaluation of agricultural chemical and metals impacts were collected from ground surface and from two feet bgs. Soil samples from the vicinity of the former AST location and concrete structures were also evaluated for petroleum hydrocarbon impacts at 5 and 10 feet bgs.

OCPs (DDD, DDE, and DDT) were detected in three soil samples collected near the concrete structures and pad and in seven of the composited soil samples collected at ground surface to assess past agricultural chemical applications in the open areas of the site. One drainage route sample contained DDE and DDT. Detected concentrations were below the respective PRGs.

Paraquat and diquat analysis detected in diquat in one drainage route sediment sample at 2.8 µg/kg. This concentration is below the PRG.

Soil samples collected from the vicinity of the concrete structures and concrete pad did not contain TPH-g, BTEX, and MTBE at concentrations above method reporting limits. One soil sample contained TPH-d at a concentration of 15 mg/kg.

TPH as motor oil was detected in five surface soil samples at concentrations of 11- to 120 mg/kg. These are localized impacts at relatively low concentrations and defined the lateral extent of TPH as motor oil detected in a floor drain sample. The floor drain sample concentration was 11,000 mg/kg. The drain appears to terminate beneath the structure and was not located beyond the footprint of the structure. It appears that the floor drain oil result represents residue within the piping and not impacts to native soils.

Four off-site soil samples were collected and analyzed to evaluate the background metals concentrations because published data were not available for the Half Moon Bay Area. Site concentrations of heavy metals were compared with the off-site soil sample concentrations. Copper, lead and zinc levels were elevated above background levels and were designated as COPCs.

#### **10.4 Evaluation of Risks and Hazards**

The human health risk screening was conducted following DTSC PEA algorithms. The anticipated receptors were students and teachers at the proposed school, however the evaluation was conducted under a residential exposure scenario. The potentially complete exposure pathways are soil ingestion, dermal contact with soil, and inhalation of soil particles. Organic

## EXHIBIT # 4-C

COPCs evaluated were OCPs DDD, DDE, and DDT and the herbicide diquat. Based on ambient level selection criteria, copper, lead, and zinc were designated as COPCs.

Cancer risks for DDD, DDE, and DDT, were at or just below the  $1 \times 10^{-6}$  *de minimus* level.

The non-carcinogenic hazard quotients for organic and inorganic chemicals are below one. In addition, the hazard index based on all COPCs and all potentially complete exposures is 0.05. Consequently, no potential concern for non-carcinogenic health effects has been identified.

### 10.5 Recommendations

The September 20, 2000 lead-based paint and asbestos survey of the concrete structures identified lead-based paints on interior and exterior walls. Approximately 1,150 square feet of chipped and peeling paint will require abatement prior to demolition of the structures and disposal of the removed paint in accordance with Title 22 hazardous waste regulations. No asbestos-containing materials were identified; thus asbestos abatement is not necessary.

Demolition of the concrete structures will be monitored to identify the floor drain piping and to collect soil samples, if warranted, based upon the observed condition of soils beneath the structure. Conditions warranting sampling would include soil staining by residual motor oil or odors. If significant impacts are noted, DTSC will be notified. Localized soil excavation and removal may be necessary if concentrations require removal. It should also be noted that the proposed construction plan calls for soil removal from the vicinity of the concrete structures and placement of engineered fill to accommodate paving. These actions will further reduce exposure scenarios.

The potential health risks associated with chemicals in soil are *de minimus* for organic chemicals and consistent with background risks for arsenic and other inorganic compounds. This PEA recommends proceeding with construction of the proposed middle school once the building demolition, evaluation of piping issues, and post demolition lead soil sampling are completed.

IT also recommends evaluating imported soil fill material for potential chemical hazards. Recommended evaluation consists of soil sampling and analysis for metals to verify that naturally occurring metals concentrations in the imported fill do not represent health risks that exceed the site ambient risks. Sampling and analysis for organochlorine pesticides, based upon persistence in the environment, is also recommended if the source area was historically used for agricultural purposes.

## 2.0 Site Description

EXHIBIT # 5 - A

This section includes information that identifies the physical setting of the site in relation to the surrounding area.

### 2.1 Site Identification

#### 2.1.1 Site Name

The site is known as the proposed Cabrillo Middle School site. The site is within the CUSD.

#### 2.1.2 Contact Person(s)

The main contact for the CUSD is Dr. John Bayless.

#### 2.1.3 Site Address

The site is located on North Wavecrest Road in the City of Half Moon Bay, San Mateo County, California (Figure 1). Adjoining properties:

- North - The properties to the north are open areas that have historically been dry farmed for grain crops. Under the proposed Wavecrest Village Development Plan, these areas would be developed for mixed residential and commercial uses. Further north is existing residential areas.
- South - Areas to the south of the subject site are Wavecrest Avenue, open spaces currently used for the Cabrillo Inn, a private residence, open space, and the McMahon Nursery. McMahon Nursery had a leaking underground storage tank (UST) case that was closed in 1994 after completion of assessment activities. Open areas are proposed for residential development under the proposed Wavecrest Village Development Plan.
- East - The properties to the east include: Highway 1, a City Fire Department House, a Ford dealer (1/8 mile northeast), private residences, and open space. Open space is proposed to be developed for commercial uses under the proposed Wavecrest Village Development Plan.
- West - The adjoining properties to the west of the subject site include several baseball fields and coastal bluffs. The configuration of the baseball fields will change under proposed Wavecrest Village Development Plan.

#### 2.1.4 Mailing Address

Correspondence for this site can be mailed to the CUSD administration building located at 498 Kelly Drive, Half Moon Bay, California 94019.

**EXHIBIT #5-B****2.1.5 USEPA Identification Number**

There is no U.S. Environmental Protection Agency (USEPA) identification number for the site.

**2.1.6 CalSites Database Number**

The CalSites database number for the proposed school property is 41-00-0001.

**2.1.7 Assessor Parcel Numbers and Maps**

The site is defined as assessor parcel number 065-090-080-6 and encompasses 26 acres in Half Moon Bay, San Mateo County, California.

**2.1.8 Township, Range, Section and Meridian**

The site is located in Section 32, township 5 south, range 5 west, of the Mount Diablo base and meridian (U. S. Geological Survey [USGS] 7.5 minute topographic quadrangle, Half Moon Bay, 1978).

**2.1.9 Land Use and Zoning**

The subject site and surrounding area are located in the City of Half Moon Bay. The site is situated in an open area surrounded by commercial, residential, and recreational properties. The subject site is 26 acres (located within a 207.5-acre parcel) and is currently occupied by two concrete block structures (on the southwestern edge of the subject site).

A portion of the subject site has been recognized as an artificial wetland. The wetlands are the result of the former practice of discharging irrigation water and irrigation runoff from the adjacent nursery property to the man-made drainage ditch on the subject site. Water discharge has ceased, but wetlands vegetation is established along approximately 1.83 acres bordering and encompassing drainage ditches and an additional 0.41 acre of wetlands is present north-northeast of the baseball fields. Information presented in the Wavecrest Village Draft Specific Plan (DSP) (Brady/LSA, 1999) states that the 0.41 acre wetlands may fall under California Coastal Commission jurisdiction and that the 1.83 acres of wetlands along the drainage ditches is non-jurisdictional. The DSP (Brady/LSA, 1999) also stated that the wetlands conditions were the result of the irrigation water discharge and are not naturally occurring.

The site and immediate vicinity is located in the Wavecrest Village Development Project; current zoning does not exist for the subject site.

**2.2 Site Maps****2.2.1 Site Location Map**

See Figure 1 for the site location map.

EXHIBIT #5 - C

**2.2.2 Site Specific Maps**

See Figure 2 for the site map showing proposed development of the site and surrounding properties. The existing land use for the site and surrounding properties is shown on Figure 3. Figure 4 shows the site plan, including locations of the concrete structures, drainages, and soil sampling locations.

END OF EXHIBIT #5

## 3.0 Background

EXHIBIT # 6-A

This section includes information regarding current and past business operations at the site.

### 3.1 Site Status/Historical Site Information

#### 3.1.1 Current Business Type

The subject site is currently an open space. Two areas of approximately 0.41 and 1.83 acres, respectively, are classified as artificial wetland. There are currently two small, concrete block structures located in the southwest corner of the facility. These structures are currently used as storage by the City of Half Moon Bay. One structure contains materials used by a local theater company such as stage backgrounds and props. The second structure contained some lumber. A concrete pad that may have contained an aboveground storage tank (AST) is located immediately north of the structures. In addition, there is a small farmhouse and associated structures located to the east of the 26-acre subject site and along Highway 1.

#### 3.1.2 Years of Operation

According to sources at the City of Half Moon Bay, the subject site has been primarily used as open space. The baseball fields along the western edge of the subject site (part of the 207.5 acre parcel), have been in place for approximately 30 years (according to Gary Wheeling from the City of Half Moon Bay). Information presented in the Brady/LSA (1999) DSP states that the baseball fields were constructed in 1967.

#### 3.1.3 Prior Land Use

The subject site and adjoining properties were historically dry farmed and produced grain crops. According to information presented in the DSP (Brady/LSA, 1999), an air photo from 1950 showed agricultural land use. In 1967, the baseball fields located at the western end and to the west of the proposed school site were constructed. Air photo review showed gradual phase out of agricultural land use since 1985. Mr. Bill Smith, of the Half Moon Bay Planning Department, reported that the site has been dry-farmed for winter wheat for an indefinite number of years.

Irrigation water was formerly discharged from McCahon Nursery to the drainage ditch located in the eastern part of the proposed school property. The water flowed northward and at the northern margin of the subject site the drainage ditch makes a westward turn. Discharge was exempt from the National Pollutant Discharge Elimination System (NPDES) requirements under agricultural exemptions. Discharge ceased in 1998 (Brady/LSA, 1999).

**EXHIBIT # 6 - B •****3.1.4 Facility Ownership/Operators**

The site is owned by North Wavecrest Partners (Patrick Fitzgerald).

**3.1.5 Property Owners**

The site is owned by North Wavecrest Partners (Patrick Fitzgerald).

**3.1.6 Surrounding Land Use**

The subject site and surrounding area are located in the City of Half Moon Bay. The site is situated in an open space area surrounded by commercial, residential, and recreational properties. Surrounding properties are proposed to be developed for residential, civic, and commercial uses under the Wavecrest Village Development Plan (Figure 2).

Adjoining properties:

- North - The properties to the north are open areas that have historically been dry farmed for grain crops. Under the proposed Wavecrest Village Development Plan, these areas would be developed for mixed residential and commercial uses. Residential areas are located further north of the site.
- South - Areas to the south of the subject site are Wavecrest Avenue, open spaces currently used for the Cabrillo Inn, a private residence, open space, and the McCahon Nursery. McCahon Nursery had a leaking UST case that was closed in 1994. Open areas are proposed for residential development under the proposed Wavecrest Village Development Plan.
- East - The properties to the east include: Highway 1, a City Fire Department House, a Ford dealer (1/8 mile northeast), private residences, and open space. Open space is proposed to be developed for commercial uses under the proposed Wavecrest Village Development Plan.
- West - The usage of the adjoining properties to the west include several recreational baseball fields and coastal bluffs. The configuration of the baseball fields will change under proposed Wavecrest Village Development Plan.

**3.2 Hazardous Substance/Waste Management Information**

The following information regarding hazardous substance/waste management is for all current and former businesses that have operated on the site.

**3.2.1 Business/Manufacturing Activities**

No manufacturing processes were conducted at the site.

EXHIBIT # 6-C

### **3.2.2 On-site Storage, Treatment, and Disposal**

According to sources at the City of Half Moon Bay, the subject site has been primarily used as open space. Mr. Bill Smith, of the Half Moon Bay Planning Department, reported that the site has been dry-farmed for winter wheat for an indefinite number of years. No storage, treatment, or disposal facilities are known to have been present on-site. No agricultural chemical use records exist at the Half Moon Bay Planning Department or the San Mateo County Department of Agriculture (SMCDA). The SMCDA personnel had no knowledge pesticide or herbicide usage information being submitted in prior years.

During the Phase I ESA and PEA sampling activities, no staining of soil was observed in the vicinity of the concrete structures or the concrete pad. Inspection of the interior of the concrete structures during PEA sampling did not identify staining on the floors or floor drain areas. The smaller of the two concrete structures contained approximately two dozen cans of latex paint.

### **3.2.3 Regulatory Status**

The subject site was not listed on any other databases as searched by Environmental Data Resources (EDR). No violations were found on the violations and enforcement database.

### **3.2.4 Inspection Results**

There is no evidence of storage or disposal of hazardous waste at the site. No on-site evidence of spills or leaks was identified. There is no evidence of USTs at the site and agency records did not identify storage tanks or hazardous materials incidents at the site. A concrete pad located in the southwest part of the property, near the concrete buildings, may have been used for an AST. No records of AST usage were listed on environmental databases or in agency interviews. There was no evidence of chemical storage or releases on or around the concrete pad. There were no stained soils around the concrete pad or the concrete structures.

Two nearby properties (James Ford, Inc. and McCahon Nursery) have been recognized as having a past petroleum hydrocarbon release. The James Ford site had a gasoline release from an UST and petroleum hydrocarbons are present in groundwater. The James Ford, Inc. Property is located approximately 1,200 feet northeast of the site. Groundwater flow is westward. The distance and direction suggest that the James Ford UST release will not adversely affect the subject site. The McCahon Nursery had a gasoline release from an UST. The assessment and remediation activities were completed and the San Mateo County Department of Environmental Health (SMCDEH) closed the case in 1994. The former UST location is to the south and cross-gradient of the proposed school site. It is unlikely that the former UST release will have an adverse effect on the proposed school site.

EXHIBIT # 6-D

### 3.2.5 Prior Assessments/Remediation

Prior assessment activities at the subject site are limited to wetlands and biological investigations performed as part of the DSP (Brady/LSA, 1999) (Wetlands Research Associates [WRA, Inc.], 1998a; 1998b; 1998c; 1998d; 1998e) and the Phase I ESA conducted by IT (2000a). The wetlands and biological investigations and the Phase I ESA did not include sampling activities. No prior remediation activities have been conducted at the subject site.

END OF EXHIBIT # 6

Appeal # A-1-99-51, Wavecrest Village  
"Southern Residential Area"

To: California Coastal Commission  
 Attn: Mr. Chris Kern  
 Ms. Virginia Esperanza  
 Mr. Steve Scholl  
 45 Fremont, Suite 2000  
 San Francisco, CA 94105-2219

May 31, 2001

Dear Steve, Chris and Virginia,

One of the Appellants for this project - Mrs. Carey - has been kind enough to provide me - on May 30 - with a copy of the May 23 document submission by the Applicant, Wavecrest Village LLC, and I wish to provide the following comments regarding the Southern Residential Area portion of the submission:

- 1.) The Applicant has submitted a Title Report evidencing the existence of a paper street named Occidental which would connect the Southern Residential Area to Redondo Beach Road. The existence of a legal paper street is not at issue. What is at issue is the fact that what is on the ground right now is a Single Lane Dirt Road which passes through an area which has many strong Wetland characteristics (photographs enclosed with Ms. Esperanza's copy), and the Applicant has submitted no delineation for this area. The Half Moon Bay LCP does not permit roadbuilding in a Wetland, only the repair and maintenance of existing roads. To change a Single Lane Dirt Road to a paved & fully improved City street cannot be characterized as Repair & Maintenance. It should also be an issue as to when this dirt road was created, given the proscriptions against such activity in the HMB LCP, the HMB LUP preceding the LCP, and the 1976 Coastal Act.
- 2.) The intersection of Redondo Beach Road and Highway #1 is arguably the most dangerous in Half Moon Bay even though it currently serves only two residences, a day care center, the golf course maintenance yard, a seminar facility and a beach access point. The problem is that Highway #1 at this intersection is too narrow to support a center lane for a northbound exit storage and northbound left turn. Failure to require this safety review and mitigation will put the current residential, commercial, and general public beach access users and future residents at significant peril. Because of the elevation dropoff and potential coastal resources on the eastern side of Highway #1, such a widening would be a costly undertaking and I am unaware of any plan or funding source for such.
- 3.) I do not understand how the HMB LCP can be interpreted to permit the conversion of delineated Wetlands to Detention Basins (Sub Area A). Does this not constitute destruction of the Wetland? Also, Detention Ponds require regular maintenance activities that are not permitted in Wetlands under the LCP. I don't understand the logic of this proposal.

Although there have been several improvements in the overall Wavecrest Village proposal, there remain several significant "rough spots" which deserve deeper examination - made more difficult by the Applicant's late submission. I will cover more of those under separate cover.

Sincerely,



Michael J. Ferreira  
 cc. Helen Carey

|                                      |
|--------------------------------------|
| EXHIBIT NO.                          |
| APPLICATION NO.                      |
| <b>A-1-HMB-99-051</b>                |
| (WAVECREST VILLAGE PROJECT)          |
| 5/31/01 LETTER FROM MICHAEL FERREIRA |