

## CALIFORNIA COASTAL COMMISSION



NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5260 FAX (415) 904-5400  
 www.coastal.ca.gov

## COMMISSION NOTIFICATION OF APPEAL

DATE: September 11, 2007  
 TO: Steve Flint, Planning Director  
 City of Half Moon Bay, Building & Planning Department  
 501 Main Street  
 Half Moon Bay, CA 94019  
 FROM: Yinlan Zhang, Coastal Program Analyst *YZ*  
 RE: **Commission Appeal No. A-2-HMB-07-034**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: **PDP-87-00**  
 Applicant(s): **Ocean Colony Partners, LLC, Attn: Bruce Russell**  
 Description: **Construction of a 32-lot residential subdivision and other associated improvements, including private streets, utilities, and private park and open space on a 7.95-acre project site located in the Planned Unit Development zoning district.**  
 Location: **Within the Half Moon Bay Country Club Planned Unit Development south of Redondo Beach Road and west of Cabrillo Highway, Half Moon Bay (San Mateo County) (APN(s) 066-092-250, 066-092-470, 066-371-160)**  
 Local Decision: **Approved**  
 Appellant(s): **George M. Muteff**  
 Date Appeal Filed: **9/11/2007**

The Commission appeal number assigned to this appeal is A-2-HMB-07-034. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Half Moon Bay's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Yinlan Zhang at the North Central Coast District office.

cc: Ocean Colony Partners, LLC, Attn: Bruce Russell

Exhibit 1  
 A-2-HMB-07-034 Ocean Colony Partners, LLC  
 Appeal & Supplemental Material by George Muteff  
 Page 1 of 59 pages

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SEP 11 2007



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
COASTAL COMMISSION

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

SECTION I. Appellant(s)

Name: George M. Muteff

Mailing Address: 408 Redondo Beach Road

City: Half Moon Bay

Zip Code: 94019

Phone: 650-726-2788

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Half Moon Bay

2. Brief description of development being appealed:

PDP-97-00 Carnoustie Residential Development

Coastal Development Permit, Site and Design Permit, Vesting Tentative Subdivision Map, Planned Unit Development Plan, Use Permit and Development Agreement for a 32-lot Residential Subdivision and Other Associated Improvements, Including Private Streets, Utilities, and Private Park and Open Space Areas on a 7.95-acre Project Site.

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

Within the Half Moon Bay Country Club Planned Unit Development south of Redondo Beach Road and west of Cabrillo Highway, Half Moon Bay, San Mateo County, California. Located in the Planned Unit Development Zoning District (APN 066-092-250; 066-092-470 and 066-371-066).

4. Description of decision being appealed (check one.):

- Approval; no special conditions
Approval with special conditions:
Denial

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-HMB-07-034

DATE FILED: 9/11/07

DISTRICT: North Central Coast

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

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

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: August 21, 2007

7. Local government's file number (if any): PDP-97-00

**SECTION III. Identification of Other Interested Persons**

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

a. Name and mailing address of permit applicant:

Applicant: Ocean Colony Partners, LLC  
2450 South Cabrillo Highway, Suite 200  
Half Moon Bay, CA 94019

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

(1) Terrence Gossett  
193 Reef Point Road  
Moss Beach, CA 94038

(2) Dale Dunham  
513 Ruisseau Francais Avenue  
Half Moom Bay, CA 94019

(3) Jerry Steinberg  
591 Terrace Avenue  
Half Moon Bay, CA 94019

(4) Ozzie Monteiro  
808 Monte Vista Lane  
Half Moon Bay, CA 94019

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see Attachment

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

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

  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: August 31, 2007 *SUBMITTED*  
SEPTEMBER 11, 2007

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

**Section VI. Agent Authorization**

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

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

Date: \_\_\_\_\_

**RECEIVED**

SEP 11 2007

CALIFORNIA  
COASTAL COMMISSION

Appeal From Coastal Permit Decision of Local Government

To

California Coastal Commission

Project Location: Half Moon Bay, CA

File: PDP-97-00

Applicant: Ocean Colony Partners

Date of City Action: August 21, 2007

Project name: Carnoustie

APN's: 066-092-250 / 066-092-470 / 066-371-160

Date Filed: September 11, 2007

PDP-087-00 (the Development) does not conform to the standards set forth in the Certified Local Coastal Program and the Public Access Policies set forth ...[in the Coastal Act] as follows:

### Executive Summary

The Development is **adjacent** to Redondo Beach Road (RBR), on the south side, for the full length of the Development. RBR is a non-conforming, substandard road that is identified in the HMB LCP as a Secondary Beach Access Road. The width of RBR averages 14'-15', for one half mile, from immediately west of the Infant Toddler Center (at the intersection of SR1 and RBR) to the Ocean Colony (OC) maintenance yard. The approved Development assigns sole and exclusive ingress and egress for the entire Development to RBR. This means that the Development is not only adjacent to a secondary beach access road (vertical access), but is also **served by it**. The Development has been estimated, by the applicant, to take approximately three years to complete. The volume and weight of Development traffic on RBR, coupled with the length of Development construction (staging), certainly qualify it as part of the Development. If, as currently planned, one were to take RBR out of the Development there would be no Development. The omission of RBR as an integral part of the Development (and the EIR), as sole access for the Development, circumvents the HMB LCP and Coastal Act Policies.

In order to bring this Development into full compliance RBR must be improved as a Condition of Approval. Improvement should include the widening and strengthening of RBR, in advance of Development activity, to address and provide adequate traffic safety, emergency access to RBR residents and visitors, beach access, and appropriate traffic circulation to comply with the afore mentioned Program and Policies. (see Summary for Conclusions and Recommendations)

### Applicable HMB LCP and Coastal Act Policies

RBR currently services **beach access**, the **OC maintenance facility** (which services all of OC), as well as the Infant Toddler Center, a 4-H Farm, and three residences.

LCP Policy 9.3.16, of Half Moon Bay Country Club (pg 171) states: "The existing Country Club PUD Approvals will govern and control completion of the remaining approved development **within the Country Club PUD**." RBR is **not** within the Country Club PUD. Additionally, it is required that "... any material changes in development from that heretofore approved by the City may require approvals from the City (and the Coastal Commission pending certification of the City's LCP), including a CDP (pg 172). (see attachment h)

Half Moon Bay (HMB) LCP Policy 10-32 (pg 203) states: "The City shall require, as a condition of approved private development, the improvement or financial participation in the improvement of all primary and **secondary beach access routes** indicated on the Land Use Plan Map where development is permitted **adjacent to** such access route or **is served by it**." (see attachment g)

HMB LCP Policy 10-34 (pg 203) states: "The City will limit access to new development from designated beach access routes, Highways 1 and 92, except where no alternative access is possible, consistent with public safety and enhanced circulation of visitors and residents." (see attachment g)

### HMB LCP Chapter 2

#### 2 (pg 21) Coastal Access and Recreation

2.1 (pgs 21-23) Coastal Act Policies states: "The public's right of access to all beach areas below the ordinary high water mark (mean high tide line) is guaranteed by the California Constitution. The Legislature, in passing the Coastal Act, did not alter these basic public rights but did establish a policy framework for achieving the goal of

providing maximum opportunities for public use and enjoyment of the coast. Coastal Act policies which address the issues of access include the following:

### Access

- 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.
- 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.
- 30212 (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists 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.
- (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 – 66478.14 inclusive, of the Government Code and by section 4 of Article X of the California Constitution.
- 30220 Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.”

### 2.2 (pg 24-26) Planning Issues

Insufficient Vehicular Access from Highway 1 states: “Inadequately improved and signed access routes to the shoreline from Highway 1 are a constraint on conflict-free access to the shoreline. Most of the roads to the shoreline are either unimproved or are not designed for heavy vehicular traffic and do not afford easy or optimally located access.

Lack of adequate signage and intersection controls for beach bound-traffic are both noticeable. The result is frequent use of residential streets for access to the beach and slow traffic along Highway 1 as drivers look for routes.

The lack of traffic controls along Highway 1 makes it extremely difficult for northbound vehicles to turn onto access roads to the beach or to get back onto the highway going north. In addition to accident hazards, this problem aggravates traffic congestion on days of peak use.

Relatively modest levels of investment in signage and traffic modifications (left turn pockets, signals) and more costly improvements to unimproved roads offer the opportunity for substantial gains in visitor access and reduction in conflicts with residents. A great advantage is presented by the existence of numerous public rights-of-way to the shoreline, both improved and unimproved.”

## Need for Pedestrian Accessways to Beaches

- (a) Vertical Access
- (b) Lack of City Resources to Construct or Maintain Accessways

### 2.3 (pg 29-34) Policies

"Policies and recommendations are intended to provide the framework for implementation of the Coastal Act goal of providing maximum opportunities for access and recreation."

#### Policy 2-6

"All vertical and lateral public 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 2-21: \*

"The State and the 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 designed 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 Improvement 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."

\* I note this and marked it because I know that it is the Commission's directive to Ocean Colony to place two stairways to the beach at Redondo Beach, as 'compensation' for the illegal riprap they had placed, and were forced to remove. This is in process now, and will add significantly more traffic to RBR. The cumulative effect of the Development staging, coupled with the increase in visitors, will increase hazards to public health and safety.

## Chapter 9

### Policy 9-5:

"The base permitted residential density for any parcel located within an area designated Planned Development (PD) District shall be no more than 2 units per acre, except as provided with respect to such District under Subsections 9.3.3 through 9.3.16." \*

9.3.16 (again) Half Moon Bay Country Club

(pg 171-172) in part states: "The existing Country Club PUD Approvals will govern and control completion of the remaining approved development within the Country Club PUD."

\*This is what the Applicant was referring to, at both the July 26th HMB Planning Commission meeting, and at the Council meeting August 21st, when he stated OC has no obligation to adhere to our LCP. To the contrary, 9.3.16 directly applies to the Development.

Proposed Development Conditions

a) "The Country Club PUD shall be completed in accordance with the existing Country Club PUD approvals and the provisions of that certain instrument entitled "Offer To Dedicate Trail Easement and Declaration of Covenants and Restrictions" recorded in the Office of the Recorder of the County of San Mateo, Stats of California, on August 21, 1981, as Instrument No. 80020AS.

In the event of any conflict between the development conditions in this Section 9.3.16 shall control in recognition of the fact that the Country Club PUD has been committed to build out in accordance with the land use approvals granted, and the conditions imposed, prior to adoption of this Plan.

b) Any amendment of the existing Country Club PUD approvals shall be subject to environmental review under City CEQA guidelines." \*

- I insert this because RBR has never been the staging roadway for any of the twenty previous PUD developments. Therefore, this Development could be interpreted to be an amendment and as such would require CEQA review. A CEQA review was not completed.

Chapter 10, Policy 10.4.4 (pgs 193-194) Transportation Issues states: "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."

Further, even as early as 1972, the City and the HMB Country Club recognized the need to improve RBR for public access to the beach. Ordinance No. 3-72 (pg 4) Section 5 states: "It is hereby determined that public access to beach as required by Section 11610.5 of the Business and Professions Code is to be provided by use of Redondo Beach Road and Miramontes Point Road, and that developer shall be required, at City's option, to participate in an assessment district for the purpose of improving said streets." (see attachment f)

In addition to the Coastal Act Policies mentioned earlier (30210, 30211, 30212, 30220) in this appeal, and quoted from the HMB LCP, the Development is in violation of the following Policies of the Coastal Act:

**Section 30001.5** **Legislative findings and declarations; goals**, states: “(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.”

**Section 30003** **Compliance by public agencies**

“All public agencies and all federal agencies, to the extent possible under federal law or regulations or the United States Constitution, shall comply with the provisions of this division.”

**Section 30004** **Legislative findings and declarations; necessity of continued planning and management**

“(a) To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.” \*Demonstrates HMB’s role & non compliance

**Section 30007.5** **Legislative findings and declarations; resolution of policy conflicts**

“The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources.” \* RBR, as access, is a significant coastal resource.

**Section 30107.5** **Environmentally sensitive area**

“Environmentally sensitive area 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 30116** **Sensitive coastal resource areas**

“(b) Areas possessing significant recreational value.  
(c) Highly scenic areas.  
(e) Special communities or neighborhoods which are significant visitor destination areas.”

**Section 30214** **Implementation of public access policies; legislative intent**

(a) “The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:  
(2) The capacity of the site to sustain use and at what level of intensity.”

**Section 30240** **Environmentally sensitive habitat areas; adjacent developments**

“(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.  
(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. (Amended by Ch. 285, Stats. 1991.)”

**Section 30253** **Minimization of adverse impacts**

“New development shall:  
(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.”

**Section 30604** (d) states: “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).”

The first comprehensive review of the State’s Coastal Access Program, the California Coastal Commission **Public Access Action Plan**, was published in June 1999. It identified the key issues that affect the public’s ability to use and enjoy the coast for recreation, and determined its three top program priorities:

Public Access Action Plan / Executive summary (pg 1)

“The Commission is one of several agencies in California charged with protecting and providing public coastal access. Amendments to the Coastal Act in 1979, for example, created a Joint Access Program between the Commission and the State Coastal Conservancy. That mandate established a unique partnership that gives the Conservancy authorities to fund, acquire, develop and manage access sites in concert with the Commission’s authorities to plan and regulate development that affects coastal access.”

(pg 3) states: “The Coastal Act mandates that development not interfere with the public’s right of access to the sea where acquired through use.”

(pg 12) **Coastal Initiative** states: “This coastal initiative was mirrored in the Commission’s 1997 Strategic Plan that included a goal to ‘improve shoreline access opportunities for the public’ and outlined several actions to attain that objective.”

(pgs 13 &14) **CALIFORNIA COASTAL ACT** states: “The California Coastal Act requires that public access to and along the shoreline be maximized. This legislative mandate of 1976 is consistent with the provisions of Article X Section 4 of the California Constitution which states (already stated earlier). The access policies of the Coastal Act were enacted by the Legislature to advance the goals in Article X. Specifically The access policies of Section 30210 of the Coastal Act provide that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects.

In order to further amplify Coastal Act policies regarding access, the Commission adopted Statewide Interpretive Guidelines in 1981. These guidelines underscore the need for public access, and explain that the burdens created by new private development must be mitigated to provide some public benefit.”

(pg 15) **2. Federal Coastal Zone Management Program**, in part, states: “the Commission’s public access program is responsible for carrying out both state and national access policies.”

(pg 16) states: “The coastal zone is the geographic area subject to the Coastal Act requirements. The land portion of the zone extends the length of the State, from the mean high tide line inland generally 1000 yards, or in significant resource areas, up to five miles inland.” (HMB is entirely in the Coastal Zone, as noted on page 1, Chapter 1: Introduction, of the HMB LCP).

(pg 20) **What is the Public Trust**, states: "The protection of these public areas and the assurance of access to them is founded in the Common Law and the California Constitution and lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the minimization of impacts to access through the regulation of development."

(pg 22) "The Coastal Act mandates that all projects be consistent with the public access policies. To comply with this mandate, the Commission routinely conditions projects to conform to the access requirements."

#### August 21, 2007 HMB Council Meeting Development Presentation

During the presentation by the applicant, to the HMB City Council for project approval, at the August 21st City Council meeting, the applicant made many remarks and references. The only complete video of the meeting can be found on [www.coastsider.com](http://www.coastsider.com). Some of these comments are addressed below.

The applicant identified himself, then gave some OC background and proposed Development background and benefits. He stated that the proposed Development (Carnoustie) complies with all provisions of the Act and our LCP. He then went on to state; 1) " The EIR made it very clear that there are no significant impacts to RBR"; and 2) "the project does not access RBR. There are no driveways and the project is not serviced by RBR. Yes, during temporary construction there will be construction vehicles". 3) Further, the "EIR concluded that there was no vehicular access and therefor no significant impacts". " He additionally stated: 4) "The EIR went as far as to say that 'to impose an obligation to improve RBR here with the absense of any impact or nexus would be illegal'." The applicant went on to refer to HMB LCP Policy 10-32. After commenting that the words adjacent and adjoining are synonyms (they are not), he states: 5) "The issue is what was meant by this Policy? Was it meant that projects that are near a public access road have to contribute to that road even if they're not being serviced by that road? I don't think that was the purpose of that Policy."

The applicant goes on to say that the LCP also says all OC has already been improved; that all open space and all the roads, all the requirements have already been satisfied for 1050 units. He then discusses Chapter 9 of the HMB LCP and states: 6) "if there's any inconsistencies with later adopted Policies and approvals that were granted that the later adopted Policies shouldn't apply. Policy 10-32, for access improvement came way after the 1972 approvals and that's what that provision's for."

In discussing possible RBR improvements, the applicant states: 7) "The problem with improving that road all the way from our maintenance yard to Hwy 1 is that that road, unfortunately, is not in your Right-of-Way (ROW). That road was built south of your ROW. We have surveyed the entire road. About one hundred yards west of the maintenance yard that road turns onto private property, so improving that road in that area would be a very difficult and expensive process." He further states: 8) "Improving the road, in terms of width, ranging from 14' to 18' going north would of course be a very difficult environmental matter because of some of the habitat north of RBR; pretty cumbersome process. The rest of George's letter, arguing about adjoining vs adjacent; I'm not going to respond to that."

The applicant then discusses the HMB Access Fire Code by stating: 9) "The issue of the 20' Fire road that George quotes, that has to do with the primary fire road." He then describes Fire Department access into and for OC. "The Fire Department has looked at this and reviewed the subdivision map and the application and they have no concerns about this." He goes on to

state: 10) "... but let's not confuse, under the banner of Coastal Access and misguided reading of the Policy in your LCP the desire to improve that road for self interest and development purposes."

The forgoing comments by the applicant are inconsistent with existing Coastal and City requirements as follows:

- 1) Please reference the last sentence, first paragraph, of the Executive Summary. I was unable to identify, locate, or define project access anywhere in the EIR. The lack of identifying project access in the EIR is a fundamental flaw in the basis of the EIR, and therefor in the resulting conclusions.
- 2) Project most certainly does access RBR, as well as RBR accesses the project. As previously stated, if RBR is subtracted from the three year project there is no project, as currently proposed.
- 3) Reference 1), above
- 4) absence of any impact or nexus? How would one describe three years of construction traffic exclusively on RBR? Again, reference 1), above
- 5) HMB LCP Policy 10-32 is clearly stated on page 1 of this document. My argument would be that this project is being serviced by RBR, a beach access road, for the full term of construction of the project.
- 6) I address this point when referring to Chapter 9, Policy 9.3.16, of the HMB LCP on pages 1 & 4 of this document. I further address this point on page 4 when referencing Ordinance No. 3-72 of the Business and Professions Code
- 7) This appeal is not intended to specifically address widening RBR west of the maintenance yard. The discussion points are relevant from Hwy 1 west to the maintenance yard (OC). The widening of RBR beyond the maintenance yard would benefit public beach access as would a finished parking lot.
- 8) Whether RBR widening comes from the north side, or the south side, or a combination of both has not been specifically identified to this point.
- 9) I respectfully disagree with the applicant's initial comment. With RBR designated as sole and exclusive access to, and for Carnoustie, and with current usage of RBR discussed in Summary below, (page 1 clearly identified), the applicant does not take into consideration any emergency scenario other than one involving OC. I identified the HMB Fire Code for the current RBR residents and visitors and that is what I've attempted to address.
- 10) These inappropriate comments sound like they might well apply to the applicant; They do not, in any way, apply to my concerns.

Note: The bold print and underlining within quotes is added by the appellant to identify critical elements of the quotation.

## Summary

At the 8/21 City Council meeting the Planning Director commented that this Development has been in the works since 2000. Although that may be accurate, it has absolutely no bearing on the quality or legality of the current proposal. Additionally, although the changes to the proposal from 2000 are helpful, they do not address the voids in the current proposal.

A central issue that needs to be understood is that access to the Development is as much a part of a Development as the Development itself. This is not simply an addition to an existing home, or a remodel of an existing home. The Development encompasses the preparation for, and construction of thirty-two 3,000 sq' to 3568 sq' houses, over a three year period.

It has been clearly established that RBR is a beach access road (HMB LCP). In addition, RBR is a substandard, non-conforming road that averages less than 15' in width from the Infant Toddler Center to the OC maintenance yard. Further, it is clear that the applicant's intent is to use RBR as sole and exclusive access for the Development.

### Current Users of RBR

The Infant Toddler Center currently serves 45 families, with 25 part day employees. Hours of operation are 7:00 AM to 6:00 PM, Monday through Friday. Peak traffic hours for them are 7:00 AM to 9:00 AM for drop off, and 4:00 PM to 6:00 PM for pick up. The Center is located at the northeastern end of RBR, adjacent to SR1. The Center was not notified of the project.

To the west of the Infant Toddler Center are seven homes in OC that back up to RBR on the south side. They were not notified of the project.

A 4-H farm is located on the north side of RBR opposite the OC houses. There is livestock on the farm all 12 months of the year, however, project animals usually come in to the farm in April and go to the San Mateo Co. Fair in August. All those animals are fed twice a day, watered and maintained, year round. The Farm was not notified.

My family and my neighbor (on the same property, to the east side of me) are permanent residents; this Development impacts us as well. We were notified, and commented.

The OC Maintenance Yard is at the end of the proposed construction traffic routing. The Maintenance Yard crews arrive for work Monday through Friday around 6:00 AM, and traverse RBR throughout the course of each day.

Further west, at the end of RBR is a home; generally know as Strawberry Ranch, located south of the makeshift beach parking lot. That home is owned and occupied by a family of 4; two adults, and two young children. They will be impacted by the significant increase of construction traffic on RBR. They were not notified.

Beach access traffic (vehicular, bicycles, and pedestrians), which has increased each year of the 20 years I've lived on RBR, operates every day, all year long and can be expected to increase dramatically with the addition of beach access stairways in the immediate future.

Those that were notified, myself and my immediate neighbor, were afforded the opportunity to address the issues to the appropriate bodies when Agendized. I have done that at every opportunity since the

Development was proposed. Those that were not notified, everyone else mentioned above, were not afforded the opportunity to address the issues at all. How could they?

### Development Preparation

According to the EIR 27,100 cubic yards of 'stockpiled spoils' and soil will be 'exported' from the site, and an additional 8,900 cubic yards of soil will be reused onsite as fill (pg 24). That totals 36,000 cubic yards of soil and stockpiled spoils. That movement and exportation will require trucks and equipment (excavators, grading and loading equipment). An end dump (18 wheeler) can carry 20 yards; however gross vehicle weight limit is 70,000 lbs. That translates into at least 1,700 exported loads, which represents at least 3,400 large truck trips on RBR (in & out) just for exportation. This addresses only initial preparation of the site for the development.

### Development Demands

Throughout the development there will be a constant movement of dirt, trucks, and equipment. Once the site is ready the construction will start, resulting in the importation of materials and the increase of vehicular traffic. Concrete, for example, will be used for foundation, curb & gutter, pads, and sidewalks. A fair estimate of usage is 200 yards per home. Each concrete truck, with 8 yards in it, will weigh approximately 66,000 lbs. (one yard of concrete weighs 4,000 lbs.). 200 yards per/house, times 32 houses, equals 6,400 yards of concrete. At an 8 yard per/load average, that creates 800 loads, or another 1,600 road trips on RBR. After that, add the other materials, workers, and equipment necessary to the Development and one starts to get a fair picture of the scope and size of the Development, and the required road trips in and out of RBR. For example, the Development will require rock and asphalt; building materials (lumber, drywall, masonry, bricks, siding, roofing, electrical, plumbing, landscaping, and more). Each will require more trips in and out of RBR. All of which will increase the burden on residents, pedestrian and bicycle traffic, and beach access users of RBR.

### RBR's Current Capability

Garbage trucks, cement trucks, moving vans and end dumps are all the same size in width, 102", plus mirrors; roughly 10 1/2' in width. On a road with no base rock to speak of, and a thin patchwork of asphalt surface, that averages 14 1/2' in width, one starts to get the magnitude and severity of the hazards to come. How will opposing beach access vehicles deal with it? There are no turnouts or shoulders on RBR. How will current daily users deal with it? What if someone requires emergency services at the beach? What if my house catches on fire; or at Strawberry Ranch? The additional burden of the Development's traffic, daily and cumulatively, far exceeds the safe operational capabilities of a 15' wide RBR. The failure to identify RBR as the sole and exclusive access for the Development in the EIR not only circumvented CEQA requirements, it blindsided almost everyone directly impacted and their interest in addressing their concerns.

### Background Attachments

In preparation for the August 21, 2007, HMB City Council meeting, where this Development was presented for Council approval, I submitted multiple documents to the City. My submissions started on August 13<sup>th</sup>, and continued through the August 21<sup>st</sup> meeting. Those attachments are included here;

a) Cover letter for 5 page document hand delivered to the HMB Planning Director on 8/13, with the next attachment

- b) The 5 page document discussing the 7/26 Planning Commission Hearing on this Development, the HMB LCP, CEQA, Fire Safety, RBR, RBR building Cost, OC Routing Alternative, and Conclusion.
- c) After receiving the City's 112 page Staff Report, and not seeing my prior submissions included as requested, I submitted a letter addressing that and requesting addition to the Staff Report (dated August 18, 2007; City stamped received 2007 Aug 20 AM 11:15).
- d) Half Moon Bay Fire Prevention Bureau, Standard Details and Specifications Manual; (Note the 20' minimum requirement for development; pg 02/06, for Two or More Dwelling Units)
- e) The Oral Presentation I presented to the City Council at the August 21<sup>st</sup> Council meeting regarding the proposed Carnoustie project.
- f) Ordinance 3-72
- g) Ordinances 10-32/10-34
- h) 9.3.16
- i) traffic circulation maps
- j) RBR photos

### Conclusions and Recommendations

The main issues that we face are project access based. The exclusive use of RBR for the estimated three year life of the construction of the Development was never included as part of the Development by the applicant publicly, nor in the EIR. The letter I submitted to the Planning Director on August 13<sup>th</sup> (Attachment b, pg 5) affords the best solution I can think of.

If, as per all the Policies and Codes demonstrated in this complaint, the road is widened to 20' prior to the start of the project, and maintained throughout the project life, as a condition of approval, we can overcome the construction access issue and the burden can be more evenly distributed, which will reasonably mitigate the conflicts on RBR, and significantly reduce public safety concerns. It is clear that the Coastal Act in particular and the HMB LCP require maximum coastal access and seek every opportunity to make it better.

Construction traffic circulation might, most appropriately, ingress RBR and egress OC (see attachment ,maps).\* This traffic pattern would greatly reduce large vehicle opposing traffic congestion/conflicts on RBR and significantly reduce the dangers caused by egressing left turn traffic (northbound) onto SR 1. (the FEIR Traffic and Circulation study of the SR 1/RBR intersection [TRAF-3] considered the increase in traffic on SR 1 due to the additional traffic to be generated by the Carnoustie Development through OC to SR 1. However, it did **not** address a proposed construction traffic increase on RBR, completely ignoring implications of the huge increase in intersecting heavy vehicle traffic at this location and relegating the proposed mitigation measures to monitoring by the City, versus a Condition of Approval, resulting in **none** of the required mitigation). RBR ingress traffic impacts the front of the Toddler Center and two residences, the rear of the 4-H Farm and seven OC residences, and all beach traffic. An OC egress routing, only slightly longer, would traverse wide, well constructed roadways by the rear of 34 houses which are separated from traffic by set-backs, fences and hedge rows. Traffic exiting onto SR 1 would be protected by a traffic light. (most of the materials to be removed from the construction site are the result of stockpiles from the 20 previous OC construction projects, which would have otherwise previously been removed to SR 1 via OC roadways.)

We have the opportunity to make a good Development a great Development, while at the same time applying and following all the laws, and their intent. A 20' RBR will not only benefit the Development, it will serve to benefit HMB and the California public for many years to come, in terms of beach access, public safety, and local traffic.

\*See Attachments – Maps / Photos

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

Mayor Patridge  
Vice Mayor McClung  
Council Member Fraser  
Council Member Grady  
Council Member Muller

To the City Council,

Please find attached, a document submitted to the City for your consideration, regarding the proposed Carnousti Project.

As my family's property abuts the project site, and after significant review of the project, including multiple meetings with the developer of the project, Mr. Russell, I feel it is important for me to put my concerns in writing.

I appreciate the opportunity to express my concerns, and your time and consideration in reviewing them.

Respectfully submitted,

George Muteff

Submitted 8/13/07  
TO: STEVE FLINT

**CARNOUSTIE**

This document specifically addresses construction material transportation issues and the illegal, unsafe and inappropriate use of Redondo Beach Road (RBR) for all development construction traffic without first performing required roadway improvement as proposed by: PDP-087-00 – Coastal Development Permit, Site and Design Permit, Vesting Tentative Subdivision Map, Planned Unit Development Plan, Use Permit and Development Agreement for a 32-lot Residential Subdivision (Carnoustie). Applicant: Ocean Colony Partners, LLC. Location: Within the Half Moon Bay Country Club Planned Unit Development south of Redondo Beach Road. APNs 066-092-250, 066-092-470 and 066-371-160.

LCP/Policy 10-32

At the Planning Commission hearing of July 25, 2007 Bruce Russell stated that "...this project does not **adjoin** RBR, it is not touching that road, and it has no driveway coming off that road. If you look up the definition of **adjoining**, it is not **adjoining** when there is land separating it, and it is not served by RBR; and the policy requirements of the LCP for improving RBR don't apply here."

Mr. Russell went on to state "I don't think it (Policy 10-32) applies because the policy requires that if a development is...**adjoining** an access road, and RBR is a secondary access road, or is serviced by the road, then the developer has to participate in improvements...there is land in between the pavement and the property and it is certainly not serviced. I think the policy is intended to mean a permanent development where residents will utilize the road."

Mr. Russell's casual dismissal of this matter, and what he thinks was intended by the policy, are wrong in several respects.

LCP (LUP) Policy 10-32 makes no mention of **adjoining** properties; it states:

"The City shall require, as a condition of approved private development, the improvement or financial participation in the improvement of all primary and secondary beach access routes indicated on the Land Use Plan Map where development is permitted **adjacent** to such access route **or is served by it.**"

Mr. Russell's definition of **adjoining** is correct, but in attributing this term to Policy 10-32 he is substituting a term that has an entirely different meaning and redefining the entire letter and meaning of the Policy. The definition of "**adjacent**" is very different from **adjoining**.

Submittals 8/1  
TD: STEVE F...

One dictionary definition of **adjacent** is “-neighboring: situated near or close to something or each other, **especially without touching**”.

Another dictionary specifically clarifies the difference: “There is sometimes confusion between **adjacent** and **adjoining**. **Adjacent** things can be close to or next to each other, but not necessarily touching...; **Adjoining** things are next to and touching each other...”

Barron’s Real Estate Dictionary defines **adjacent** as “nearby but not necessarily **adjoining**.”

During the meeting there were comments made by others that showed confusion between these two similar sounding terms, which perhaps explains why Policy 10-32 was not initially applied as it should have been. It seems clear that if Policy 10-32 intended that only properties that actually touch one another was the subject of the policy, then **adjoining** rather than **adjacent** would have been used.

Mr. Russell further contended that “...the LCP says Ocean Colony has already been all built out...and shall be entitled to proceed with 1050 units of development. Then you’ve got a provision that says that if there is any inconsistencies between that section and the others, those sections control. That portion of the LCP build out in the LCP was certified by the Coastal Commission...”

He also commented that “the build out of Ocean Colony was part of that LCP. Redondo Beach Road was shown and there was no requirement in the LCP to improve Redondo Beach Road as part of the build out.”

Mr. Russell’s inference, that the terms of the LCP for the Ocean Colony PUD extend beyond Ocean Colony to supercede other aspects of ‘inconsistent’ LCP policy is, itself, inconsistent with Section 9.3.16 which states “any material change in development from that heretofore approved by the City may require approval from the City (and the Coastal Commission pending certification of the City’s LCP), including a Coastal Development Permit.”

He also indicated that because RBR “was shown”, but not identified for improvement under Policy 10-32, there is consequently no requirement for improvement to RBR for the present day project. In fact, Policy 10-32 exists outside the scope of the original Ocean Colony approval and no provision within Section 9.3.16 supercedes its applicability to the Carnoustie project.

Policy 10-32 unequivocally applies to the Carnoustie Project and Redondo Beach Road, as it is both **adjacent** and **is served by it**.

## California Environmental Quality Act

Redondo Beach Road was not included in the Carnoustie project proposal. Therefore it was not evaluated in the Environmental Impact Report. The after-the-fact attempt to include Redondo Beach Road as an integral/primary element in the development outside of the process requires CEQA review. This conclusion is reinforced by Section 9.3.16 which states "any amendment of the Existing Country Club PUD Approvals shall be subject to environmental review under City CEQA guidelines."

### Fire Safety

The Half Moon Bay Fire Prevention Bureau Standard Details and Specifications Manual for Access and Turnarounds (FPB-2-1) states: "The purpose of these requirements is to provide sufficient access for Fire Department apparatus and other emergency vehicles and to insure adequate room for these vehicles to safely turn around." The Manual further states that "All access road and bridge improvements required under this standard shall be made prior to permit approval or as a condition of permit approval."

For "Two or more dwelling units and all other uses other than subdivision – A minimum of a 20' foot wide road, curb to curb, no parking either side, sufficient off street parking must be provided and fire lanes must be posted." For a subdivision "A minimum 30' foot wide road" is required.

"The Chief, on a site-specific basis may determine if a modification to minimum street...width requirements can be allowed."

The Fire District's stated position on Redondo Beach Road is that, for fire safety and emergency vehicle response, construction (or other) vehicle traffic cannot impede Fire Service ability to respond and such activity on RBR would require a 20 foot wide road or multiple pull-outs along the roadway to provide unimpeded access for fire and police vehicles.

### Redondo Beach Road

RBR is a non-conforming, sub-standard roadway averaging <15 feet wide, with no shoulders and ditches on one or both sides. Additionally, it has an inadequate sub-base which is evidenced by its collapsing surface structure and extremely poor condition. Under the best of circumstances it is only marginally capable of handling normal two way passenger vehicle traffic; many times one vehicle must pull off the road to accommodate opposing traffic.

The road condition is a continuing safety hazard for vehicles as well as pedestrian traffic, which has no alternative to use of the roadway, as no sidewalks or shoulders exist.

RBR is structurally and dimensionally incapable of handling large, heavy weight construction vehicles. Construction vehicles are 8 ½ feet in width, with side view mirrors that extend another foot on either side of the vehicle, for a total width of 10 ½ feet. Add road edge safety margins and the clearance between opposing traffic and the total requirement for two passing construction vehicles is about 26 feet. Additionally, the roadway sub-structure will not support the compression loads exerted by sustained heavy vehicle use.

A 20 foot wide roadway could accommodate one-way heavy construction traffic simultaneously with smaller vehicle (passenger vehicles and light trucks) opposing traffic.

#### RBR Building Cost

RBR is approximately one half mile in length from Highway 1 to the Ocean Colony Maintenance Yard. A 20 foot wide roadway with an adequate >one foot rock base would cost about \$450,000 to \$500,000. This would add about \$15,000 per unit to the cost of the 32 unit Carnoustie project or about 9% to the already projected payments of \$5,056,000 to the City of Half Moon Bay.

From a strictly financial point of view the existing financial incentives proposed to the City appear to provide 'fair' compensation to the community. However, the required improvements to RBR would, in the abstract area of 'fairness', provide a 'more fair' compensation to the community and not materially affect the developer's fair and reasonable margin of profit.

The post-construction costs to Carnoustie to "regrind, re-compact and repave RBR", already proposed by Mr. Russell, would be eliminated or reduced to simple repair of damage to the roadway, reducing the overall cost of improvement.

The City of HMB could further benefit from this road improvement by using approximately \$250,000 of the \$1,000,000 to be received from Carnoustie for traffic mitigation to improve the remaining three-tenths mile from the OC Maintenance Yard to the end of the road. Building both segments of the road at the same time would be more efficient, greatly enhance public safety and improve access for the public to the future stairs to be built at the end of the roadway.

The improved stairway access to the beach will rapidly become public knowledge and the resulting increase in traffic will exacerbate the already existing traffic safety issues unless action is taken to eliminate the problem. Unsafe roadway access could place the new stairs in the category of an 'attractive nuisance' and increase the City's liability exposure. Additionally, completing the entire roadway project would enhance the California Coastal Commission's program for improved public beach access as well as providing a safe Tsunami emergency evacuation route.

#### Ocean Colony Routing Alternative

Internal OC roadways provide several alternatives to the exclusive use of RBR for Carnoustie development. These roadways were used for all twenty OC projects from the HMB Country Club sub 2-72 to Turnberry II sub 07-88. Fairway Drive, 34 feet wide, connects to Bayhill Road, 28 feet wide, leading to Carnoustie.

The use of OC roadways for all construction traffic does not appear desirable for a number of reasons. However, accessing the building site with loaded heavy weight vehicles along an improved RBR and exiting through OC with empty vehicles has several advantages. There would be no opposing large vehicle traffic on RBR and exiting vehicles would have the advantage of the traffic light to execute left hand turns on Hwy 1 northbound, eliminating a potentially dangerous nexus at RBR and Hwy 1.

#### Conclusions

There are numerous overriding legal, public safety and fairness issues, as well as economic considerations, that impact the requirement for improving RBR as a Condition of Approval for Carnoustie. It appears that improving RBR will bring the project into complete compliance with these requirements, satisfy other community needs, and make a good project even better.

Please include this document as a part of PDP- 087-00 for City Council consideration of the Carnoustie CDP.

ATTACHMENT 2)

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

CITY CLERK - HMB  
2007 AUG 20 AM 11:15

August 18, 2007

City Council  
City Manager  
City Planning Director:

Subject: PDP-087-00 (Carnoustie)

Dear City Council, City Manager and Planning Director:

On Monday, August 13<sup>th</sup>, I submitted two documents in regard to Carnoustie to the City and subsequently emailed those documents, detailing my concerns, to all Council members and Planning Commissioners. I personally provided the documents to the Planning Director, Mr. Flint, at approximately 10:30 AM. When I handed the documents to Mr. Flint I specifically asked if the submission was early enough to allow time for staff to review the documents and provide comment for inclusion in the Staff Report along with the documents; he said yes. I went to great lengths to communicate with Mr. Flint, prior to submission of the documents, to ensure I met the City's timeline for discovery and inclusion in the Staff Report.

The entire purpose of getting my concerns documented, and submitted to the City by August 13<sup>th</sup>, for the Council meeting of August 21<sup>st</sup>, was to allow City staff time to review the information provided, respond to my concerns, and include comments and the documents in the Staff Report. I received the Staff Report Thursday, August 16<sup>th</sup>, at approximately 4:45 PM after calling the City and requesting a copy. The Report is 112 pages in length, with multiple attachments. Not only are my documents not included in the Report, there is no mention of them in the Report.

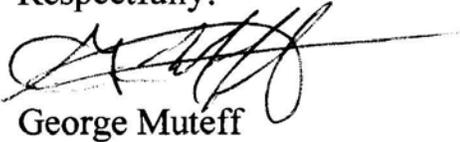
Although I am not a principal in PDP-087-00 I am one of two parties materially affected by this proposal and should be entitled, and in fact have a moral obligation, to identify issues of fact not presented by the principals. I believe it is entirely appropriate and essential that the Council and the public be made aware of the facts I presented to the City in the afore mentioned documents by placing them in the Staff Report.

Please place my documents on the record by including them in the Staff Report for PDP-087-00 as requested. I believe the legal, public safety, ethical and financial information contained in these documents is critical to the Council's determination of the Conditions

Exhibit 1  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
Appeal & Supplemental Material by George  
Muteff  
Page 24 of 59 pages

of Approval for this project, and to the future well being of our City. Please include this letter in the Staff Report.

Respectfully:

A handwritten signature in black ink, appearing to read "George Muteff", with a long horizontal line extending to the right.

George Muteff

ATTACHMENT d)



Half Moon Bay Fire Prevention Bureau  
Standard Details and Specifications Manual

Section: Response Effective: Feb. 4, 1997  
Title: Access Roads & Turnarounds Revised: Sept. 5, 2000  
Number: FPB-2-1

Approved: *James Curde*

Purpose:

The purpose of these requirements is to provide sufficient access for Fire Department apparatus and other emergency vehicles and to insure adequate room for these vehicles to safely turn around. The following are the basic requirements for access road widths in the Half Moon Bay Fire District. Access roads widths shall be maintained to these standards at all times.

General:

Roads that do not meet the specifications of the District can result in a delayed response from the Department due to difficult access for apparatus. Any delayed response can result in a major impact on the property involved or the person having a fire, rescue or medical emergency.

Procedure:

**ACCESS ROAD REQUIREMENTS:**

Fire apparatus roads shall be provided for every facility, building or portion of a building constructed or moved into or within the Half Moon Bay Fire Protection District.

- ◆ Access roads shall be in place before framing construction can begin.
- ◆ All access road and bridge improvements required under this standard shall be made prior to permit approval or as a condition of permit approval.

**ACCESS ROAD SPECIFICATIONS**

**CLEARANCE:** Fire apparatus access roads, for all occupancies, shall have an unobstructed vertical clearance of not less than 14 feet 7 inches. The Chief, on a site-specific basis may determine if a modification to minimum street height and width requirements can be allowed.

Send revision comments to Fire Marshal



## Half Moon Bay Fire Prevention Bureau

### Standard Details and Specifications Manual

Obstruction of the road widths as required below, including the parking of vehicles, shall be prohibited as required by the Uniform Fire Code.

#### AGRICULTURAL STRUCTURE IE; BARN, SHED, GREENHOUSE, ETC.

A minimum of a 12' foot wide road with turnouts located at a maximum of every 500 feet on center as measured from the structure to the nearest maintained public road.

Turnouts are required to be a minimum width of 12' feet and a minimum length of 30' feet, with 15' foot tapers to provide a minimum 24' foot wide roadway.

#### SINGLE DWELLING UNIT

A minimum of a 16' foot wide road, curb to curb, no parking either side and a turn around if a dead end road exceeds 150 feet. Widths shall be increased, when in the opinion of the Chief, roads are not adequate to provide fire apparatus access.

#### TWO OR MORE DWELLING UNITS AND ALL OTHER USES OTHER THAN SUBDIVISION

A minimum of a 20' foot wide road, curb to curb, no parking either side, sufficient off street parking must be provided and fire lanes must be posted.

A minimum of a 30' foot wide road, curb to curb - parking on one side only and fire lanes must be posted.

#### SUBDIVISION

A minimum of a 30' foot wide road, curb to curb - parking on one side only and fire lanes must be posted.

A minimum of a 36' foot wide road, curb to curb - which allows for parking both sides and two-way traffic.

Send revision comments to Fire Marshal

P-2-1 Page 2

Access & Turnarounds

Exhibit 1  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
Appeal & Supplemental Material by George Muteff  
Page 27 of 59 pages

August 21, 2007 ORAL PRESENTATION TO CITY COUNCIL

I have spoken to this project at every Planning Commission meeting and every Council meeting when it was Agendized. I have spoken with the developer of this proposed project multiple times. At each opportunity I expressed my concerns. Each time, my concerns have been consistent. This project was introduced to the prior PC & Council. It has been revised & presented to this Council. I do not oppose this project, and have stated such multiple times, to each governing body, and to the developer.

Although I have several concerns, my primary concern is the proposed access to the project; RBR. The last time this project was on the Council's Agenda I addressed this issue. Perhaps you remember. RBR is a sub-standard, non conforming road, currently serving the Infant Toddler Center, all OC maintenance crew access, beach access, a 4-H farm, and three residences.

At the July 26<sup>th</sup> PC meeting, this project was Agendized and addressed. The developer made it quite clear that his intention was to use RBR as the sole access for construction of the Carnoustie Project, as he has with me. I stated my concerns on this. As in the past, I offered multiple alternatives; to no avail.

As background, OC has had many projects since they bought the ground from my family in the 70's. To the best of my knowledge, access to each one has been through OC (Please see attachment for detail). None have used RBR. Why, then, would the City allow precedence in this case. I certainly understand the OCHOA not wanting the construction traffic in their neighborhood. I feel the same way. However, RBR is approximately 14' wide with no shoulders, not designed for the stresses in weight & volume of construction traffic, and well traveled daily (vehicles & pedestrians) for beach access. As opposed, say, to Bayhill Rd., which is 28', with the rock base to handle the load, directly behind our property leading directly to the project, with no beach access. Fairway Drive (34') to Bayhill Road (28') leads directly to the project.

What I would like to see is all construction traffic go through OC. I suggested a traffic study be done, with road index data so we'd have a solid basis for discussion. Alternatives I've offered would include splitting the traffic 50/50 (in one & out the other), & widening RBR. Woven through all the sub issues is public safety, beach access, and the law. An 18 wheeler (or concrete truck) is 8 1/2' wide without mirrors; add a foot on each side for them. That's 10 1/2' in width. The road is 14' wide, with no shoulders or turnouts.

If RBR is to be used as the access for the project, then the EIR is flawed, as RBR is part of the project (sole & primary access). As such, there will be a significant environmental

impact, which was not addressed in the EIR, and has not been mitigated. CEQA would require discussion, and has not.

In conclusion, I would pose the following two options and comments;

- 1) This Council has the option of interpreting the laws as written and intended, thereby enforcing those laws by applying them as conditions of approval; or
- 2) Ignore the laws, along with the prior notice of the applicable laws, pass this project only to have it come back to cost us all.

This is a supportable project, with the proper conditions of approval. Asking this developer to follow all the laws regarding Carnoustie does not take away from the agreement; it adds to it for the entire City. It is my fervent hope that this Council weighs all the evidence fairly and completely in making your decision, and add the conditions of approval that would make this project follow the law. Reiterating a comment from the document I served the City a week ago last Monday; 'It appears that improving RBR will bring the project into complete compliance with these requirements, satisfy other community needs, and make a good project even better'. I am submitting this for the record.

Attached, please find:

HMB Fire Codes

OC project histories

City Codes:

LCP, Chapter 9 / 9.3.16

LCP, Chapter 10 / 10-32, 10-33, 10-34

ORDINANCE NO. 3 - 72

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE 8 - 63) TO REZONE CERTAIN LANDS TO PLANNED UNIT (P-U) DEVELOPMENT, APPROVE THE SKETCH PLAN RELATING THERETO, AND IMPOSE CERTAIN CONDITIONS IN CONJUNCTION THEREWITH (HALF MOON BAY COUNTRY CLUB; DEANE & DEANE)

The City Council of the City of Half Moon Bay does ordain as follows:

Section 5. Public Access to Beach. It is hereby determined that public access to beach as required by Section 11610.5 of the Business and Professions Code is to be provided by use of Redondo Beach Road and Miramontes Point Road, and that developer shall be required, at City's option, to participate in an assessment district for the purpose of improving said streets.

Introduced at a regular meeting of the City Council of the City of Half Moon Bay, on January 18, 1972.

Passed and adopted at a regular meeting of said City Council on February 1, 1972, by the following vote:

AYES, and in favor of the passage and adoption of the ordinance: Councilman Marmont, Cardoni, Fera, & ...

NOES: None

ABSENT: Councilman Pampati

[Signature]  
Mayor

ATTEST:

Policy 10-30

The City will require that CalTrans, in connection with improvements to Highways 1 and 92 in the City, provide adjacent facilities for bicycles and pedestrians. When the facilities are adjacent to each other, there shall be a physical barrier.

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.

Policy 10-32

The City shall require, as a condition of approved private development, the improvement or financial participation in the improvement of all primary and secondary beach access routes indicated on the Land Use Plan Map where development is permitted adjacent to such access route or is served by it.

Policy 10-33

The City will enforce parking regulations on beach access routes which are City streets.

Policy 10-34

The City will limit access to new development from designated beach access routes, Highways 1 and 92, except where no alternative access is possible, consistent with public safety and enhanced circulation of visitors and residents.

Policy 10-35

The City shall seek to improve east-west connections between the downtown core and nearby neighborhoods which will alleviate resident traffic on Highway 1 and shall install traffic diverters to achieve a greater separation of local and visitor traffic.



Half Moon Bay Country Club is a 278-acre residential, recreational, and commercial Planned Unit Development (Country Club PUD) which was fully approved by the City in compliance with all applicable State land use and environmental statutes and local ordinances prior to the adoption of Proposition 20 in 1972. The Country Club PUD is located west of Highway 1 in the southern portion of the City between Redondo Beach Road and Miramontes Point Road. The following improvements have already been completed: all of the streets and utilities (i.e. sewer, water, street lighting, etc.) for the entire Country Club PUD, all of the perimeter walls and fences for the entire Country Club PUD, the ±145-acre, 18-hole golf course, the treated waste-water pumping station, pipeline, and irrigation system, the related series of lakes, the motel and commercial complex along Highway 1, the pro shop, tennis courts, indoor swimming pool, athletic club and restaurant, about 189 dwelling units, retaining walls, a tot lot, and an improved trail for lateral coastal access which is subject to a recorded offer of dedication. ~~When all of the approved improvements have been completed, the Country Club PUD will include up to 1,050 dwelling units and a hotel complex with up to 414 rooms at the end of Miramontes Point Road.~~

The existing improvements have been completed in accordance with ~~City PUD Ordinance Nos. 3-72, 10-74, and 5-75~~ (land use ordinances which apply specifically to the Country Club PUD), the subdivision improvement agreement between the developer and the City, and the final subdivision map for the Country Club PUD (hereinafter collectively called the "Existing Country Club PUD Approvals"). ~~The Existing Country Club PUD Approvals will govern and control completion of the remaining approved development within the Country Club PUD.~~ Among other things, the Existing Country Club PUD Approvals establish the locations of roads and utilities, structures, the amount and location of open space, public and commercial recreation, and residential and commercial use. In addition, as a practical matter, the existing approved development (in particular, the streets and utilities, all of which have been completed, the golf course, the series of lakes, and the commercial and recreational facilities) dictate that the Country Club PUD must be completed in accordance with the density, location, and other development parameters set forth in the Existing Country Club PUD Approvals.

In *Sierra Club v. Coastal Zone Conservation Commission*, 58 Cal. App. 3d 149 (1976) (hearing denied July 8, 1976), the courts of the State of California held that the developer had obtained a ~~vested right to develop free of any Coastal Act (and, therefore, LCA) requirements these improvements which, as a practical matter, dictate the density, location, and other parameters for completion of the Country Club PUD.~~ The exempt improvements include the golf course, the hotel, golf and tennis pro shops, the perimeter walls and fences, all of the streets and utilities, retaining walls, steps from Half Moon Bay Country Club to the beach, the tennis

courts, the swimming pool, the gate house, and the sewage treatment facility (58 Cal. App. 3d, at 153). As a consequence of the existing exempt development, conditions imposed by land use approvals granted prior to adoption of Proposition 20, and the residential development heretofore approved by the Coastal Commission, the Country Club PUD has been committed to build-out in accordance with the Existing Country Club PUD Approvals. However, any material change in development from that heretofore approved by the City may require approvals from the City (and the Coastal Commission pending certification of the City's LCP). Including a Coastal Development Permit.

While the overall development of the Country Club PUD is controlled by the Existing Country Club PUD Approvals, and while the density, location, and type of future development has already been determined by the existing development, ~~the Coastal Commission has required permits for specific residential developments within the Country Club PUD.~~ Over the years the developer has applied for, and obtained, Coastal Permits for the development of 12 residential subdivisions within the Country Club PUD, comprising 189 dwelling units. In the process of obtaining those permits, the developer has recorded various covenants and restrictions establishing design review controls acceptable to the Coastal Commission, and has approved and recorded an offer to dedicate a lateral trail across the Country Club PUD in a location approved by the Coastal Commission.

Completion of the Country Club PUD in accordance with the Existing Country Club PUD Approvals will provide significant recreational and visitor-serving opportunities, coastal access, and additional residential opportunities within an established neighborhood with an existing urban infrastructure capable of accommodating such development.

#### Proposed Development Conditions

- a) The Country Club PUD shall be completed in accordance with the Existing Country Club PUD Approvals and the provisions of that certain instrument entitled "Offer To Dedicate Trail Easement and Declaration of Covenants and Restrictions" recorded in the Office of the Recorder of the County of San Mateo, State of California, on August 21, 1981, as Instrument No. 80020AS.

~~In the event of any conflict between the development conditions in this Section 9.3.16 and any other policy in this Plan, the development conditions in this Section 9.3.16 shall control~~ in recognition of the fact that the Country Club PUD has been committed to build-out in accordance with the land use approvals granted, and the conditions imposed, prior to adoption of this Plan.

- b) ~~Any amendment~~ of the Existing Country Club PUD Approvals shall be subject to environmental review under City CEQA guidelines.

- c) A maximum of 1,050 (about 861 new) residential units may be developed on the site. A maximum of 414 hotel/motel rooms may be developed. Any such development outside the hotel site identified in the Existing Country Club PUD Approvals shall be limited to a maximum density of 20 rooms per acre.
- d) In order to better provide the types of housing required by the City (requirements which may change over time from those projected in 1972), the City shall, within the density and other development parameters established by the Existing Country Club PUD Approvals, consider favorably applications for lot line adjustments and similar changes to the final subdivision map for the Country Club PUD designed to accommodate current residential needs and demands. Any such lot line adjustment or similar change shall not constitute an amendment of this Plan so long as it does not change the density and other development parameters for the overall Country Club PUD.

#### Policy 9.3.17 South Main Street/Cassinelli

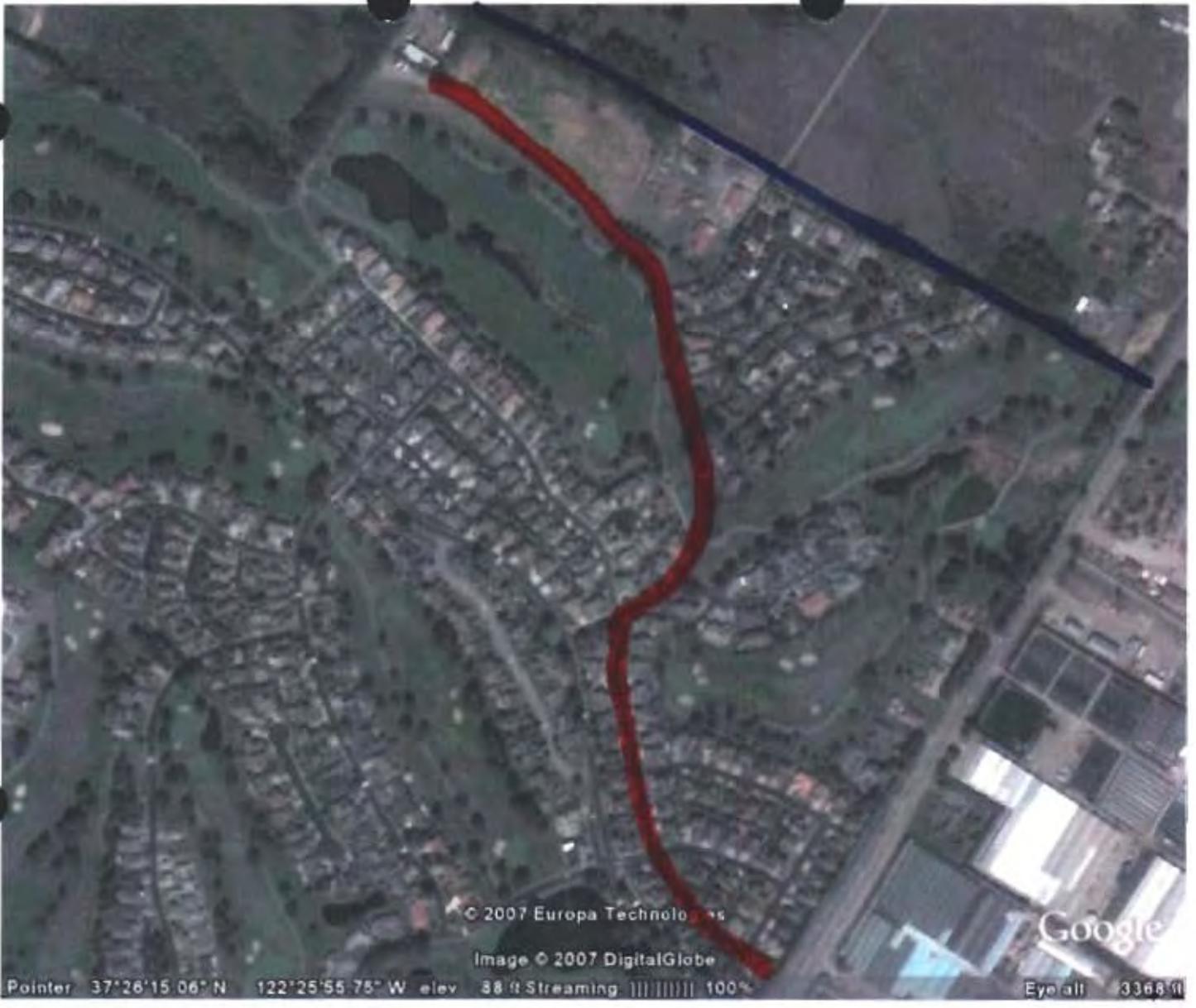
This area contains 4.5 acres of land east of Main Street in a strip 200 feet wide from Magnolia Street to about 500 feet north of Higgins/Puissima Road. The area is unsubdivided, but is bordered on the north by high density housing, on the south by a telephone company warehouse, on the east by agricultural lands in the County, and on the west (across Main Street) by an automobile dealership. Although the site contains Class I soils, it has not been leased for farming in recent years, nor has a 100-foot strip immediately adjacent in the County.

#### Alternatives

Like other prime agricultural lands in the central portion of the City, the Coastal Act's highest priority for this area would be for strengthened agricultural use. In particular, the site's contiguity to a large productive parcel and previous history of being farmed in conjunction with that area are beneficial. Nevertheless, urban development now borders the property, and this portion of Main Street has been beautified and sidewalks have been installed in anticipation of development. One development proposal for the site was suggested in recent years but not implemented: a high density subsidized housing project. Uses which do not include residents, however would pose many fewer conflicts with the adjacent uses.

#### Proposed Development Conditions:

- a) A specific plan shall be prepared for all site development as part of any application for a permit on the site.







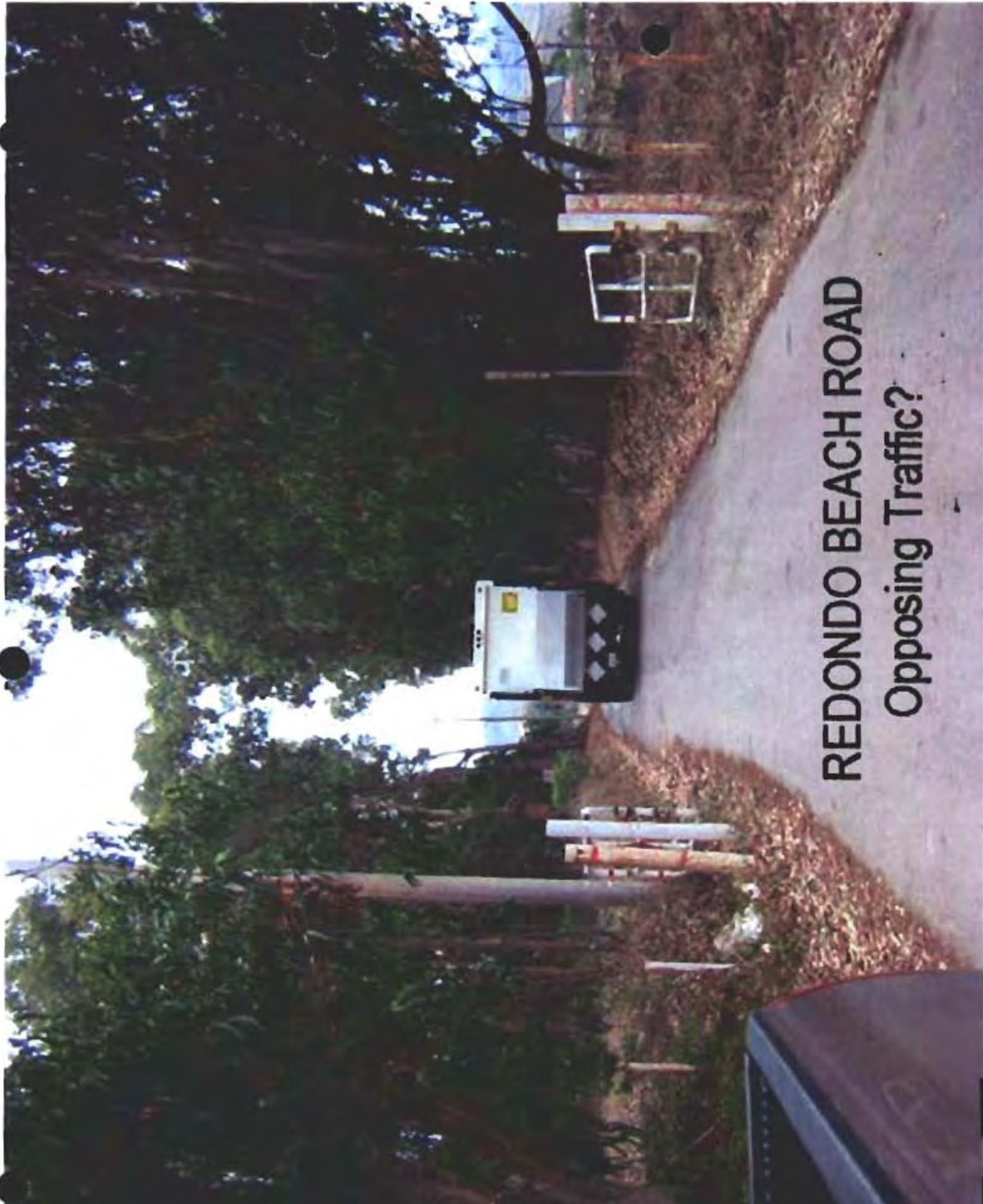
COASTSIDE INQUIRY  
11000 11000

REDONDO BEACH ROAD  
11000 11000  
Addler Condo  
Redondo Beach

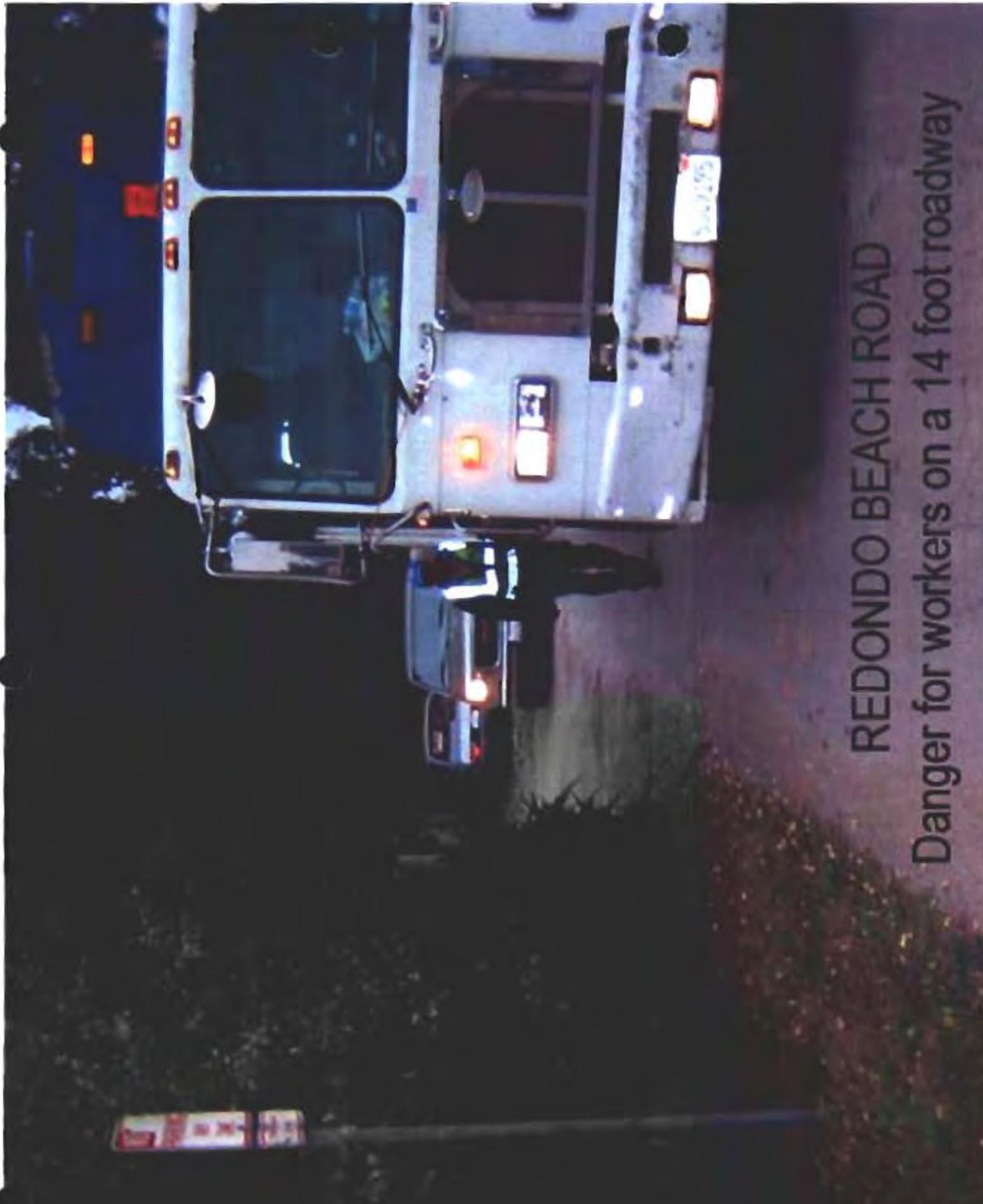


REDONDO BEACH ROAD  
struction truck trying to pass a  
beach access visitor at 18 foot width

Exhibit 1  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
Appeal & Supplemental Material by George Muteff  
Page 38 of 59 pages



# REDONDO BEACH ROAD Opposing Traffic?



# REDONDO BEACH ROAD Danger for workers on a 14 foot roadway



REDONDO BEACH ROAD  
visibility conditions for opposing traffic

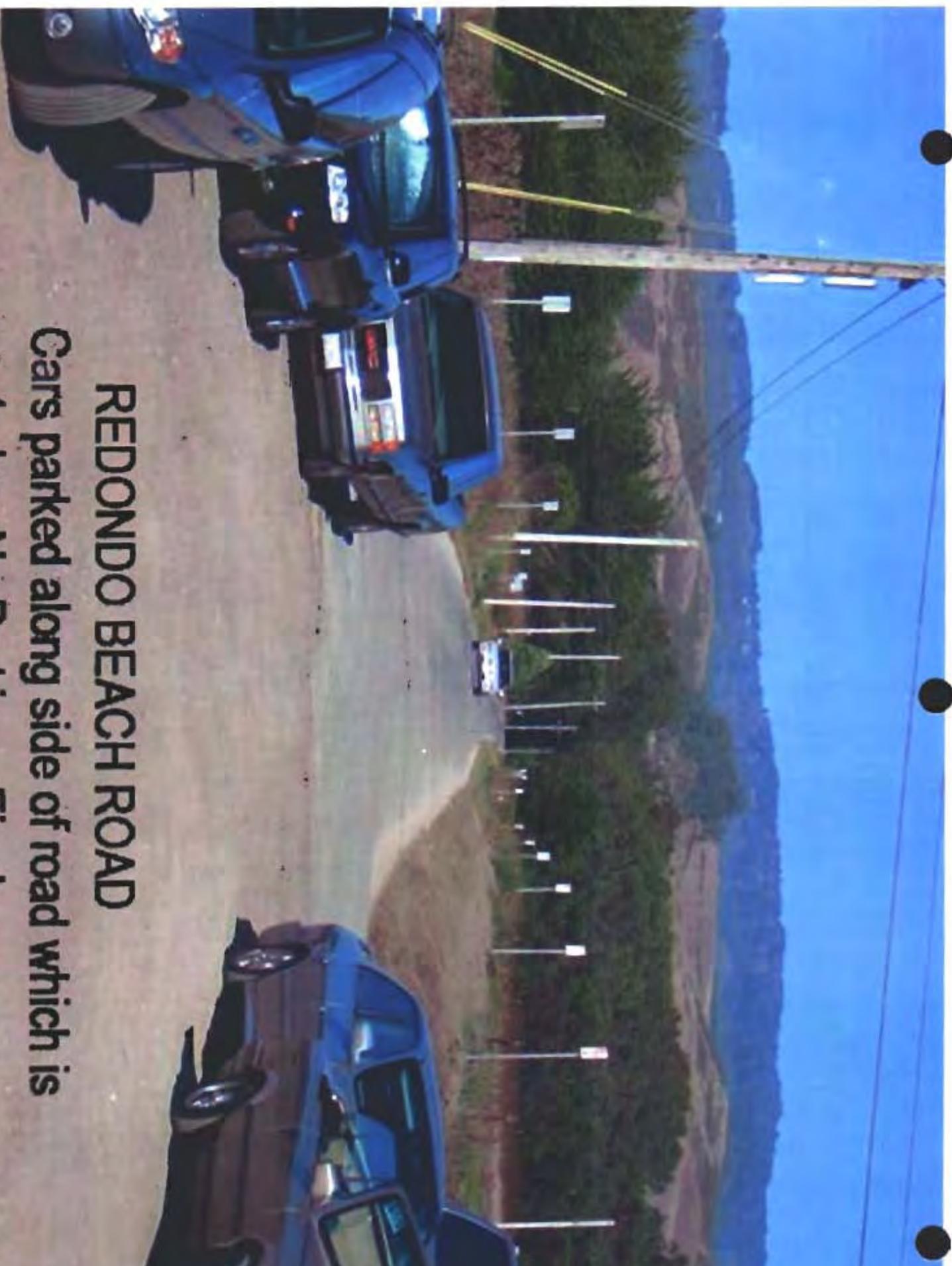
2

**REDONDO BEACH ROAD**

**Looking east - Dip in roadway close to  
Ocean Colony construction storage area entrance**



REDONDO BEACH ROAD  
Cars parked along side of road which is  
posted as No Parking - Fire Lane



5

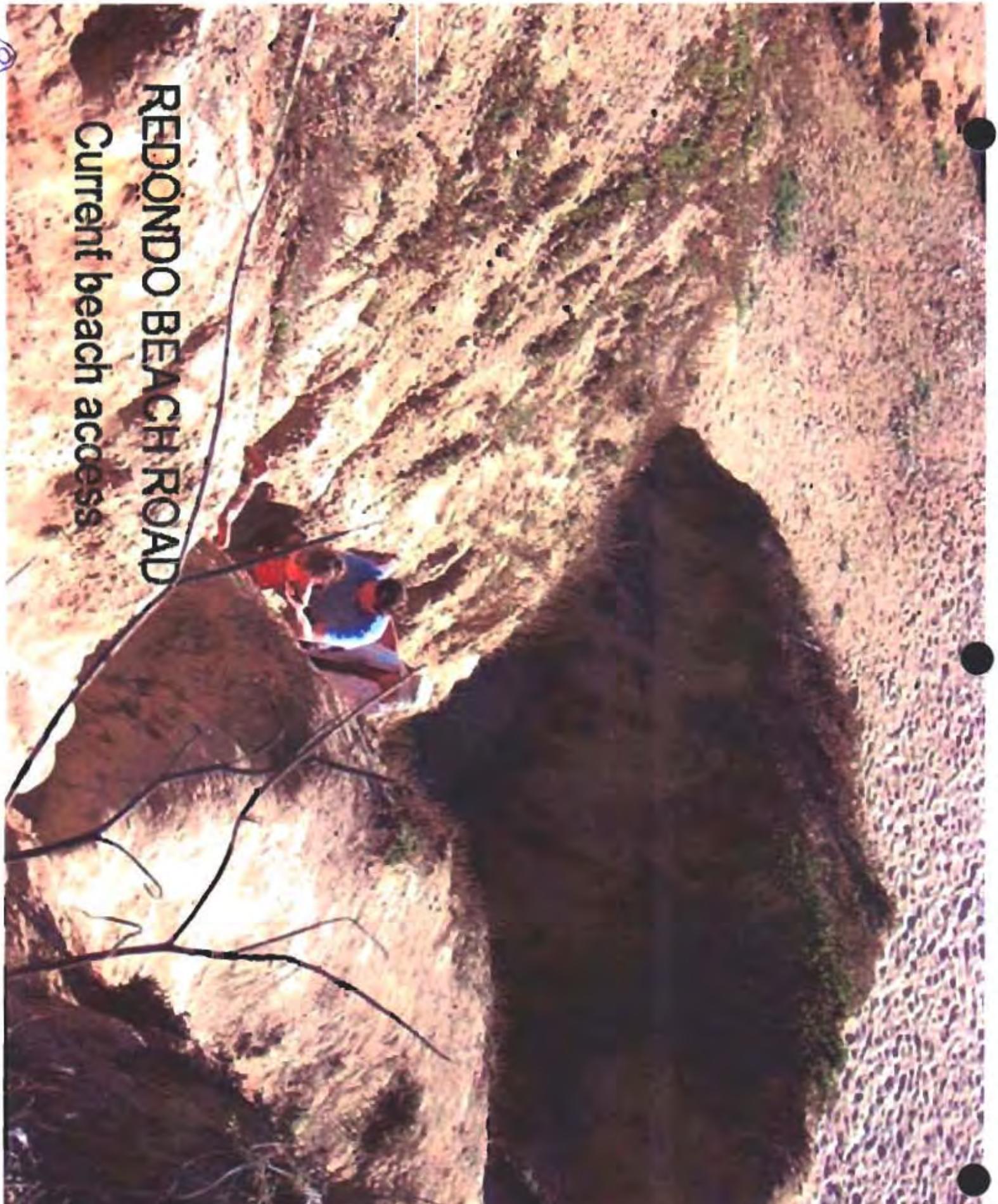
REDONDO BEACH ROAD  
Parking area at west end  
above beach



(9)

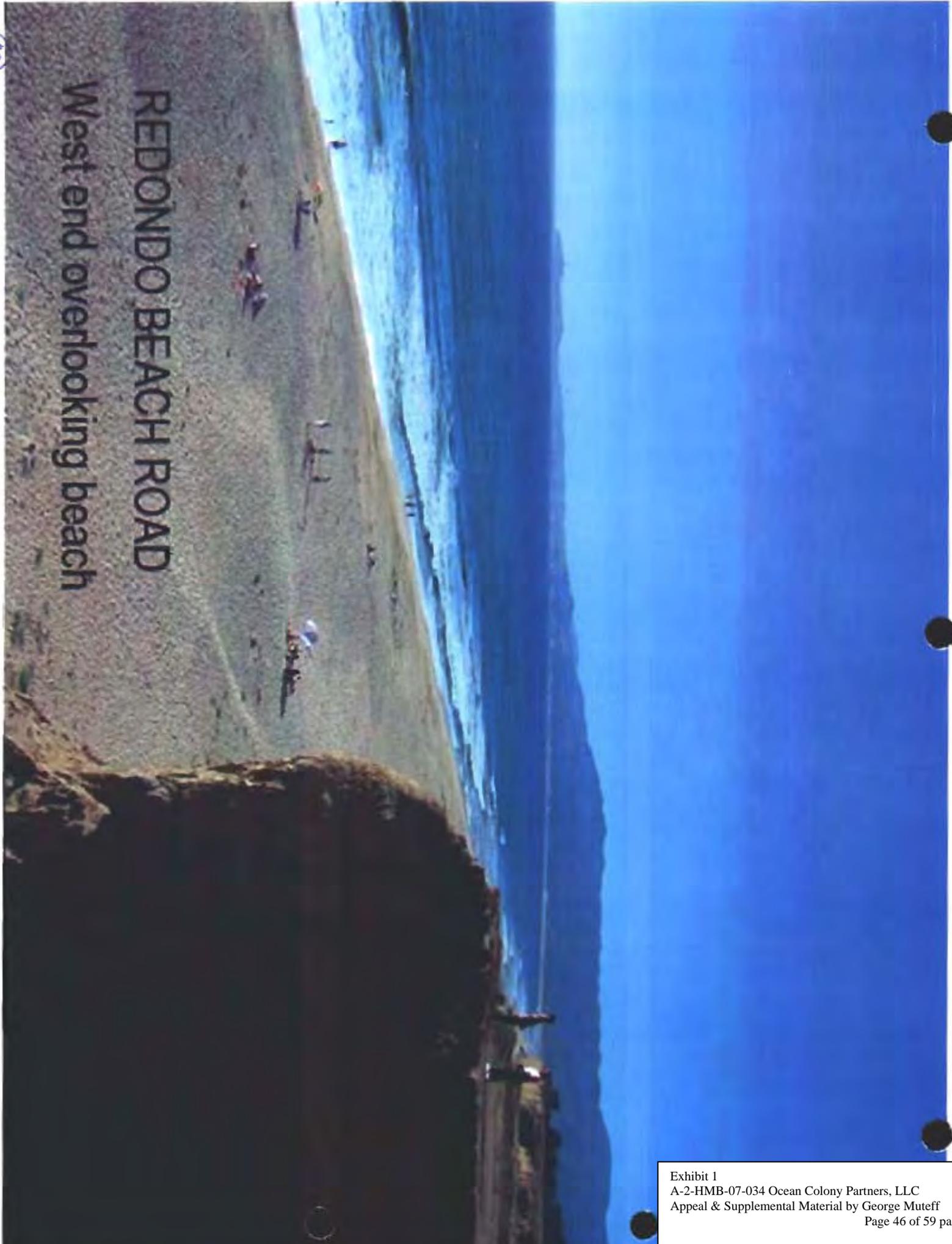
# REDONDO BEACH ROAD

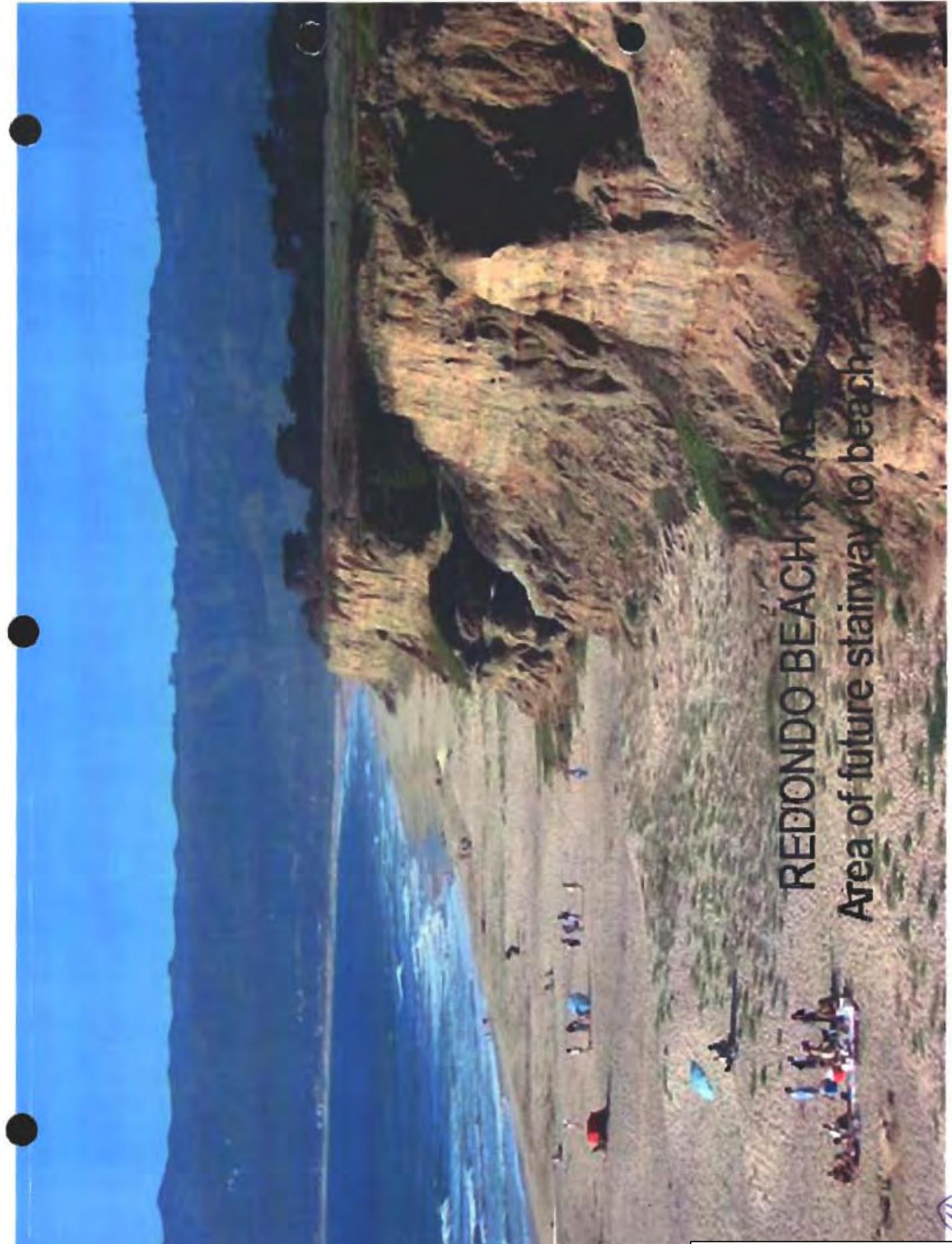
## Current beach access



10

REDONDO BEACH ROAD  
West end overlooking beach





**REDONDO BEACH ROAD**  
**Area of future stairway to beach**

**SUPPLEMENT NUMBER 1 to appeal from coastal permit decision of  
Local Government**

**Half Moon Bay**

**File: PDP-87-00**

**Applicant: Ocean Colony Partners**

**Date of City Action: August 21, 2007**

**Project Name: Carnoustie**

**APNs: 066-092-250 / 066-092-470 / 066-371-160**

**Date Filed: September 11, 2007**

**Reference California Coastal Commission, North Central Coast  
District, letter, August 21, 2007, to City Council, City of Half Moon Bay  
Re: PDP-87-00, Carnoustie Residential Development**

**This letter contains Coastal Commission staff comments and concerns about public access and traffic capacity. It states, "with respect to public access and traffic capacity, we understand that the project will be providing access enhancements to and along Redondo Beach Road as required by the LCP."**

**"Enhancements to and along RBR" were not included in the project as required by the HMB LCP (Chapter 2, Land Use Plan, 1.1, paragraph 4, page 15) which states: "The City's General Plan must provide for the social and economic needs of its residents. Those needs include housing...police protection, fire protection, health and social services..." Non compliance with the fire protection provision of the afore-stated LCP requirement is documented in Attachments 'B', 'D', and elsewhere, in the Appeal.**

**On August 21, 2007 the City Council voted to approve the Carnoustie project. At that meeting the Project Applicant, responding to my address to the Council, stated, "Final comment I would make is that I appreciate the gratuitous offer by George to have us, in addition to \$5 million, contribute another \$ ½ million to improve the road in front of his property, but I don't think that is warranted. I don't think the EIR concerns an impact. I don't think it was part of the Development Agreement and I don't think it would be fair to impose any further obligation on this project to improve a road that serves one piece of property fundamentally." "In terms of coastal access, the Coastal Commission has written you a letter indicating that the improvements**

**that we're proposing are sufficient from their standpoint to improve the public access to the coast and they have no concerns as to further improvements to RBR."**

**The Applicant misstated a number of the issues I had just addressed to the Council. However, his assertions in regard to the Coastal Commission letter were particularly misleading in that they did not reflect the unfulfilled understanding by the Commission that "...the project will be providing access enhancements to and along Redondo Beach Road as required by the LCP."**

**Additionally, the project, by failing to include Redondo Beach Road within its construction support parameters, excluded it from the Environmental Impact Report, circumventing the CEQA requirements of the HMB LCP ( Chapter 3, Existing Regulations, paragraph 6, pages 53/54) which states, "This law requires that projects (public and private) must undergo environmental review."**

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94104-2219  
VOICE AND TDD: (415) 884-3300  
FAX: (415) 884-3100

CITY CLERK - HMB

2007 AUG 21 PM 4:41



August 21, 2007

PLANNING DEPT.

City Council  
City of Half Moon Bay  
501 Main Street  
Half Moon Bay, CA 94019  
Attn: Steve Flint

AUG 21 2007

RECEIVED

CALIFORNIA  
COASTAL COMMISSION

OCT 23 2007

RECEIVED

RE: PDP-87-00, Carnousie Residential Development

Honorable Council Members,

Please accept these Coastal Commission staff comments on the above-referenced item. Commission staff previously provided comments on this item to your planning commission, at which time we raised concerns about possible LCP issues related to wetland/riparian setbacks, monarch butterfly habitat, public access and traffic capacity. We would like the Council to be aware that since our comment letter we have met with the project applicant and conducted a site visit of the project location. Based on this meeting, it appears that the applicant has taken significant action to address our various concerns. We understand that the project has been designed to meet the required setback for riparian areas, and that additional mitigation measures, including those designed to address potential impacts to California Red-legged frog and Monarch butterflies, have been incorporated into the project.

With respect to public access and traffic capacity, we understand that the project will be providing access enhancements to and along Redondo Beach Road as required by the LCP. With respect to cumulative traffic capacity and mitigation requirements, we also understand that the applicant is proposing to retire various vacant lots that they own in the vicinity of the project, in an effort to offset the creation of new buildable lots in the City of Half Moon Bay. In addition, as conditioned, the project includes more than \$1,000,000 in traffic mitigation fees to address cumulative traffic conditions. Although we have not been able to fully analyze the details of the proposed lot retirement, we support the use of a lot retirement program to address cumulative traffic concerns. Coupled with the mitigation fees, it appears that significant commitments to traffic mitigation will be included in the project.

Sincerely,

Michael Endicott  
North Central Coast Supervisor

Cc: Bruce Russell, Kenmark

California Coastal Commission  
North Central Coast District  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

October 8, 2007

RECEIVED

OCT 12 2007

CALIFORNIA  
COASTAL COMMISSION

Attn: YinLan Zhang  
Coastal Program Analyst

Re: Appeal Supplement No. 2 (PDP-87-00, Carnoustie Residential  
Development)

Commission Members:

Please find attached Supplement No. 2 to my Appeal of September 11, 2007  
to PDP-87-00, Carnoustie Residential Development. The primary focus of  
this Supplement is the legal requirements for the Carnoustie developer and  
the City of Half Moon Bay to include Redondo Beach Road in the project.

Thank you for your consideration.



George M. Muteff  
408 Redondo Beach Road  
Half Moon Bay, CA 94019  
650 726-6778

Atch  
Supplement No. 2  
w/atchs

October 8, 2007

SUPPLEMENT NUMBER 2 to appeal from coastal permit decision of Local Government

Half Moon Bay

File: PDP-87-00

Applicant: Ocean Colony Partners

Date of City Action: August 21, 2007

Project Name: Carnoustie

APNs: 066-092-250 / 066-092-470 / 066-371-160

Date Filed: September 11, 2007

1. This Supplement addresses the legal requirements for the Carnoustie developer and the City of Half Moon Bay to include Redondo Beach Road (RBR) in the project and the consequential violations of the HMB LCP because of its exclusion. It further documents specific EIR omissions resulting from said exclusion.
2. California Code of Regulations (CCR) Section 15123 (a), Summary, states: "An EIR shall contain a brief summary of the proposed actions and its consequences. (b) The summary shall identify: (2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public ..."
3. The Final Environmental Impact Report, para 1, (p. 7), states: "Potential areas of controversy that were raised by city staff, the project applicant, and other interested parties include traffic and circulation..." Para 2 cites "Traffic and Circulation" as posing a significant impact without mitigation.
4. **In contrast** to the CCR requirements stated above, the EIR documents its failure to address the issue of the Carnoustie project construction traffic sole use of Redondo Beach Road, as raised by the public, [Section 15123 (b) (2)]; nor are the consequences of such use addressed, as required by Section 15123 (a).
5. EIR, Impact and Mitigation Measures, (p.71) addresses the consequences of increased traffic at the SR1/RBR intersection due to increased Carnoustie residential traffic on SRI.
6. **Nowhere** in the project or the EIR does it address the consequences of the increase in traffic on RBR itself due to Carnoustie construction traffic.

7. EIR, Impact, TRAF-3 (pp. 80/81) acknowledges increases in traffic at the intersection, as described above, while at the same time stating that "...continued growth of traffic volumes on SR1...and on RBR (unrelated to the proposed project) appears to be responsible for a large portion of the total future traffic through this intersection."

**8. There is a direct contradiction** between both (1) the unacknowledged increase in traffic volume at the SR1/RBR intersection due to Carnoustie construction traffic on RBR and (2) the disclaimer that said traffic volume is related to the proposed project traffic; and the unwritten but clearly asserted intention of the developer, Carnoustie, to use RBR for all project construction traffic

9. Additionally, Section 15125, Environmental Setting, (a), requires that: "An EIR must include a description of the physical environmental conditions in the vicinity of the project. Section 15360, Environment, states: "The environment includes both natural and man-made conditions."

**10. The EIR**, Section III, A, 4, Surrounding Land Uses, fails to identify RBR, as required by 15125 (a) and 15360, above.

11. EIR Section E2b(4), Traffic and Circulation, Emergency Access, ((p.74), recognizes the Half Moon Bay Fire Prevention Bureau, Standard Details and Specifications Manual requirements for the Carnoustie project in Ocean Colony. It further states, in Section C, Summary Table, Table II-1 (p.14), that: "...the currently proposed project is consistent with the emergency access guidelines of the HMB Fire District."

12. The foregoing is based on HMB Fire Protection District letters, September 3, 2001 and March 26, 2007, to the City of HMB, which provide comments for planning purposes based on Carnoustie project plans provided to the Fire Protection District by the Lead Agency. The project plans contained no reference to the planned Carnoustie construction use of RBR (or any other road) and therefore no reviews or comments addressing this area were made by the Fire Protection District, essentially invalidating the required reviews. See note 2. (Atchs 1 & 2)

**13. The EIR does not** address emergency access requirements for RBR residents, or the public that uses the road for beach access, who are compromised by the proposed use of RBR as the sole ingress and egress for all construction vehicular traffic; therefore the project is not consistent with emergency access guidelines of the HMB Fire District

**14. Conclusion: The failure to comply** with the afore stated provisions of the law is a violation of the HMB LCP as delineated in CEQA, Chapter 3, Existing Regulations, para 6; previously addressed in Supplement No.1 to the Appeal. (See Notes 1 & 2 for further supporting legislation.)

Note 1: CEQA, PRC, Chapter 1: Policy, Section 21002.1; Use of Environmental Impact Reports; policy: In order to achieve the objectives set forth in Section 21002, the Legislature hereby finds and declares that the following policy shall apply to the use of environmental impact reports prepared pursuant to this division: (a) The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. (b) Each public agency shall mitigate or avoid the significant effects on the environment of projects that is carried out or approved whenever it is feasible to do so.

Note 2: CEQA, PRC, Chapter 1: Policy, Section 21003; Planning and environmental review procedures; documents; reports; data base; and administration of process: The legislature further finds and declares that it is the policy of the state that: (a) Local agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively.

\*Underlining added for emphasis

Attachments:

1. Request for Public Information
2. HMBFPD Carnoustie Review

**Paul Cole  
Acting Fire Chief  
Half Moon Bay Fire Protection District  
1191 Main Street  
Half Moon Bay, CA 94019**

**September 26, 2007**

**Subject: Request for Public Information**

**Dear Chief Cole:**

**On August 21, 2007 the Half Moon Bay City Council voted to approve a LCP permit for the Carnoustie Residential Development (PDP-87-00). On September 11, 2007 I filed an Appeal from that decision with the California Coastal Commission.**

**In my Appeal I included a number of references to the HMB Fire Protection Bureau 'Standard Details and Specifications Manual', and included a copy of the referenced Response Section (Title: Access Roads and Turnarounds, Number: FBP-2-1, pp 1 & 2). A copy of the Appeal is available from HMB City Hall.**

**My Appeal essentially contends that the Carnoustie Project is not in compliance with FBP-2-1 in regard to Fire Emergency Access to Redondo Beach Road residents, and that Carnoustie claims to the contrary are in error.**

**At the August 21, 2007 HMB Council Meeting the Carnoustie Applicant stated the following in response to concerns I had expressed to the Council: "The issue of the 20' Fire Road that George quotes; that has to do with the primary fire road..." (He then went on to discuss emergency access to Ocean Colony, not Redondo Beach Road) "The Fire Department has looked at this and reviewed the subdivision map and the application and they have no concerns about this." (Video is available at [www.coastsider.com](http://www.coastsider.com)).**

**There appears to be a significant amount of confusion in regard to the foregoing.**

**To clarify these issues would you please provide me with any information you have related to this project (permit requests/approvals,**

**correspondence, verbal agreements, etc.) so that I may include them for the record in my Appeal to the California Coastal Commission.**

**Sincerely:**

**George M. Muteff**

March 26, 2007

Steve Flint  
City of Half Moon Bay  
Planning Director  
501 Main Street  
Half Moon Bay, CA 94019

Dear Mr. Flint,

After a review of plans provided by the City regarding the Carnoustie Subdivision the Half Moon Bay Fire District provides the following standards comments for planning purposes.

**Occupancy Separation:** As per the 2001 CBC, Section 302.4, a one-hour occupancy separation wall shall be installed with a solid core, 20-minute fire rated, self-closing door assembly w/ smoke gasket between the garage and the residence.

**Fire Hydrant:** As per 2001 CFC, Appendix III-A and III-B, a fire district approved fire hydrant (Clow 960) must be located within 250 feet of the proposed single-family dwelling unit measured by way of driveable access. As per 2001 CFC, Appendix IIIA The hydrant must produce a minimum fire flow of 1,000 gallons per minute at 20 pounds per square inch residual pressure for 2 hours. Contact the local water purveyor for water flow details.

**Automatic Fire Sprinkler System:** As per San Mateo County Building Standards and Half Moon Bay Fire District Ordinance Number 2002-01, the applicant is required to install an automatic fire sprinkler system **throughout** the proposed or improved dwelling and garage. All attic access locations will be provided with a pilot head on a metal upright. All areas that are accessible for storage purposes shall be equipped with fire sprinklers including closets and bathrooms. The only exception is small linen closets less than 24 square feet with full depth shelving. The plans for this system must be submitted to the San Mateo County Planning and Building Division or The City of HMB. A building permit **will not** be issued until plans are received, reviewed and approved. Upon submission of plans, the County or City will forward a complete set to the Half Moon Bay Fire District for review. The fee schedule for automatic fire sprinkler systems shall be in accordance with Half Moon Bay Ordinance No. 2006-01. Fees shall be paid prior to plan review.

**Exterior bell and interior horn/strobe:** are required to be wired into the required flow switch on your fire sprinkler system. The bell, horn/strobe and flow switch, along with the garage door opener are to be wired into a separate circuit breaker at the main electrical panel and labeled.

**Smoke Detectors which are hard wired:** As per the California Building Code, State Fire Marshal regulations, and Half Moon Bay Fire District Ordinance 2002-01, the applicant is required to install State Fire Marshal approved and listed smoke detectors which are hard wired, interconnected, and have battery backup. These detectors are required to be placed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. A minimum of one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to the building final.

**Roof Covering:** As per Half Moon Bay Fire District Ordinance 2002-01, the roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher as defined in the current edition of the California Building Code.

**Fire Access Roads:** The applicant must have a maintained all-weather surface road for ingress and egress of fire apparatus. The San Mateo County Department of Public Works, the Half Moon Bay Fire District Ordinance 2002-01, and the California Fire Code shall set road standards. As per the 2001 CFC, dead-end roads exceeding 150 feet shall be provided with a turnaround in accordance with Half Moon Bay Fire District specifications. As per the 2001 CFC, Section 902.2.2.1, road width shall not be less than 20 feet. Fire access roads shall be installed and made serviceable prior to combustibles being placed on the project site and maintained during construction. Approved signs and painted curbs or lines shall be provided and maintained to identify fire access roads and state the prohibition of their obstruction. If the road width does not allow parking on the street (20 foot road) and on-street parking is desired, an additional improved area shall be developed for that use.

**Vegetation Management:** The Half Moon Bay Fire District Ordinance 2002-01, the 2001 California Fire Code and Public Resources Code 4291 require a minimum clearance of 100 feet, or to the property line of all flammable vegetation to be maintained around all structures by the property owner. This does not include individual species of ornamental shrubs and landscaping.

**Community Facilities District:** The Fire District requires the formation of a Mello-Roos Community Facilities District (CFD) for all new construction of three or more residential units. Please contact the Fire District administration office for more details. Please be advised that the formation of a CFD takes approximately three months. The formation of a CFD is a condition of development and required to be completed prior to Fire District final approval and sign-off on the project.

Our review is not construed as encompassing the structural integrity of the facility nor abrogating more restrictive requirements by other agencies having responsibility. Final acceptance is subject to field inspection and necessary tests. Building Plan submittal and fees must be submitted prior to approval of Plan Check and Building Permit issuance.

If you have any questions regarding the above conditions, please call the administration office during normal working hours.

Respectfully,

Clayton Jolley  
Division Chief  
Half Moon Bay Fire District

cc: File

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260 FAX (415) 904-5400  
[www.coastal.ca.gov](http://www.coastal.ca.gov)



## NOTIFICATION OF APPEAL PERIOD

DATE: August 28, 2007  
TO: Steve Flint, Planning Director  
City of Half Moon Bay, Building & Planning Department  
501 Main Street  
Half Moon Bay, CA 94019  
FROM: Yinlan Zhang, Coastal Program Analyst *YJZ*  
RE: **Application No. 2-HMB-01-024**

Please be advised that on August 27, 2007 our office received notice of local action on the coastal development permit described below:

Local Permit #: **PDP-87-00**

Applicant(s): **Ocean Colony Partners, LLC, Attn: Patrick Fitzgerald**

Description: **Construction of a 32-lot residential subdivision and other associated improvements, including private streets, utilities, and private park and open space on a 7.95-acre project site located in the Planned Unit Development zoning district.**

Location: **Within the Half Moon Bay Country Club Planned Unit Development south of Redondo Beach Road and west of Cabrillo Highway, Half Moon Bay (San Mateo County) (APN(s) 066-092-250, 066-092-470, 066-371-160)**

Unless an appeal is filed with the Coastal Commission, the action will become final at the end of the Commission appeal period. The appeal period will end at 5:00 PM on September 11, 2007.

Our office will notify you if an appeal is filed.

If you have any questions, please contact me at the address and telephone number shown above.

cc: Ocean Colony Partners, LLC, Attn: Patrick Fitzgerald

**NOTICE OF FINAL ACTION**  
**Coastal Development Permit, Site & Design Permit,**  
**Vesting Tentative Subdivision Map,**  
**Planned Unit Development Plan and Use Permit**

City of Half Moon Bay Planning Department  
501 Main Street, Half Moon Bay, CA 94019  
(650) 726-8250 FAX (650) 726-8261

**RECEIVED**

**AUG 27 2007**

CALIFORNIA  
COASTAL COMMISSION

Date: August 22, 2007  
File: PDP-087-00  
Owner/Applicant: Ocean Colony Partners, LLC  
Planner: Steve Flint, Planning Director

This notice is being distributed to the Coastal Commission and to those who requested notice. The project described below is located within the appeal area of the Coastal Zone. The City Council approved PDP-087-00, an application for a Coastal Development Permit, Site and Design Permit, Vesting Tentative Subdivision Map, Planned Unit Development Plan and Use Permit.

Project Description: Coastal Development Permit, Site & Design Permit, Vesting Tentative Subdivision Map, Planned Unit Development Plan and Use Permit for a 32-lot residential subdivision and other associated improvements, including private streets, utilities, and private park and open space areas on a 7.95-acre project site located in the Planned Unit Development zoning district (Assessors Parcel Numbers: 066-092-250, 066-092-470 and 066-371-160).

Project Location: Within the Half Moon Bay Country Club Planned Unit Development south of Redondo Beach Road and west of Cabrillo Highway, Half Moon Bay, San Mateo County, California

APPROVED by the City Council on August 21, 2007 based on Findings and Evidence contained in Exhibit A of the attached Resolution, and subject to the Conditions of Approval contained in Exhibit B.

Local Review of this Coastal Development Permit Application is now complete. The City's approval of this Coastal Development Permit application may be appealed to the California Coastal Commission in accordance with California Public Resources Code Section 30603. A 10 working-day appeal period for appeal of this action to the Coastal Commission will commence the next working day following the Commission's receipt of this notice of final local action. Please contact the Coastal Commission's North Central Coast District Office at (415) 904-5260 for further information about the Commission's appeal process.

AUG 27 2007

## RESOLUTION NO. C-40 -07

CALIFORNIA  
COASTAL COMMISSION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY APPROVING PDP- 087- 00, AN APPLICATION FOR A COASTAL DEVELOPMENT PERMIT, SITE AND DESIGN PERMIT, VESTING TENTATIVE SUBDIVISION MAP, PLANNED UNIT DEVELOPMENT PLAN, AND USE PERMIT FOR THE CONSTRUCTION OF A 32-LOT RESIDENTIAL SUBDIVISION AND OTHER ASSOCIATED IMPROVEMENTS, INCLUDING PRIVATE STREETS, UTILITIES, AND PRIVATE PARK AND OPEN SPACE AREAS ON A 7.95-ACRE PROJECT SITE LOCATED IN THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT (APN'S: 066-092-250, 066-092-470 AND 066-371-160).**

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**RECITALS**

**WHEREAS**, an application was submitted to the City of Half Moon Bay by Ocean Colony Partners requesting a Tentative Subdivision Map, a Conditional Use Permit, a Planned Unit Development Plan, a Site and Design Permit, and a Coastal Development Permit to allow the development of 32 single-family residential lots located in the Half Moon Bay Country Club Planned Unit Development ("PUD"); and

**WHEREAS**, the City processed the application in accordance with the Permit Streamlining Act and with the requirements of the California Environmental Quality Act (CEQA) as set forth in California State Public Resources Code Section 21000; and

**WHEREAS**, the project was determined to be subject to CEQA, and a Draft Environmental Impact Report (DEIR) State Clearinghouse No. 2003012108 was prepared for the project by the City of Half Moon Bay; and

**WHEREAS**, the City received written comments on the DEIR during the public review period and such comments have been included and responded to in the Final Environmental Impact Report (FEIR) and have been presented to the Planning Commission; and

**WHEREAS**, The City Council adopted Resolution C-19-07 on May 15, 2007 certifying the Final EIR and adopting a Mitigation Monitoring and Reporting Program for the Carnoustie project, in accordance with CEQA (Cal. Pub. Res. Code Section 21000, et seq.) and CEQA Guidelines; and

**WHEREAS**, the Architectural Review Committee of the City of Half Moon Bay approved the site design, residential architecture and conceptual landscape plans following a duly noticed public meeting on March 21, 2007, at which time all those wishing to speak on the matter were given the opportunity to be heard; and

**WHEREAS**, the Vesting Tentative Subdivision Map has been reviewed in accordance with the provisions of Government Code section 66410 *et seq.* and Chapter 17.22 of the City Municipal Code; and

**WHEREAS**, the Coastal Development Permit has been reviewed in accordance with Chapter 18.20 of the Municipal Code, which defines development, in part, as a change in the density and intensity of use of land, including, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with 66410 of the Government Code); and

**WHEREAS**, the proposed development has been processed through Architectural Review and Site and Design Approval as provided in Chapter 18.21 of the Municipal Code; and

**WHEREAS**, the Planned Unit Development Plan and Use Permit has been reviewed as required by Chapter 18.15 of the Municipal Code; and

**WHEREAS**, the Applicant has applied for a Development Agreement, which has been reviewed in accordance with the provisions of Government Code section 65864 *et seq.* and approved by an ordinance of the City Council; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the matter on July 26, 2007, at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

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

**WHEREAS**, the Planning Commission recommended that the City Council approve PDP-087-00, subject to required findings and conditions; and

**WHEREAS**, documents and other material constituting the record of the proceedings upon which the City's decision and its findings are based are located at the City of Half Moon Bay Planning Department, located at 501 Main Street, in Half Moon Bay; and

**WHEREAS**, the Planning Commission has considered all written and oral testimony presented for their consideration regarding the review of the environmental documents presented to them; and

**WHEREAS**, the Planning Commission recommended that the City Council certify the FEIR prepared for this project, subject to findings, and adopt the Mitigation Monitoring and Reporting Program, and incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED** that, based upon the Findings and Evidence in Exhibit A and subject to the Conditions of Approval contained in Exhibit B, the City Council approves the application (PDP-087-00).

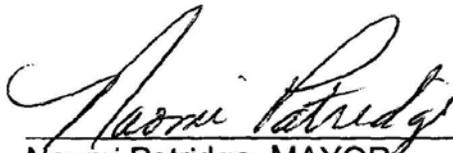
**PASSED AND ADOPTED** by the City Council of the City of Half Moon Bay at a meeting held on the 21st day of August, 2007, by the following vote:

**AYES:** Fraser, Grady, McClung, Muller & Mayor Patridge

**NOES:**

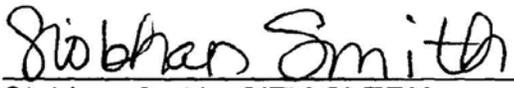
**ABSENT:**

**ABSTAIN:**

  
\_\_\_\_\_  
Naomi Patridge, MAYOR

I hereby certify that the foregoing is a full, true, and correct copy of a resolution duly passed and adopted by the City Council of the City of Half Moon Bay, San Mateo County, California, at a meeting thereof held on the 21st day of August, 2007.

**ATTEST:**

  
\_\_\_\_\_  
Siobhan Smith, CITY CLERK

**EXHIBIT A  
FINDINGS AND EVIDENCE  
PDP-087-00**

**Coastal Development Permit, Site and Design Permit, Vesting Tentative Subdivision Map, Planned Unit Development Plan, Use Permit and Development Agreement for a 32-Lot Residential Subdivision located within the Half Moon Bay Country Club Planned Unit Development (APNs 066-092-250, 066-092-470, and 066-371-160)**

**A. Coastal Development Permit – Findings for the subdivision of 7.95 acres existing as three parcels of land to create 32 residential lots construction of 32 new two-story single-family residences**

Unless otherwise exempted, all development in the City of Half Moon Bay requires a Coastal Development Permit. Half Moon Bay Municipal Code Section 18.20.020(C) defines development, in part, as the construction, reconstruction, demolition, or alteration of the size of any structure. The request to demolish existing structures and construct a single-family residence meets this definition of development. Therefore, in accordance with Half Moon Bay Municipal Code Section 18.20.070, five specific findings must be made by the approving authority in order to approve or conditionally approve the required Coastal Development Permit:

**1. Local Coastal Program** – The development as proposed or as modified by conditions, conforms to the Local Coastal Program.

**Findings:** The proposed 32-unit project is a new residential subdivision located within the Half Moon Bay Country Club Planned Unit Development and does not interfere with the public's access to the coastal trail, beach or sea. The project has been reviewed for conformance with all policies of the Coastal Land Use Plan and has been determined to be consistent. The following specific Coastal Act and local policies are especially noted:

**Coastal Act 30244:** *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

**Compliance:** The project is not located near identified archaeological or paleontological sites. However, staff is recommending a condition to require that the project cease operations and a study be performed on any artifacts that are found during construction.

**Coastal Act 30250:** *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, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

**Compliance:** This residential project is located within the predominantly built-out Ocean Colony neighborhood with adequate public services. The project will not have significant adverse effects, either individually or cumulatively, on coastal resources.

**Policy 7-4:** *Utilities shall continue to be placed underground in all new developments.*

**Compliance:** The conditions of approval require underground utilities and communications.

- 2. Growth Management System** – The development is consistent with the annual population limitation system established in the Land Use Plan and Zoning Ordinance.

**Findings:** The City Council approved a request by Ocean Colony Partners LLC for a development phasing plan and agreement in December 2006. Section 17.06.055 of the Code allows the City Council to approve development phasing agreements as part of the annual Residential Building Permit Allocation program (Measure 'A'). Under the approved agreement, the OCP was granted 16 "new" Measure 'A' allocations in 2007 and 16 in 2008 to accommodate the 32 single family residences in Carnoustie. Therefore, The project is consistent with the established growth control ordinance in Chapter 17.06 of the Municipal Code.

- 3. Zoning Provisions** – The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the Zoning Ordinance.

**Findings:** The project site is located in the PUD (Planned Unit Development) district. The proposed project complies with all of the requirements of Chapter 18.15 (Planned Unit Development). The Planned Unit Development district permits land uses, densities and intensities as approved in the Planned Unit Development Plan. The development standards proposed for the Carnoustie project are comparable and compatible with the surrounding residential developments that comprise Ocean Colony, including building height, lot size, lot coverage, floor area ratio, building setbacks and architectural style.

- 4. Adequate Services** – Evidence has been submitted with the permit application that the proposed development will be provided with adequate services and infrastructure at the time of occupancy in a manner that is consistent with the Local Coastal Program.

**Findings:** Ocean Colony Partners owns 71.5 Phase I Crystal Springs Coastsides County Water District water connections, which are assigned to Lots 24 and 25. The proposed project would use 32 to 42 of these water connections. The property is located within the Half Moon Bay Sanitary District and Lots 24 and 25 are each assigned 38 benefit units. With two benefit units required for each residence, the project would require a total of 64.

5. **California Coastal Act** – Any development to be located between the sea and the first public road parallel to the sea conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**Findings:** The proposed project is located between the sea and the first public road parallel to the sea, but will not restrict or otherwise adversely affect public coastal access or public coastal recreational opportunities, because it involves residential construction on an existing residential lot, does not involve new roads, does not alter existing access ways and will utilize existing access ways within the Ocean Colony neighborhood.

**B. Vesting Tentative Subdivision Map – Findings**

Section 17.20.055 of the Municipal Code, consistent with section 66474 of the state Government Code, states that the Planning Commission shall not forward a recommendation of approval to the City Council and the City Council shall deny approval of a tentative subdivision map if it makes any of the following findings:

1. That the proposed map is not consistent with the city's general plan or its elements, the local coastal plan and any other applicable plans;
2. That the design or improvement of the proposed subdivision is not consistent with the city's general plan or its elements the local coastal plan or any other applicable plans;
3. That the site is not physically suitable for the type of development;
4. That the site is not physically suitable for the proposed density of development;
5. That the design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
8. That the discharge of waste water, including sewage and storm water runoff, from the proposed subdivision will result in a violation of existing water quality requirements prescribed by the regional water quality control board.

**Finding:** None of the findings established in Section 17.20.055 of the Municipal

Code requiring the City Council to deny approval of a tentative subdivision map can be made with regard to the Vesting Tentative Map for the Carnoustie subdivision. The proposed map is consistent with the City's Land Use Element, its Local Coastal Plan and the City's Land Use Map which designates the project site as PD Planned Development. The project site is located within the Half Moon Bay Country Club Planned Unit Development and is the last remaining undeveloped property within that PUD. The proposed project complies with all of the requirements of Chapter 18.15 (Planned Unit Development). The Planned Unit Development district permits land uses, densities and intensities as approved in the Planned Unit Development Plan. The development standards proposed for the Carnoustie project are comparable to and compatible with the surrounding residential developments that comprise Ocean Colony, including building height, lot size, lot coverage, floor area ratio, building setbacks and architectural style. The site is physically suitable for the type and density of development. The design of the subdivision and its associated improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat since sufficient buffer areas and other mitigation measures have been incorporated into the design. The design of the subdivision incorporates adequate infrastructure and site improvements to avoid or reduce the likelihood of serious public health problems or violate existing water quality requirements prescribed by the regional water quality control board. A private street system has been incorporated into the subdivision, its design and associated improvements will not conflict with any public access or use easements.

**C. Planned Unit Development Plan – Findings**

Section 18.15.040 of the Municipal Code states that the Planning Commission shall not forward its recommendation and the City Council shall not approve a planned unit development plan unless the following required findings for approval are made and incorporated into the adopted planned unit development plan:

1. That the planned unit development plan is consistent with the adopted general plan, this chapter, and all other applicable policies and ordinances of the city;
2. That the planned unit development plan is compatible with surrounding land uses;
3. That the adoption and implementation of the planned unit development plan will result in superior design and development of the site;
4. That the planned unit development plan meets the requirements of any annual dwelling unit allocation system adopted by the city;
5. That the adoption and implementation of the planned unit development plan will not exceed the capacity of existing or planned infrastructure systems, including but not limited to sewer, water, natural gas, electricity, police and fire protection;
6. That, if adequate utilities, infrastructure, and public services are not available to serve all of the proposed development possible under the planned unit development plan, the plan contains phasing controls or requirements for utility

improvements that ensure that demands from proposed development does not exceed utility capacity;

7. That the applicant, or planning commission and city council, have incorporated all appropriate measures and conditions in the planned unit development plan necessary to mitigate any potential adverse impacts identified during the public review process.

**Finding:** All of the findings established in Section 18.15.040 of the Municipal Code that are required to be made in order for the City Council to approve a planned unit development plan can be made with regard to the planned unit development plan for the Carnoustie residential project. The proposed map is consistent with the City's Land Use Element, its Local Coastal Plan and the City's Land Use Map which designates the project site as PD Planned Development. The project site is located within the Half Moon Bay Country Club Planned Unit Development and is the last remaining undeveloped property within that PUD. The proposed project complies with all of the requirements of Chapter 18.15 (Planned Unit Development). The Planned Unit Development district permits land uses, densities and intensities as approved in the Planned Unit Development Plan. The development standards proposed for the Carnoustie project are comparable to and compatible with the surrounding residential developments that comprise Ocean Colony, including building height, lot size, lot coverage, floor area ratio, building setbacks and architectural style. The City Council approved a development phasing plan and agreement that granted 16 "new" Measure 'A' allocations in 2007 and 16 in 2008 to accommodate the 32 single family residences in Carnoustie, so the project is consistent with the established growth control ordinance in Chapter 17.06 of the Municipal Code. The design of the subdivision incorporates adequate infrastructure and site improvements to ensure that demands from proposed development do not exceed the capacity of public services or utilities. Sufficient buffer areas and other mitigation measures have been incorporated into the design of the planned unit development plan to reduce or avoid any potential adverse impacts.

#### **D. Use Permit – Finding**

Section 18.22.190 of the Municipal Code states that, in order to grant a use permit as applied for or conditioned, the findings of the planning commission must include that the establishment, maintenance, and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

**Finding:** The granting of a use permit for the development and residential occupancy of the Carnoustie project, in conjunction with a planned unit development plan, will not be detrimental to the public welfare or injurious to property or improvements in the Ocean Colony neighborhood or other adjoining properties. The design of the subdivision incorporates adequate infrastructure and site improvements to ensure that demands from proposed development do not exceed the capacity of public services or utilities. Sufficient buffer areas and other mitigation measures have been incorporated into the design of the planned unit development

plan to reduce or avoid any potential adverse impacts.

**E. Site and Design Review – Findings**

Section 18.21.040 of the Municipal Code states that the approving authority shall find that such buildings, structures, planting, paving or other improvements shall be so designed and constructed that they will not hinder the orderly and harmonious development of the City, nor will it impair the desirability or opportunity to attain the optimum use and value of the land and the improvements, nor will it impair the desirability of living and working conditions in the same or adjacent areas, nor will it otherwise adversely affect the general prosperity and welfare.

**Finding:** The design and construction of the buildings, streets, landscaping, open space and infrastructure that comprise the Carnoustie project will not hinder the orderly and harmonious development of the City, nor will it impair the desirability or opportunity to attain the optimum use and value of the land and the improvements, nor will it impair the desirability of living and working conditions in the same or adjacent areas, nor will it otherwise adversely affect the general prosperity and welfare. The project is consistent with the City's Land Use Element, its Local Coastal Plan and the City's Land Use Map which designates the project site as PD Planned Development. The project site is located within the Half Moon Bay Country Club Planned Unit Development and is the last remaining undeveloped property within that PUD. The proposed project complies with all of the requirements of Chapter 18.15 (Planned Unit Development). The Planned Unit Development district permits land uses, densities and intensities as approved in the Planned Unit Development Plan. The development standards proposed for the Carnoustie project are comparable to and compatible with the surrounding residential developments that comprise Ocean Colony, including building height, lot size, lot coverage, floor area ratio, building setbacks and architectural style. The project was reviewed and approved by the Architectural Review Committee (ARC) at its meeting of March 21, 2007.

**F. Environmental Review – Findings**

**CEQA** – The project is consistent with CEQA guidelines and will not have a significant effect on the environment.

**Planning Commission Finding:** The Draft Environmental Impact Report (DEIR) for the Carnoustie project was released for public consideration and comment on January 29, 2003. The required 45-day comment period on the DEIR ended on March 14, 2003. The Final Environmental Impact Report (FEIR), dated February 2007, includes the comments received from responsible agencies during the public review period as well as the responses to all comments. The City Council certified the FEIR on May 15, 2007. The mitigation measures contained in the FEIR serve to mitigate any and all potentially significant environmental impacts that have been established either by threshold of significance in the Initial Study/Notice of

Preparation, incorporated through comments received on the DEIR by responsible agencies, or by direction of the Planning Commission. All mitigation measures have been incorporated into the conditions of approval that accompany this report.

**EXHIBIT B  
CONDITIONS OF APPROVAL  
PDP-087-00**

**Coastal Development Permit, Site and Design Permit, Vesting Tentative Subdivision Map, Planned Unit Development Plan, Use Permit and Development Agreement for a 32-Lot Residential Subdivision Located within the Half Moon Bay Country Club Planned Unit Development (APNs 066-092-250, 066-092-470, and 066-371-160)**

**Authorization:** Approval of this permit authorizes the Applicant and/or the Applicant's heirs, successors or assigns (hereinafter referred to as "Applicant") to subdivide three existing parcels of land and construct 32 single-family residential units on lots ranging in size from 6,240 square feet to 10,215 square feet, and other associated improvements, including private streets, utility infrastructure, private park and open space on the 7.95-acre project site.

**A. The following General Conditions shall be completed prior to the issuance of any permits:**

1. MITIGATION MONITORING AND REPORTING PROGRAM. No Final Subdivision Map for the subject property shall be approved and no Grading Permit, Building Permit, sewer connection, water connection, or Occupancy Permit from the City of Half Moon Bay shall be approved until the Mitigation Monitoring and Reporting Program has been recorded and the estimated Mitigation Monitoring and Reporting Program fee has been paid. \_\_\_\_ (Planning)
2. CONFORMANCE WITH APPROVED PLANS. Development shall be in substantial conformance with the Project Plans as referenced in Section 2.12 of the Development Agreement for this project, except for any changes that may be required by these conditions of approval. "Project Plans" means those plans, drawings and specifications for the Project entitled:
  - a) Addendum for Vesting Tentative Map Application, Carnoustie, dated June 28, 2006, consisting of Sheet Nos. C0C7 and Plan 1 - Plan 10;
  - b) Addendum for Planned Unit Development Plan, Use Permit and Coastal Development Permit Applications, Carnoustie, dated June 28, 2006, consisting of Sheet Nos. Cover Sheet, A.02A.03, Plan 1 - Plan 10, C1C7 and L1-L8;
  - c) Additional Architecture Elevations for Carnoustie Project, dated February 16, 2007, consisting of a cover sheet, sheet no. A0.3, and two sheets per lot including all elevations, floor, roof and plot plans for lots 1-32;
  - d) any additional, supplemental or amended plans, drawings and specifications as may be attached to or referenced in the Project Approvals.

The Planning Director shall review and approve any deviation from the approved plans. In the event that the Planning Director determines that any proposed changes warrant further Planning Commission review and approval, the Applicant shall submit the revised plans for consideration at a public hearing before the Planning Commission. \_\_\_\_ (Planning)

3. CONSTRUCTION PLANS. All plans, specifications, engineering calculations, diagrams, reports, and other data for construction of the building and required improvements shall be submitted with the appropriate permit application to the Building Department for review and approval. Computations and back-up data will be considered a part of the required plans. Structural and engineering calculations shall be prepared, wet-stamped and signed by an engineer or architect licensed by the State of California. The Applicant's geotechnical consultant shall certify that each building pad and foundation design complies with the BAGG Report, and supplemental geotechnical reports shall only be required for any individual lots within the subdivision if there are special circumstances that warrant it and such certification cannot be provided without additional geotechnical analysis. In such case, the supplemental geotechnical report shall be prepared, wet stamped, and signed by an engineer licensed by the State of California and comply with the BAGG report, referred to herein. \_\_\_\_\_(Building/ Public Works) \_\_\_\_\_ (Planning)
  
4. FIRE ACCESS ROADS. The Applicant must have a maintained all-weather surface road for ingress and egress of fire apparatus. The Half Moon Bay Fire District Ordinance 2002-01, and the California Fire Code shall set road standards. As per the 2001 CFC, Section 902.2.2.1, road width shall not be less than 20 feet. Fire access roads shall be installed and made serviceable prior to combustibles being placed on the project site and maintained during construction. Approved signs and painted curbs or lines shall be provided and maintained to identify fire access roads and state the prohibition of their obstruction. If the road width does not allow parking on the street (20 foot road) and on-street parking is desired by the Applicant, an additional improved area shall be developed for that use, as approved by the Public Works Director and the Fire Chief. \_\_\_\_\_ (Fire) \_\_\_\_\_ (Building/Public Works)

**B. The following Conditions shall be completed prior to the issuance of a grading permit:**

1. SITE PREPARATION, STORAGE OR PLACEMENT OF CONSTRUCTION MATERIALS, EQUIPMENT OR VEHICLES. No lot site grading or preparation nor storage or placement of construction materials, equipment or vehicles shall take place prior to submittal and approval of grading plans by the Public Works Department. Any earth movement on or off the site in excess of 50 cubic yards shall require the submittal of a grading plan for review and approval by the Public Works Department. Lot Grading includes, but is not limited to, any leveling, scraping, clearing, or removal of lot surface area. Materials, Equipment, and Vehicles include, but are not limited to:
  - a) All masonry, wood, and steel construction materials;
  - b) All construction-related equipment and storage containers;
  - c) All construction-related vehicles including temporary trailers \_\_\_\_\_ (Building)
  
2. BAY AREA GEOTECHNICAL GROUP (BAGG) REPORT. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report prepared for the project site entitled "Bay Area Geotechnical Group (BAGG), 2006. Geotechnical Investigation, Proposed Residential Subdivision, Carnoustie Property, North Edge of Ocean Colony Golf Links, Half Moon Bay, California. February." Referred to herein as the "BAGG Report," shall be incorporated into the project. The Half Moon Bay Public Works Department shall verify

that adequate measures have been incorporated into project plans prior to issuance of a grading or building permit (GEO-1). \_\_\_\_\_ (Building/Public Works)

3. STORM WATER POLLUTION PREVENTION PLAN (SWPPP). The Applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction period of the project. It is not required that the SWPPP be submitted to the Regional Water Quality Control Board (RWQCB), but must be maintained on-site and made available to RWQCB staff upon request. The SWPPP shall include specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly-designed centralized storage areas that keep these materials out of the rain. BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season because disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Ingress and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." The developer shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Half Moon Bay Public Works Department to ensure compliance with the SWPPP (HYD-1). \_\_\_\_\_ (Public Works)
  
4. STORMWATER POLLUTION PREVENTION PROGRAM (STOPPP). The Applicant shall fully comply with the San Mateo County Countywide Stormwater Pollution Prevention Program (STOPPP) which maintains compliance with the NPDES Storm Water Discharge Permit. Responsibilities include, but are not limited to, designing Best Management Practices (BMPs) into the project features to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the project drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. The final design team for the development project shall review and incorporate as many concepts as practicable from *Start at the Source, Design Guidance Manual for Stormwater Quality Protection*. Passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred in all areas. Higher-maintenance BMPs may only be used if the development of at-grade treatment systems is

not possible, or would not adequately treat runoff. Funding for long-term maintenance of all BMPs shall be specified (HYD-1b). \_\_\_\_\_ (Public Works)

5. STORM DRAINAGE PLAN. A storm drainage plan prepared by a registered civil engineer licensed in the State of California and incorporating all of the mitigation measures set forth in the Final EIR for this development and all of these Conditions of Approval shall be submitted as a part of the initial Final Map submission, or as otherwise approved by the City Engineer. The plan is to include all areas tributary to the site and all information; pertinent to the capability of the proposed storm drainage facilities to convey the expected runoff from the site. Additionally, the drainage plan and the erosion/dust control plan provides for the winterization of the site for the project to the satisfaction of the City Engineer. Unless otherwise approved by the City Engineer as a part of the overall drainage plan. If the storm drainage system is to be connected to existing public lines, the Applicant shall submit engineering calculations confirming that existing storm drain capacity downstream of the proposed development is adequate for the additional flow. If capacity is inadequate, the Applicant shall submit engineering calculations and plans for improvements to provide adequate capacity, or on-site detention or golf course pond detention, or a combination of solutions. Storm drains must have a manhole at each change in direction of pipe. Curved storm drains are not allowed. Manholes should be within paved streets whenever possible. Changes in flow direction greater than 90 degrees should be avoided.

The drainage plan shall include any applicable provisions of the Ocean Colony Country Club PUD and these Conditions of Approval, including, but not limited to, those standards pertaining to design criteria and on-going monitoring of the effectiveness of the drainage system. \_\_\_\_\_ (Public Works)

7. RAPTOR SURVEYS. Surveys to determine the presence of raptor nests shall be conducted by a qualified biologist no more than 30 days prior to the initiation of any construction related activities. If raptors are observed nesting on or near the project site during these surveys, the project Applicant shall consult with CDFG to determine the size of an exclusion zone, usually 100-300 feet, around the nest location. All project-related activity shall occur outside of the exclusion area until the young in the nest have fledged (BIO-1). The USFWS shall also be contacted. \_\_\_\_\_ (Planning).
8. DOMESTIC WELLS. Any existing well on the property must be destroyed in accordance with San Mateo County Department of Environmental Health Bay requirements and Chapter 13.84, Half Moon Bay Municipal Code. City of Half Moon Bay domestic well permit and Health Department witnessing of work are required. \_\_\_\_\_ (Public Works/ County Health)
9. SANITARY SEWER SYSTEM. All new construction must be connected to the sanitary sewer system. Any existing septic tank on the site must be located and properly abandoned in conformance with Section 13.24.050 of the Half Moon Bay Municipal Code. \_\_\_\_\_ (Public Works)
10. ENDANGERED SPECIES BRIEFING. Prior to construction activities, the Applicant shall conduct an endangered species briefing for contractors and workers that will be working on the site as well as what steps to take if a listed species is encountered. \_\_\_\_\_ (USFWS/Planning)

11. CONSTRUCTION FENCING. Prior to and during grading and construction activities, exclusionary wildlife fencing shall be established around the entire project boundary. Such fencing shall have a gate for construction vehicle/staff access, but shall remain closed the majority of the time, especially overnight. Such fencing shall be a minimum of three feet above ground level, buried 4-6" into ground and made out of plywood, erosion mesh or other material shown on designs available from the USFWS, but may not be made of orange construction fencing or anything with larger holes that might trap listed species. \_\_\_\_\_ (USFWS/Planning)
12. PRE-CONSTRUCTION SURVEY. After establishing the wildlife fencing referred to in Condition B(11), and prior to construction, a biological monitor approved by the USFWS should perform a preconstruction survey on the project site. If any listed species are encountered during these activities, the USFWS may grant permission to move these animals off-site for this project only. (USFWS/Planning)
13. MONARCH BUTTERFLY SURVEY. Prior to grading or construction activities, the Applicant shall have a qualified biologist conduct another Monarch butterfly winter roost survey between November and February to determine the extent, if any, of Monarch butterfly winter utilization of the project site and the area within 100' north of the project boundary. In the event such survey reveals roosting Monarch butterflies within such areas, the Applicant shall consult with the CDFG and City regarding appropriate mitigation measures before proceeding with project development. (CDFG/Planning)

**C. The following apply during any grading/construction phase of the project:**

1. STORMWATER DISCHARGE DURING CONSTRUCTION. During Construction, the Applicant shall minimize the transport and discharge of storm water from the project site by incorporation of the following measures into the construction site practices:
  - a) Identify all storm drains, drainage swales and creeks located near the construction site and make sure all subcontractors are aware of their locations to prevent pollutants from entering them. Use silt fence barrier, straw bale barrier, sand bags, brush or rock filter or other appropriate measures, as necessary to minimize the quantity of sediment laden runoff from the site.
  - b) Stabilize any areas that have been stripped of vegetation, and maintain erosion control measures between October 15 and April 15.
  - c) Ensure that erosion control by re-vegetation is performed just prior to the rainy season unless on site irrigation is provided. Select seed to minimize fertilizer and water use. Limit watering to the amount and frequency, which can be absorbed on site.
  - d) Avoid stockpiling of soils or materials as much as possible. All piles of sand, dirt and similar material must be 10 feet away from any catch basin. Cover with a waterproof tarp during periods of rainy weather to control runoff. Monitor the site for minimization of erosion and sediment runoff every 24 hours during and after every storm event. Before it rains, sweep and remove materials from surfaces that drain to storm drains, creeks, or channels.
  - e) Never clean brushes or rinse paint containers into a street, gutter, storm drain, or creek. Recycle, return to supplier or donate unwanted water-based (latex) paint. Dried latex

paint may be disposed of in the garbage. Unwanted paint (that is not recycled), thinners, and sludge must be disposed of as hazardous waste.

- f) Avoid cleaning, fueling, or maintaining vehicles on site, except in an area designated to contain and treat runoff. Clean up leaks, drips, and other spills immediately so they do not reach a catch basin. Never wash down pavement or surfaces where materials have spilled. Use dry cleanup methods whenever possible.
- g) Avoid mixing excess amounts of fresh concrete or cement mortar. Whenever possible, return contents of mixer barrel to the yard for recycling. Dispose of small amounts of excess concrete, grout, and mortar in the trash.
- h) Practice source reduction. Reduce waste by only ordering the amount you need to finish the job. Recycle leftover materials whenever possible. Materials such as concrete, asphalt, scrap metal, solvents, degreasers, cleared vegetation, paper, rock, and vehicle maintenance materials such as used oil, antifreeze, and batteries are recyclable.
- i) Inspect portable toilets for leaks. Do not place on or near storm drain outlets. Be sure the leasing company adequately maintains, promptly repairs, and replaces units as needed. \_\_\_\_\_ (Building/Public Works)

2. STORM DRAINAGE PLAN IMPLEMENTATION. All drainage from individual lots and common areas shall drain toward the private roadway using the appropriate National Pollutant Discharge Elimination System (NPDES) Best Management Practice (BMP). There shall be a direct connection of all storm drain pipes to the private roadways and then off-site to the golf course ponds, provided a storm drain treatment unit, acceptable to the City Engineer, is installed in the system prior to discharge.

\_\_\_\_\_ (Building/Public Works)

3. STORM DRAINAGE FEES. The Applicant is installing all storm drainage facilities at the Project site and the entire storm drainage system will be privately owned and maintained. As a result, no City improvements or services are impacted and Applicant shall not be obligated to pay storm drainage improvement fees in accordance with Municipal Code Chapter 17.46.

\_\_\_\_\_ (Building/Public Works)

4. PALEONTOLOGICAL/ARCHAEOLOGICAL RESOURCES. If historic or archaeological resources are uncovered during grading activities, all work shall stop and the Applicant shall retain a qualified archaeologist. In the event that previously unidentified paleontological or archaeological resources are discovered during site preparation or construction, the project developer shall cease work in the immediate area until such a time as a qualified archaeologist or paleontologist can assess the significance of the find. The following actions shall be implemented at the time of the find:

- a) Project personnel shall not alter any of the uncovered materials or their context.
- b) If a human burial or disassociated bone is encountered, current State law requires that the County Coroner be called immediately. All work must be curtailed in the vicinity of the discovery until the Coroner's approval to continue has been received.

- c) If archaeological or paleontological resources are discovered, and the archaeologist or paleontologist finds that the resource is unique or is considered a historic resource based on the criteria provided in the CEQA Guidelines and criteria listed above, the City and the project developer, in consultation with the consultants, shall seek to avoid damaging effects on the resource wherever feasible.
- d) If the City determines that avoidance is not feasible, a qualified archaeologist or paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource unique. The mitigation plan shall be prepared in accordance with CEQA Guidelines and shall be submitted to the City for review and approval. The qualified archaeologist or paleontologist will perform an archaeological reconnaissance and develop mitigation measures to protect archaeological or paleontologist resources at the Applicant's expense (CULT-1). \_\_\_\_\_ (Public Works/Planning)
5. HOURS OF CONSTRUCTION. The hours of construction shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 10:00 a.m. to 6:00 p.m. Sundays and Holidays, unless indicated otherwise in other Conditions of Approval. \_\_\_\_\_ (Public Works)
6. CONSTRUCTION TRAILERS. Temporary construction trailers are permitted as accessory uses in conjunction with the development of this site, subject to the following conditions:
- The construction trailer shall be used as a temporary construction office only.
  - Neither sanitation facilities nor plumbed water is permitted within the trailer.
  - No overnight habitation of the construction trailer is permitted.
  - No construction trailers are permitted on site prior to building or grading permit issuance.
  - The construction trailer shall be removed from the site within ten days of issuance of a Certificate of Occupancy or the final building inspection of the last residence, whichever occurs first. The construction trailer may be converted to a sales office upon approval of a Use Permit. \_\_\_\_\_ (Building/Planning)
7. HAZARDOUS MATERIALS. Any materials deemed hazardous by the San Mateo County Department of Health that are uncovered or discovered during the course of work under this permit shall be disposed in accordance with regulations of the San Mateo County Department of Health.  
\_\_\_\_\_ (Building/County Health)
8. GRADING OR GEOTECHNICAL WORK. All grading or geotechnical work required shall be carried out according to the recommendations of the Applicant's geotechnical consultant. A Grading and Excavating permit shall be required for all grading in accordance with Section 14.24.030 of the Half Moon Bay Municipal Code, where the work to be done is included within any one or more of the following provisions:
- Fill will exceed two feet in vertical depth at its deepest point measured from the pre-existing ground surface;
  - An excavation will exceed two feet in vertical depth at its deepest point;
  - Grading will exceed an area of five thousand square feet;

- d) Grading exceeds five hundred cubic yards;
- e) That in the event it becomes necessary to either import or export more than 500 cubic yards of material, the developer shall submit detailed haul routes and schedules to the City Council for approval; and,
- f) All construction, grading, and site preparation activities shall be in conformance with the requirements of the Air Quality Management District rules and regulations governing these activities.

\_\_\_\_\_ (Building/Public Works)

9. CERTIFICATION OF THE FIRST FLOOR HEIGHT. Prior to below floor framing or concrete slab steel reinforcement inspection, a stamped and signed building height verification letter shall be submitted to the City from a licensed land surveyor certifying that the first floor height as constructed is equal to or less than the elevation specified for the first floor height in the approved plans. The building pad shall be at least one foot above the centerline crown of the roadway or the top of the curb. For stepped building pads, as shown on the Vesting Tentative Subdivision Map Lots 20 through 31, the upper pad shall be at least one foot above the centerline crown of the roadway or the top of the curb and the lower pad shall be at least level with the centerline crown of the roadway or the top of the curb. \_\_\_\_\_  
(Building)

10. CERTIFICATION OF ROOF HEIGHT. Prior to roof sheathing inspection, a stamped and signed building height verification letter shall be submitted to the City from a licensed land surveyor certifying that the highest top elevation of the roof, peak, or ridge height as constructed is equal to or less than the elevation specified in the approved plans. \_\_\_\_\_  
(Building)

11. REDUCE DUST. Unless the site is watered to the satisfaction of the City Engineer, grading activities and travel on unpaved areas will be terminated if average hourly wind speeds exceed 20 mph to reduce dust lofting when turbulent winds may carry large dust particles for long distances.  
\_\_\_\_\_ (Building/Public Works)

**D. The following Conditions shall be fulfilled prior to approval of the Final Subdivision Map:**

1. FINAL MAP CONTENTS. The Final Map shall be in complete form and accompanied by the traverse closure computations, map checking fee and all other items required by the City Engineer, consistent with Approved Plans. The Final Map shall include a name to be approved by the City Council for any new streets that are not extensions of existing named streets and an irrevocable offer to dedicate all necessary public rights-of-way and easements. The submittal shall include the latest title report guarantee of the property. All record owners of property within the boundaries of this Subdivision shall sign the Final Map prior to its approval for recordation. All City and Agency Approval Signatures shall be provided on the front sheet of the Final Map for each Agency Approval. \_\_\_\_\_ (City Engineer)

2. FINAL MAP FORM. All material necessary to present the subdivision Final Map to the City Council shall be submitted to the City Engineer at least four (4) weeks prior to the presentation. The material shall be submitted in a form satisfactory to the City Engineer.  
\_\_\_\_\_ (City Engineer)

3. OFFERS OF DEDICATION. The Applicant shall irrevocably offer for dedication five feet of property for public right-of-way along the proposed subdivision frontage adjacent to Redondo Beach Road. The applicant may encroach within two (2) feet of the five foot dedicated area with a fence to match adjacent subdivisions, and meet necessary mitigation measures and landscape screening requirements. All public utility easements that may be a portion of or within this subdivision as required by the City's Local Coastal Plan and/or the City Engineer shall be clearly indicated on the Final Map. \_\_\_\_\_ (City Engineer)

4. CREDIT FOR PRIVATELY MAINTAINED PARK SPACE. The Applicant shall provide a 10,500 sq. ft. portion of the project site for private park and recreation purposes, with a coastal access point and a link to pedestrian trails, paths and sidewalks, protective buffer zones and landscaped common areas as generally shown in the documents referenced in Condition A.2 above. The park shall be privately maintained by the Homeowners' Association and the Applicant shall provide proof to the satisfaction of the Public Works Director that the private ownership and maintenance of the site is adequately provided for pursuant to CC&Rs or a written agreement. Prior to approval of a Final Map, the Applicant shall record a conservation easement, deed restriction, or similar instrument, in a form acceptable to the Public Works Director, which restricts the 10,500 sq. ft. site to use as park and open space in favor of residents of Ocean Colony and that cannot be defeated or eliminated without the consent of the City Council. Satisfaction of this condition will result in a 50% credit to be applied to the Applicant's park and recreation dedication and fee obligations set forth in Condition D.5.

\_\_\_\_\_ (City Engineer)

5. LAND DEDICATION AND IN-LIEU FEES FOR PARK AND RECREATION. Applicant shall be required to dedicate land in accordance with Condition D.4 above, and make a payment of in-lieu fees for park and recreation purposes. The Applicant shall pay park and recreation in-lieu fees totaling \$272,000. Said fees shall be computed as follows:

$$\frac{32 \text{ ("DU")} \times 3.4 \text{ ("POP")} \times 4 \text{ acres} \times \$1,250,000 \text{ ("FMV")}}{1,000 \times 1 \text{ ("Buildable Acre")}} = \$544,000$$

minus credit of:

$$\frac{10,500 \text{ sq. ft. park} \times \$1,250,000}{43,560 \text{ sq. ft. (1 acre) 1 acre}} = \$301,308 \text{ (but not to exceed 50% or } \$272,000)$$

$$\underline{\$544,000 \text{ gross fees} - \$272,000 \text{ credit} = \$272,000 \text{ total fee (credit established pursuant to Condition D.4)}}$$

Such fees shall be paid on a pro-rata basis upon issuance of each building permit for each residential unit in the Project (\$272,000 ÷ 32 = \$8,500 per unit). Such fees shall be considered as meeting Landowner's park requirements under the Quimby Act (California

Government Code § 66477 et seq. (Building)

6. COASTSIDE COUNTY WATER DISTRICT. All domestic water supplied to the project shall be from the Coastside County Water District. Prior to Final Map Approval, the Applicant shall submit plans for the water connections to the Coastside County Water District Engineer which shall be approved by all required parties. Furthermore, such security as deemed necessary by the Water District shall be required to insure installation of the proposed facilities. The Applicant shall submit evidence to the Planning Director from the Coastside County Water District indicating that adequate domestic water supplies and fire flows are available for all of the proposed uses. In the event it is determined that insufficient water is available to serve the needs of the proposed uses on the site, the Applicant shall submit a construction phasing program based upon the availability of future water supplies for approval by the City Council. All utilities shall be connected prior to occupancy.  
\_\_\_\_\_ (Building)
7. UTILITIES. The exact location, number, size and other pertinent information for all utilities including fire hydrants, street lights, sanitary sewers and storm drains will be checked and approved at the time the final improvement plans are submitted to the City Engineer for review. \_\_\_\_\_ (City Engineer)
8. UTILITY EASEMENTS. The Applicant shall submit three prints of the approved Vesting Tentative Subdivision Map to each of the following utility companies: Pacific Gas & Electric Company, AT&T, Comcast Cable Company, City of Half Moon Bay Sanitary Sewer District and the Coastside County Water District. The Applicant shall subsequently provide the City Engineer with each utility's easement needs as part of the Final Map submittal.  
\_\_\_\_\_ (City Engineer)
9. ADEQUATE CAPACITY ASSURED. Prior to approval of the Final Map, the Applicant shall provide "will serve" letters and documentation to the Public Works Department to assure that adequate capacity exists and is available for all utilities serving the project. \_\_\_\_\_ (Public Works)
10. IMPROVEMENT PLANS. The Applicant shall submit improvement plans for the public improvements, including a grading and drainage plan and an erosion/dust control plan that also includes provisions for the winterization of the site as part of the initial Final Map submission. The plans shall be in complete form and in accordance with the standards established by the California Subdivision Map Act, the City's Municipal Code, including the Ocean Colony Planned Unit Development Ordinance as amended, and the City Engineer regarding format and design information required.  
\_\_\_\_\_ (Planning/City Engineer)
11. AGENCY PERMITS. Any permits required by the Coastal Commission, CalTrans, the California Department of Fish & Game, the US Army Corps of Engineers, or other agency with permitting jurisdiction over the subject property shall be obtained by the Applicant prior to approval of a Final Map. \_\_\_\_\_ (City Engineer)
12. PAYMENT OF FEES. The Applicant shall pay all outstanding fees and charges due, including any costs associated with the preparation of the Environmental Impact Report and

make any necessary escrow deposits prior to approval of a Final Map. \_\_\_\_\_ (Planning/City Engineer)

13. SUBDIVISION IMPROVEMENT AGREEMENT. If, at the time of approval of the Final Map, any required public improvements have not been completed and accepted by the City, the Applicant shall cause to be prepared and shall, in accordance with the Subdivision Map Act, enter into a Subdivision Improvement Agreement satisfactory to the City Council covering all of the conditional items specified herein or as required by law. \_\_\_\_\_ (City Engineer)
14. STANDARDS, DETAILS, AND SPECIFICATIONS. The public improvements shall be in accordance with the City of Half Moon Design Standards, Design Details, and standard Specifications, and any conditions of approval set forth herein, unless specifically waived by the City Council as part of this approval. \_\_\_\_\_ (Public Works)
15. ASSESSMENT REAPPORTIONMENTS. The Applicant shall prepare, or cause to be prepared, any assessment reapportionments necessary for the subdivision, including any Half Moon Bay Fire CFD. The reapportionments shall confirm to the lots created by the subdivision such that each lot shall be a separate reapportionment. Prior to approval of the Final Map, the Applicant shall submit any and all completed reapportionment diagrams and legal documents to the City Engineer for review, distribution, and recording.  
\_\_\_\_\_  
(City Engineer)
16. ANNUAL REPORTS. The Applicant shall file annual reports with the Planning Director certifying that the mitigation measures have been incorporated into the project, implemented or maintained as a condition of project approval. If the required reports are not filed or the mitigation measures are not implemented, the City shall stop the project from continuing to be processed, constructed, and shall prohibit occupancy. The Planning Director shall use a Mitigation Monitoring Checklist to certify that the mitigation measures have been implemented. City staff monitoring dates shall generally be tied to project milestones such as Grading Permit, Improvement Plans, Final Subdivision Map recordation, Building and Occupancy Permits.  
\_\_\_\_\_  
(Planning)
17. DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS (CC&RS). Prior to approval of a Final Map, the Applicant shall submit proof to the City Engineer that the project shall be subject to the existing Ocean Colony CC&Rs. \_\_\_\_\_ (City Engineer)
18. WALLS AND FENCES. Concurrent with the recording of the Final Map, the Applicant shall record a restrictive covenant, easement or other instrument acceptable to the City Attorney that accomplishes the following:
- a) The building footprint of each residential structure within the project shall not be altered in any way. No additions, expansions or other modifications that add any more lot coverage or building square footage shall be permitted.
  - b) Any exterior modifications to the residential structures within the project, including any changes in material or design shall require approvals and/or permits from the City of Half Moon Bay.

- c) Solid fencing or structures (other than approved retaining walls) along the rear of the lots backing onto the golf course fairway (lots 19 – 31) are prohibited. Retaining walls along rear lot lines on lots 19 through 31 shall be a “VersaLock” or equivalent type of wall. No “Keystone” or similar type of modular block shall be used to construct a retaining wall.
- d) Any fencing located on the side lot lines between the rear lot line and the building foundations on lots 19 through 31 shall be substantially transparent. With the mutual agreement of adjoining owners, fencing along the common side lot line may be removed.
- e) Any vegetation, including trees and shrubs, or other such materials shall be restricted as determined by the Applicant. \_\_\_\_\_ (City Attorney)

19. DISCLOSURE. The Applicant shall disclose to all buyers of property within the Carnoustie subdivision that surrounding agricultural land uses may continue in perpetuity. The Applicant shall include such a disclosure in the sales documents for the project and shall require each homebuyer to sign such disclosure. A note to this effect shall be placed on the Final Map prior to recordation. \_\_\_\_\_ (City Engineer)

20. VARIABLE SETBACKS. In order to create greater variety on the street side of the project, the front yard setbacks on Lots 22 through 25 may vary between 20 and 25 feet, provided that the varying setbacks alternate between lots and the majority of the setbacks are not reduced to 20 feet. \_\_\_\_\_ (Planning)

**E. The following Conditions shall be fulfilled prior to the issuance of a Building Permit:**

- 1. BUILDING STANDARDS. All buildings, structures, and improvements shall be designed and constructed in accordance with all provisions of the California Building Standards Code (California Code of Regulations, Title 24), the uniform codes referenced therein, any amendments to such codes as have been adopted by the City of Half Moon Bay Chapter, and with Half Moon Bay Standard Details, which are in effect and applicable at the time a building permit is issued. The minimum basic wind speed for determining design wind pressure shall be 90 miles per hour. The exposure assigned for the subject site, for which a building or structure is to be designed in accordance with Chapter 16, Division III of the Uniform Building Code (1997 edition or latest version adopted by or in effect in the City of Half Moon Bay), shall be Exposure C and Exposure D because the project is within one quarter mile of the Ocean. \_\_\_\_\_ (Building)
- 2. NOISE STANDARDS. All residential dwellings shall be designed in such a manner that the ambient noise level within the structures shall meet a Sound Transmission Class (STC) of 50 (45 if field-tested). \_\_\_\_\_ (Building)
- 3. EVIDENCE OF SEWER CONNECTION CAPACITY. The Applicant shall demonstrate issuance of a sewer permit from the City of Half Moon Bay Sewer District. \_\_\_\_\_ (Building)
- 4. SANITARY SEWER. Sanitary sewers must have a manhole at each change in direction of pipe. Curved sewers are not allowed. Manholes should be within paved streets whenever

possible. Changes in flow directions greater than 90 degrees should be avoided. \_\_\_\_\_  
(Building)

5. SEWER CONNECTION FEE. The Applicant shall pay a sewer connection fee of \$3,777 upon issuance of each building permit for each residential unit in the Project. The total amount to be paid by Applicant shall be \$120,864 for the Project ( $\$3,777 \times 32 \text{ units} = \$120,864$ ). \_\_\_\_\_ (Building)
6. SEWAGE TREATMENT CAPACITY EQUALIZATION FEE. The Project has been assessed for the SAM expansion in excess of that required for 32 residential units. As a result, the Applicant shall not be obligated to pay any Sewage Treatment Capacity Fee for the Project. \_\_\_\_\_ (Building)
7. CAPITAL OUTLAY FEE. Applicant shall pay a capital outlay fee of \$105 upon issuance of each building permit for each residential unit in the Project. The total amount to be paid by Applicant shall be \$3,360 for the Project ( $\$54 + (\$17 \times 3 \text{ bedrooms}) = \$105 \text{ per unit} \times 32 = \$3,360$ ). \_\_\_\_\_ (Building)
8. PARK FACILITIES DEVELOPMENT FEE. Applicant shall pay a park facilities development fee of \$4,152 upon issuance of each building permit for each residential unit in the Project. The total amount to be paid by Applicant shall be \$132,864 for the Project ( $\$1,038 \times 4 \text{ bedrooms} = \$4,152 \text{ per unit} \times 32 \text{ units} = \$132,864$ ). \_\_\_\_\_ (Building)
9. AFFORDABLE HOUSING. Applicant shall pay an affordable housing in-lieu fee of \$65,452.78 upon issuance of each building permit for each residential unit in the Project. The total amount to be paid by Applicant shall be \$2,094,489 for the Project ( $\$65,452.78 \times 32 \text{ units} = \$2,094,489$ ). If a development agreement for the Project between the Applicant and the City of Half Moon Bay is in effect, the payment of affordable housing in-lieu fees shall be handled in accordance with the terms of the Development Agreement. \_\_\_\_\_ (Building)
10. TRAFFIC MITIGATION FEES. Applicant shall pay a traffic mitigation fee of \$1,913 upon issuance of each building permit for each residential unit in the Project. The total amount to be paid by Applicant shall be \$61,216 for the Project ( $\$1,913 \times 32 \text{ units} = \$61,216$ ). Applicant shall pay an additional fee of \$1,000,000 to be used by City for traffic improvements identified in the City's General Plan, or any traffic improvement studies or other approved traffic plans. The additional \$1,000,000 shall be paid on a pro-rata basis upon issuance of each building permit for each residential unit in the Project ( $\$1,000,000 / 32 \text{ units} = \$31,250 \text{ per unit}$ ). Payment of the \$1,000,000 fee shall satisfy the Applicant's traffic mitigation obligations set forth in Condition E.11. \_\_\_\_\_ (Building)
11. TRAFFIC MITIGATION. The Applicant shall ensure that the following actions are completed in accordance with the Mitigation Measures adopted as part of the certification of the Carnoustie Final Environmental Impact Report (SCH #2003012108) and the Development Agreement entered into by and between the City and the Applicant:
  - a) Contribute a pro-rata share to the future signalization of the Highway1/South Main Street intersection. The project is forecast to contribute an average of 0.8 percent of cumulative peak hour traffic through the intersection (average of weekday PM and

Saturday PM peak hours) (TRAF-1). This requirement is satisfied by the contribution of \$1,000,000 identified in Condition E.10. \_\_\_\_\_ (Building)

b) Traffic volumes at the intersection of SR 1 and Wavecrest Road shall be monitored by the City, and a northbound two-way/center acceleration lane shall be provided in the center of SR 1 when warranted from a traffic safety or vehicle delay perspective. The Applicant shall contribute a pro-rata or fair-share for the two-way/center acceleration lane at this intersection (TRAF-2). This requirement is satisfied by the contribution of \$1,000,000 identified in Condition E.10. \_\_\_\_\_ (Building)

c) Traffic volumes at the intersection of Redondo Beach Road and SR 1 shall be monitored by the City, and a northbound two-way/center acceleration lane shall be provided in the center of SR 1 when warranted from a traffic safety or vehicle delay perspective. The Applicant shall contribute a pro rata or fair share for the two-way/center acceleration lane at this intersection (TRAF-3). This requirement is satisfied by the contribution of \$1,000,000 identified in Condition E.10. \_\_\_\_\_ (Building)

12. SCHOOL IMPACT FEES. The Applicant shall pay School Impact fees, as required, prior to the issuance of any Building Permits. \_\_\_\_\_ (Building)

13. LOT RETIREMENT. Upon issuance of the 16<sup>th</sup> residential building permit for the Project, Applicant shall retire 34 lots as shown in Exhibit I of the Development Agreement. Retirement of said lots shall be carried out using non-development, open space or conservation easements or through dedication, or other appropriate means agreed to by City. \_\_\_\_\_ (City Attorney)

14. VALID MEASURE A CERTIFICATE. The Planning Department shall verify that the Development Phasing Agreement for Measure A Certificates approved by the City Council on December 5, 2006, issued for the property is not expired and remains valid. \_\_\_\_\_ (Planning)

15. SURVEY REQUIRED. A detailed topographic/site boundary survey shall be prepared and certified by a licensed surveyor and submitted with building application plans. The survey shall include a baseline elevation datum point on, or close to the construction site, indicating existing grade of the datum. This datum point shall be permanent, marked, shall remain fixed in the field, and shall not be disturbed throughout the building process. Examples of datum points include: fire hydrants, manhole covers, survey markers, street curbs, etc. This datum point shall be shown on all site plans including revised/resubmitted plans. The survey must show the footprint and roof plan of the proposed residence and identify the existing grade elevations at the corners and roof ridgeline of the residence. \_\_\_\_\_ (Building)

16. LANDSCAPE/HARDSCAPE PLANS. The Applicant shall submit landscape and hardscape plans to the Public Works Department prior to issuance of a building permit. The Applicant is advised that line of sight triangles regarding roadway intersections (for corner properties) and driveways shall be adhered to in accordance with Section 18.06.040(B) (4). In addition, allowable heights for fencing, walls, posts, mailbox holders, etc. if permitted, shall follow the same height and structure guidelines for facilities that are located in building setback areas. \_\_\_\_\_ (Building/Planning)

17. TREE REPLACEMENT PLAN. A Tree Replacement Plan shall be developed and implemented, per the City of Half Moon Bay Tree Ordinance, to mitigate the removal of any trees. The Plan shall identify: 1) number and species of trees to be removed; 2) number and species of trees to be planted; 3) specific planting locations; 4) schedules and methods for maintenance and monitoring to assure the success of the Plan; and 5) performance standards that shall require: a) survival of at least the same number of trees that were removed; and b) "normal" vigor and health of all trees planted (BIO-2). \_\_\_\_\_ (Planning/Building)
18. DROUGHT-TOLERANT LANDSCAPING. The City shall verify that the final landscape plan for the project would minimize water consumption through use of drought-tolerant plants, minimization of turf, and utilization of a water-saving irrigation system (UTL-1a). \_\_\_\_\_ (Planning)
19. FIRE WALL SEPARATION. As per the 2001 CBC, Section 302.4, a one-hour occupancy separation wall shall be installed with a solid core, 20-minute fire rated, self-closing door assembly with smoke gasket between the garage and the residence. \_\_\_\_\_ (Building/Fire)
20. FIRE HYDRANTS. As per 2001 CFC, Appendix III-A and III-B, a fire district approved fire hydrant (Clow 960) must be located within 250 feet of the proposed single-family dwelling unit measured by way of drivable access. As per 2001 CFC, Appendix IIIA the hydrant must produce a minimum fire flow of 1,000 gallons per minute at 20 pounds per square inch residual pressure for 2 hours. Contact the local water purveyor for water flow details. \_\_\_\_\_ (Building/Fire)
21. FIRE SPRINKLER SYSTEM. As per Half Moon Bay Fire District Ordinance Number 2002-01, the Applicant shall install an automatic fire sprinkler system throughout the proposed and/or improved dwelling and garage. All attic access locations shall be provided with a pilot head on a metal upright. All areas that are accessible for storage purposes shall be equipped with fire sprinklers including closets and bathrooms. The only exception is small linen closets less than 24 square feet with full depth shelving. The plans for this system shall be submitted to the City of Half Moon Bay. A building permit will not be issued until plans are received, reviewed and approved. Upon submission of plans, the City will forward a complete set to the Half Moon Bay Fire District for review. The fee scheduled for automatic fire sprinkler systems shall be in accordance with Half Moon Bay Ordinance No. 2006-01. Fees shall be paid prior to plan review. \_\_\_\_\_ (Building/Fire)
22. FIRE ALARMS. Exterior bell and interior horn/strobe are required to be wired into the required flow switch on each fire sprinkler system. The bell, horn / strobe and flow switch, along with the garage door opener are to be wired into a separate circuit breaker at the main electrical panel and labeled. \_\_\_\_\_ (Building/Fire)
23. SMOKE DETECTORS. As per the California Building Code, State Fire Marshal regulations, and Half Moon Bay Fire District Ordinance 2002-01, the Applicant is required to install State Fire Marshal approved and listed smoke detectors which are hard wired, interconnected, and have battery backup. These detectors are required to be placed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. A minimum of one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to the building final. \_\_\_\_\_ (Building/Fire)

24. ROOF COVERING. As per Half Moon Bay Fire District Ordinance 2002-01, the roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher as defined in the current edition of the California Building Code. \_\_\_\_\_ (Building/Fire)

25. FLOOD HAZARD. In areas of special flood hazard, all new residential construction and all substantial improvements to a residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation and shall be securely anchored to a permanent foundation system to resist flotation, collapse, or lateral movement per Section 14.34.190 of the Municipal Code. \_\_\_\_\_ (Building)

**F. The following shall be completed prior to Occupancy:**

1. PRIVATE STREETS. All streets in this subdivision are private, and not maintained by The City. The Ocean Colony Home Owners Association (HOA) shall maintain the roadways, and the Applicant shall provide proof of HOA maintenance. \_\_\_\_\_ (Public Works)
2. ROADWAY CONSTRUCTION. All roadways for access to the site shall be constructed in accordance with the approved infrastructure improvement plans. Said roadways shall have an all-weather (not less than eight inches of compacted Class II Miscellaneous Base) surface or paving prior to beginning construction above the foundation of any structures that require a Building Permit. Pavement section shall be constructed to allow a final 0.10' AC overlay after all homes are constructed. Said roadways shall be maintained in good condition (free of any mud or debris) by the Applicant during all construction activities on the site to the satisfaction of the City Engineer. Said roadways shall be constructed to City Standards prior to the issuance of a Certificate of Occupancy for any building requiring a building permit. \_\_\_\_\_ (Public Works)
3. STREET IMPROVEMENTS. The Applicant shall construct curb, gutter, sidewalk, and pavement construction along the street frontages indicated below in accordance with project drawings or as approved by the City Engineer:

| <u>Street Name</u> | <u>Class</u>     | <u>Curb Face To Curb Face</u>                     | <u>Private ROW</u>                    | <u>Parking Bays</u> |
|--------------------|------------------|---|---------------------------------------|---------------------|
|                    |                  | <u>Excluding Easements</u>                        | <u>Private Sdwlk and Utility Ease</u> |                     |
| Bayhill Road       | Minor            | 20.0  | 30.0                                  | 7.0                 |
| Carnoustie Drive   | Minor            | 25.0  | 35.0                                  | 7.0                 |
| <u>Street</u>      | <u>Curb Type</u> | <u>Minimum Sidewalk Width (Excluding in Feet)</u> |                                       |                     |
| Bayhill Road       | Vertical         | 4.0   | (one side)                            |                     |

\_\_\_\_\_ (Public Works)

- 4. FIRE LANES. Where right-of-way widths and travel lanes on the streets do not meet minimum City Standards, the streets shall be designated as Fire Lanes with parking prohibited anywhere except in approved bays outside of the travel lanes. The streets shall be posted "Fire lane - No Parking" and shall be so delineated by signs and curb markings to the satisfaction of the City Engineer, the Fire Protection District and the Police Chief.

\_\_\_\_\_ (Public Works) \_\_\_\_\_ (Police) \_\_\_\_\_ (Fire)

- 5. ADA STANDARDS. All improvements required by the Half Moon Bay Fire Protection District and Department of Public Works and Building shall be designed subject to ADA standards and the review and approval of the City Engineer and Fire Marshal. The Applicant shall complete all street improvements required by the Fire District and Public Works Department prior to occupancy. \_\_\_\_\_ (Public Works/Building)

- 6. COMPLIANCE WITH FIRE PROTECTION DISTRICT. All requirements of the Half Moon Bay Fire Protection District shall be met. \_\_\_\_\_ (Building/ Fire)

- 7. PARK FACILITIES MITIGATION. Applicant shall pay \$367,136 for park facilities mitigation, to be paid and collected at the time a certificate of occupancy has been issued for the 24<sup>th</sup> residential unit in the Project.

- 8. ENCROACHMENT PERMIT. An Encroachment Permit shall be required prior to any installation of utilities and any other required work within the public right-of-ways. \_\_\_\_\_ (Public Works)

- 9. DOMESTIC WATER LINES. The Applicant shall construct domestic water line facilities and appurtenances for service from the water utility. Water service from any interim well shall not be permitted. Low flow plumbing fixtures shall be used throughout the proposed project. A water pressure regulator shall be installed. The sanitary sewer line and lateral facilities for complete and adequate service for this parcel shall be connected to the public sewer lines. A cleanout is to be provided within three feet of the property line in the Public Right of Way. \_\_\_\_\_ (Public Works)

- 10. RELOCATING UTILITIES. Any public utilities within legal recorded public utility easements requiring relocation as a result of the construction of the building(s) or improvements under this permit shall be relocated at the owner's expense. \_\_\_\_\_ (Building)

- 11. UNDERGROUND UTILITIES. All utilities shall be installed underground. \_\_\_\_\_ (Building/Public Works)

- 12. REPAIR OF ADJACENT PUBLIC ROAD. Prior to a certificate of occupancy for the last residential unit, the applicant shall repair the public roadway adjacent to the project and used for project construction traffic in accordance with the detail drawing prepared by BKF Engineers, titled "Public Roadway Construction Use Repairs", dated July 24, 2007. \_\_\_\_\_ (Public Works)

13. EXTERIOR COLORS AND MATERIALS. Exterior colors and materials shall be in substantial compliance with those shown on the color and materials board approved by the Planning Commission on July 26, 2007.  
\_\_\_\_\_ (Planning/Building)
14. STREET LIGHTING. Street lights shall be compatible with those within Ocean Colony, and shall be owned and maintained by the homeowners' association, unless otherwise approved by the City Engineer.  
\_\_\_\_\_ (Public Works)
15. OUTDOOR LIGHTING. Outdoor lighting in pedestrian areas shall be restricted to areas of significant pedestrian and traffic activity. Low intensity, downward-directed lighting shall be used in all areas where light sources could be visible from neighboring properties or important wildlife areas. Lighting of signs shall be minimized (AES-1). \_\_\_\_\_ (Planning)
16. ADDRESS NUMBERS. Lighted street address numbers shall be installed in a prominent location on the street side of each residence in such a position that the number is easily visible to approaching emergency vehicles. The numerals should be no less than four inches in height and should be of a contrasting color to the background. \_\_\_\_\_ (Building)
17. SURVEY MONUMENTATION. The Applicant shall provide City Standard survey monumentation in the street, in accordance with City Standards. \_\_\_\_\_ (Public Works)
18. PERMANENT FENCING. A permanent cement or metal fence/wall at least two feet high shall be established along the northern and western property lines of the project as a minimization measure to reduce the likelihood of endangered species migration onto the site.

**G. The project is subject to the following permanent Conditions:**

1. MAINTAIN LANDSCAPING. The Applicant shall ensure that all landscaped areas and/or fences shall be continuously maintained, and all plant material shall be continuously maintained free of refuse and weeds and in a healthy growing condition. \_\_\_\_\_ (Planning)
2. NO ENCROACHMENT. The Applicant shall ensure that landscaping or fencing does not encroach into the right-of-way or any public easements, except for any street trees authorized by this permit. \_\_\_\_\_ (Public Works)
3. FIRE CLEARANCE. The Half Moon Bay Fire District Ordinance 2002-01, the 2001 California Fire Code and Public Resources Code 4291 require a minimum clearance of 100 feet, or to the property line of all flammable vegetation to be maintained around all structures by the property owner. This does not include individual species of ornamental shrubs and landscaping. \_\_\_\_\_ (Fire/Public Works)
4. PAYMENT OF COSTS. The Applicant shall include payment of 100 percent of the Planning Department staff costs, and the costs of any technical consultant services incurred during implementation of the Mitigation Monitoring and Reporting Program (MMRP). If the initial estimate exceeds the actual monitoring costs, the balance shall be refunded to the

Applicant, and if the actual monitoring costs exceed the initial estimate, the Applicant shall pay the additional amount. \_\_\_\_\_ (Planning)

5. LONG-TERM MITIGATION MEASURES. Any Conditions of Approval that include long-term mitigation measures shall be recorded as deed restrictions on the property to notify successors in interest of the mitigation obligation. \_\_\_\_\_ (Planning)

#### H. Validity and Expiration of Permits

1. NOTICE OF FINAL ACTION. The Coastal Development Permit, Site and Design Permit, and Use Permit shall take effect 10 working days after receipt of the Notice of Final Action by the Coastal Commission. The Applicant shall submit a signed copy of these conditions of approval to the Planning Department before they can obtain a building permit. \_\_\_\_\_ (Planning)
2. COMPLETENESS AND ACCURACY. The Applicant shall be responsible for the completeness and accuracy of all forms and material submitted for this application. Any errors or discrepancies found therein may be grounds for the revocation or modification of this permit and/or any other City approvals.
3. EXPIRATION DATE. The expiration of permits and other project approvals shall comply with the terms of the development agreement for the Project between the Applicant and the City of Half Moon Bay once the terms are in effect, as follows:
  - a) Coastal Development Permit: shall expire on the latest expiration date applicable to any other discretionary or ministerial permit or approval required for the development, including any extension granted for other permits or approvals;
  - b) Site and Design Permit: shall expire one year after approval if a building permit has not been issued and construction commenced;
  - c) Planned Unit Development Plan: shall expire two years after its effective date, unless extended in accordance with the Municipal Code;
  - d) Use Permit: shall expire and be subject to revocation upon the expiration of the approved planned unit development plan; and
  - e) Vested Tentative Subdivision Map: shall expire two years after final approval unless a final map is submitted for processing or the term of the map is otherwise extended in accordance with the Municipal Code.

If a Development Agreement for the Project between the Applicant and the City of Half Moon Bay is in effect, the expiration of permits and other project approvals shall be controlled by the terms of the development agreement and not this condition.  
(Planning/City Attorney)

4. HOLD HARMLESS. The Applicant agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City,

and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against an and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, any review by the California Coastal Commission conducted under the California Coastal Act Public Resources Code Section 30000 et seq., or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The Applicant's duty to defend the City shall not apply in those instances when the Applicant has asserted the Claims, although the Applicant shall still have a duty to indemnify, protect and hold harmless the City. \_\_\_\_\_ (Planning/City Attorney)

5. ENTITLEMENTS RUN WITH THE LAND. The Coastal Development Permit, Site and Design Permit, Vesting Tentative Subdivision, Planned Unit Development Plan, and Use Permit run with the land and the rights and obligations hereunder, including the responsibility to comply with conditions of approval, shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned. \_\_\_\_\_ (Planning/City Attorney)

OWNER'S / APPLICANT'S CERTIFICATION:

I have read and understand and hereby accept and agree to implement the foregoing conditions of approval of the Coastal Development Permit, Site and Design Permit and Use Permit.

OWNER(S) / APPLICANT(S):

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

# Project Location Map

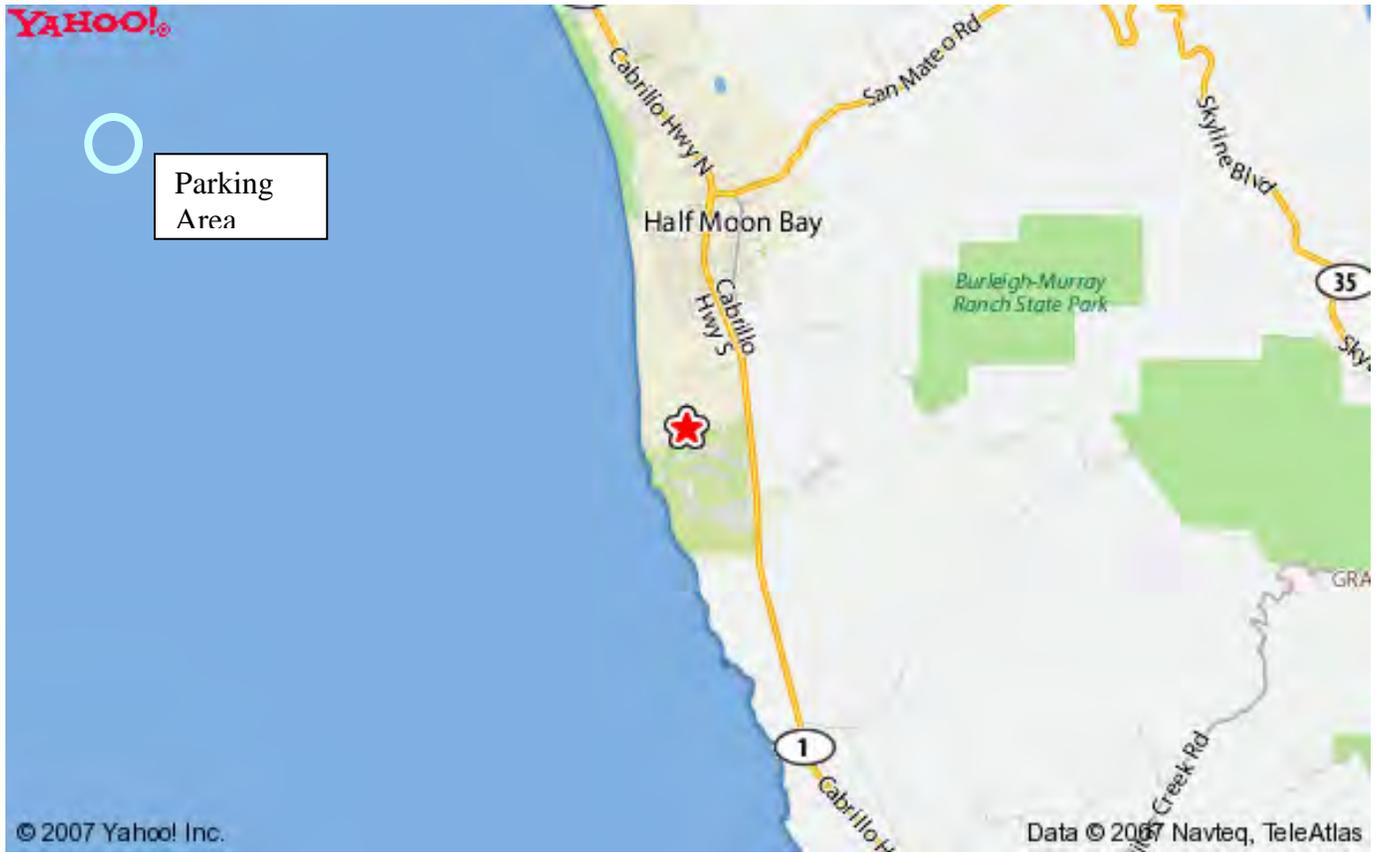


Exhibit 3  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
Project Location Map



Exhibit 4  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
Aerial Photo of Project Location



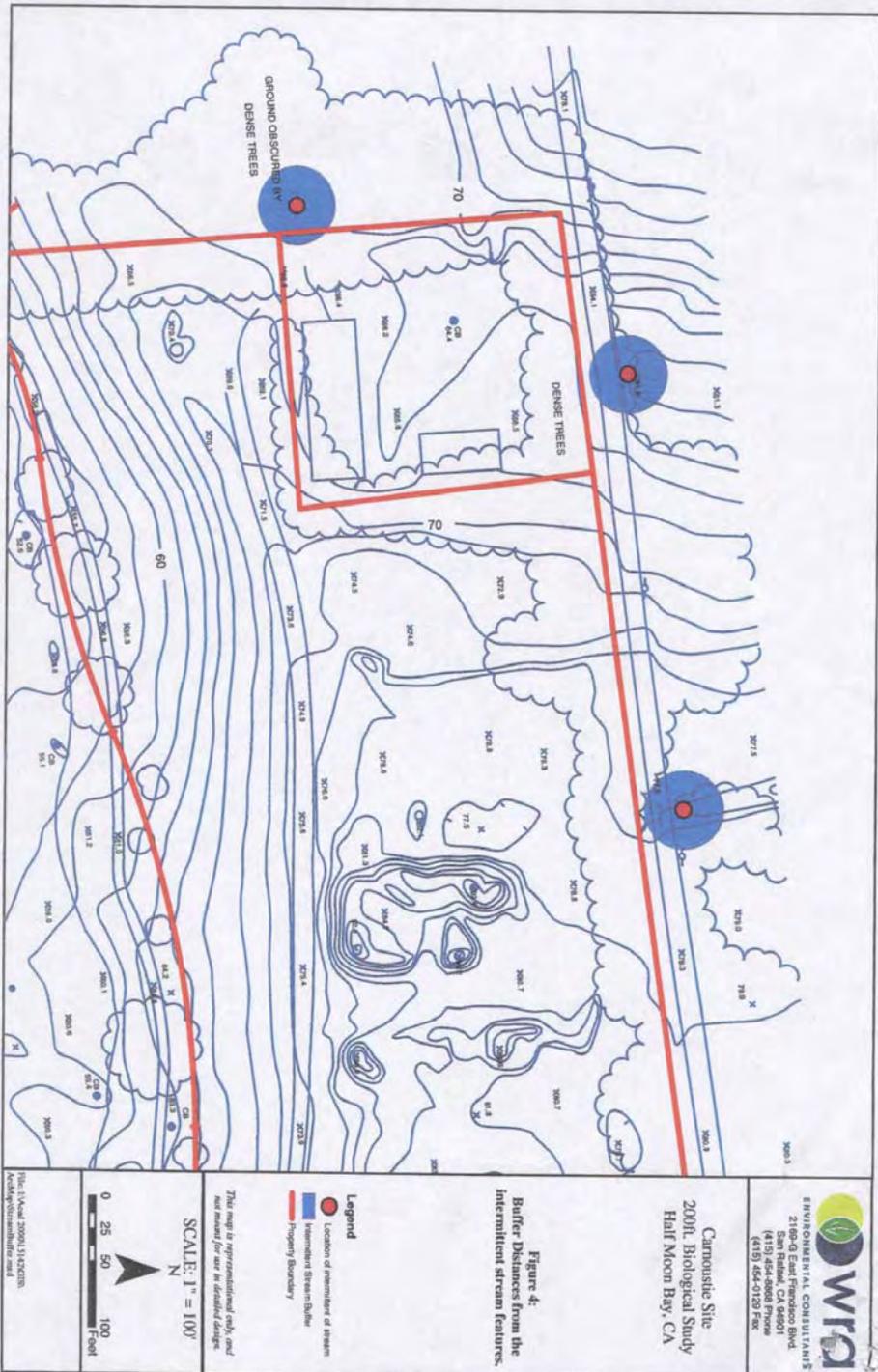


Exhibit 6  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
Location of Adjacent Drainages

From: Lucy\_Triffleman@fws.gov  
Sent: Monday, August 20, 2007 5:18 PM  
To: brussell@kenmark.com  
Cc: stevef@hmbcity.com; Kevin.J.Lansing@sf.frb.org; YinLan Zhang  
Subject: Carnoustie

Bruce:

I was finally able to review your conditions of agreement for the Carnoustie development in Half Moon Bay, San Mateo County, California. Upon review of this document as well as your email with associated attachments sent April 26, 2007 and the site visit conducted by the Service and CDFG on March 29, 2007, the Service concurs that the incorporated minimization and avoidance measures requested by the Service adhere to the Service's current recommendations. We appreciate your efforts to work with the Service to address endangered species issues in the area and will issue a formal determination on the project in the near future. If you have any further questions regarding this project, please do not hesitate to contact me. Thank you.

Sincerely,  
Lucy Triffleman  
US Fish and Wildlife Service  
Coast-Bay Delta branch  
2800 Cottage Way room W-2605  
Sacramento, CA. 95825  
Ph. (916) 414-6628  
Fax (916) 414-6712

|   |
|---|
| Exhibit 7<br>A-2-HMB-07-034 Ocean Colony Partners, LLC<br>August 20, 2007 Email from Lucy Triffleman, USFWS to<br>Bruce Russell |
|---|



**KENMARK**  
Real Estate Group, Inc.

October 23, 2007

Mr. Steve Flint  
Planning Director  
City of Half Moon Bay  
501 Main Street  
Half Moon Bay, CA 94019

Mr. Paul Nagengast  
Public Works Director  
City of Half Moon Bay  
501 Main Street  
Half Moon Bay, CA 94019

Re: Carnoustie Project; PDP-087-00

Dear Steve and Paul:

In connection with the above-referenced project, we understand that Condition C(8) of the Conditions of Approval require City approved haul routes and schedules before any grading activities.

As we previously discussed, when Ocean Colony Partners submits its final plans for grading, haul routes and schedules, we will limit any truck traffic on Redondo Beach Road from grading and infrastructure work to normal weekdays, excluding all weekends and holidays. Additionally, we will submit a safety plan for City approval that will include entrance/exit procedures, flagmen, radio/pager communication systems, signage, coning, staging and related safety measures. We are very familiar with standard Caltrans safety procedures, and would anticipate our safety plan to be comparable.

Very truly yours,

  
Bruce J. Russell  
Chief Executive Officer

BJR:bp

2450 South Cabrillo Highway  
Half Moon Bay, California 94019  
phone 650.560.0055  
fax 650.560.9198



San Francisco • Los Angeles

Exhibit 8  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
October 23, 2007 Letter from Bruce Russell to Steve  
Flint and paul Nagengast

From: Bruce Russell [BRussell@kenmark.com]  
Sent: Tuesday, October 16, 2007 1:45 PM  
To: YinLan Zhang  
Subject: FW: Carnoustie

YinLan,

In response to your call, this email addresses your questions about Carnoustie grading/construction traffic, haul routes and Redondo Beach Road.

A. Grading and Construction

Mr. Muteff's assertions about cubic yardage, truck trips, construction schedules, safety and related matters are speculative or inaccurate for several reasons.

First, no final decision has been made regarding travel routes, construction schedules or the exclusive use of Redondo Beach Road for all construction traffic. Neither our application nor the City approvals require its exclusive use, and it is certainly possible we will use alternative routes for pick-up trucks and workers. Under Condition C(8), the City must approve all haul routes, schedules and safety measures before any work begins, so the City retains approval authority over all these matters.

Second, the amount of site grading (and corresponding truck trips) is still being studied and will be dependent on final grading details, improvement plans and City permit approvals. However, it will never approach the numbers suggested by Mr. Muteff or last more than one-two months. The conceptual grading plan estimates a maximum of 8,900 cubic yards of stockpiled "old" materials and debris that must be removed, and another 19,000 cubic yards of cut export for a total off-haul of around 27,000 cubic yards. That "worst case" export would take 30-35 working days based on 40 trucks per day carrying a standard 20 cubic yards per trip. However, we are now working on a final grading plan (which will be subject to City approval before any permits) that could significantly reduce the net export. By slightly altering the internal road pitches, sloping a few backyards by an additional 1-3%, and modestly increasing the retaining wall height along the golf course by 6", we can decrease the net export to 17,000-19,000 cubic yards. That amount of export could be removed in only 18-20 working days.

Therefore, irrespective of whether the conceptual grading plan or a refined final plan is used, the maximum period for truck traffic from grading activities will be 18-35 working days. Once grading is completed, it will take another month for infrastructure (roads, sidewalks, utilities, parks, etc.), but that work is much less intensive with 10-15 trucks per day. Furthermore, we have already agreed with City staff that if Redondo Beach Road is used during grading and infrastructure, no such work will occur on weekends or holidays. Therefore, there would never be even a temporary impact during weekend coastal use periods. And, because we anticipate doing the grading work from April-June, the summer/fall months of increased coastal use will not be adversely affected.

Third, given the City's growth control Measure A, and historical absorption sales rates for Half Moon Bay, the Carnoustie project will

be built-out slowly with no more than 12-16 homes started per year. While that means the construction will take about three years, it also means "low intensity" construction with very infrequent construction deliveries and few workers on-site at any given time. Contrary to Mr. Muteff's claims of a construction access "nightmare" for three years, once grading and infrastructure are complete there will be very little daily construction traffic on Redondo Beach Road during the remaining build-out period. Single-family home construction only requires "large truck" deliveries for concrete, lumber, sheetrock and roofing. The rest of the materials, such as sheetmetal, lights, fixtures, tile, paint and carpet can be transported using low-impact pick-up trucks or U-Hauls. With an average of eight "large truck" deliveries per unit and 12-16 homes per year, that is about 110 such deliveries per year or less than one delivery every two working days. The time these "large trucks" will be on Redondo Beach Road for a delivery will average ten minutes (five in and five out). So, for every 16 working hours (9:00 to 5:00), Redondo Beach Road will be used for less than ten minutes.

As far as individual workers are concerned, we have extensive experience building over 80 homes in Ocean Colony during the last ten years. On average, over a one-year construction period, there are one-three workers in a home per working day. At 12-16 homes per year, that means we would anticipate around 15-40 construction workers on the Carnoustie site on a typical workday. Redondo Beach Road can easily handle that minimal auto or "pick-up truck" traffic during off-peak weekdays. In addition, as noted, it is certainly possible that we will utilize access roads other than Redondo Beach Road for regular day-to-day construction traffic.

Fourth, Mr. Muteff's claim that no previous Ocean Colony subdivisions have been built using temporary construction access outside of Ocean Colony is simply untrue. In fact, the last Ocean Colony subdivision, Spyglass, consisting of 50 homes was completely built-out from 1998 to 2004 using Miramontes Point Road as the exclusive construction access. Miramontes Point Road is designated in the LCP as a major, primary coastal access route, and its use for Spyglass construction was approved by the City and Coastal Commission. During five to six years of active construction access, there were no coastal access problems. Additionally, Miramontes Point Road was used exclusively for the 2006 18<sup>th</sup> hole riprap removal required and approved by the Coastal Commission. Over 8,000 tons of rocks were removed with an average of 50 trucks per day plus heavy equipment. Again, through good planning and scheduling, and careful supervision and safety measures, coastal access on this primary route was never significantly impacted.

B. Redondo Beach Road

Condition F(12) requires the Carnoustie project to improve Redondo Beach Road by full grinding, recompaction and resurfacing all the way from the golf course maintenance yard (the construction access point) to Highway 1. The estimated cost of that work exceeds \$300,000, and is in addition to the City's standard traffic mitigation fees and the \$1,000,000 contribution Carnoustie will provide for regional traffic mitigation and roadway improvements.

Although improving Redondo Beach Road is a good thing, expanding it is not, and is unnecessary. Civil engineering surveys of the road reveal

that the existing roadway is 14-18' in most areas, and is located in a 40' City right-of-way. However, north of the existing road opposite Mr. Muteff's property and easterly towards Highway 1, there are intermittent streams, Cypress groves and potential habitat areas. On portions of the road, there are also drainage ditches along its frontage. In other areas, there are Eucalyptus trees, utilities, fencing and impediments to any significant expansion. Furthermore, expanding Redondo Beach Road as Mr. Muteff demands would require two-three months of serious road impacts or closure. The effect of that expansion work on coastal access would far exceed any impacts from the Carnoustie grading activities.

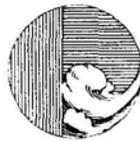
Redondo Beach Road is a rural road designated as a secondary coastal access route in the LCP. There are five other designated access routes in Half Moon Bay, and numerous "informal" beach access roads. For over 50 years, Redondo Beach Road has remained generally in its current condition and location. Other than providing secondary coastal access, once Redondo Beach Road leaves the corner of Highway 1 it only serves Mr. Muteff's property, one other "vacation" home located near the bluff tops (Strawberry Ranch) and the golf course maintenance yard. At the terminus of Redondo Beach Road and the ocean, there are no paved parking lots, no restrooms, no formal paths and no other beachfront facilities.

During weekdays, Redondo Beach Road is rarely used for coastal access. An informal traffic count we recently conducted in late September revealed that on average, there is only one "coastal access vehicle" per every two hours. Redondo Beach Road is approximately 1 ½ miles long. Traveling at the speed of 30 M.P.H. that means on weekdays the road is used for coastal access approximately 24 minutes (three minutes in, three out) out of every eight hours.

Neither the City's LCP, Circulation Element, nor Open Space plan call for any expansion or major improvements to Redondo Beach Road. In fact, the City, as well as many local community groups and residents, have repeatedly opposed expansion of Redondo Beach Road because of sensitive environmental areas to the north in Wavecrest, because of the growth-inducing development potential of roadway expansion, and because there is simply no need to expand the road.

Please call if you need additional information or have any other questions.

Bruce



## OCEAN COLONY ASSOCIATION

**RECEIVED**

OCT 23 2007

CALIFORNIA  
COASTAL COMMISSION

October 17, 2007

Ms. YinLan Zhang  
Coastal Program Analyst  
California Coastal Commission  
North Central Coast District Office  
45 Fremont, Suite 2000  
San Francisco, CA 94105

Re: Carnoustie Project; Appeal No. A-2-HMB-07-034

Dear Ms. Zhang:

The Ocean Colony Homeowner's Association ("Ocean Colony HOA") supports the proposed Carnoustie Residential Project. The development will provide many resources to our community. Since the new development has been rigorously reviewed, and the developers have agreed to the measures necessary to mitigate any impacts, we believe that this appeal has no merit and should be rejected.

Our HOA members understand the importance of a good home and community. We are pleased that this development will result in the increased availability of affordable housing in Half Moon Bay, as well as adding thirty-two onsite residences adjacent to our neighborhood. The development will bring much needed property tax dollars to support our children's schools, as well as permanent open space and \$500,000 in fees to support our City parks. Our community needs these resources, and we are fortunate to be able to secure them from such a responsible development.

The current project responsibly utilizes and mitigates the use of our City's roads. Specifically, the current plan calls for the use of the sparsely populated Redondo Beach Road during construction. While this road will be heavily used for approximately two-three months, there is only one home on the portion of the road impacted by the development, with correspondingly light levels of traffic. And, once the construction is complete, it is our understanding that the developer will improve the condition of the road by re-paving and will further be paying a \$1,000,000 traffic mitigation fee that can be used by the City to improve roads throughout Half Moon Bay.

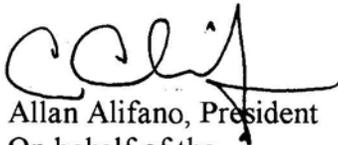
Exhibit 10  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
October 17, 2007 Letter from Ocean Colony Association  
(Page 1 of 2)

October 17, 2007  
Ms. YinLan Zhang  
Coastal Program Analyst  
California Coastal Commission  
Page 2

The alternative access point during construction would be through our far more densely populated development of over 540 homes where children play everyday, residents hike and golfers walk or drive carts. The developer's current proposal has chosen to use the more appropriate Redondo Beach Road route, which under the current plan, will be in better shape after the construction than it is in today.

The Carnoustie project is important to our community. It would be a shame to see it delayed because one landowner wishes advance his own self interest at the expense of our community. We, therefore, respectfully request that the Coastal Commission dismiss the current appeal.

Sincerely,



Allan Alifano, President  
On behalf of the  
Ocean Colony Board of Directors

**Eda S. Cook** 171 Turnberry Rd Half Moon Bay, CA 94019  
Tel: 650-726-3356 E-mail: [Edacook@aol.com](mailto:Edacook@aol.com) Fax: 650-726-3358

**October 23, 2007**

**Ms YinLan Zhang  
California Coastal Commission  
North Central Coast District Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105**

**RECEIVED**

OCT 25 2007

CALIFORNIA  
COASTAL COMMISSION

**Re: Carnoustie Project; Appeal No. A-2-HMB-07-034**

**Dear Ms Zhang:**

**I respect and support the historic mission of the California Coastal Commission and its staff in furthering the goals and policies of the Coastal Act and our Local Coastal Program (LCP).**

**My home has a direct across-the-fairway view of the parcels which comprise the Carnoustie project and is close enough that I will experience the noise impacts associated with its construction. One might think I would therefore support this Appeal in order to delay these impacts. I DO NOT.**

**This appeal fails to recognize that the Coastal Access provisions of our LCP will be well met by the improved road surface on Redondo Beach Road, which improvement is to follow the temporary construction traffic. It is important, I believe, that Appeals be reserved for genuine issues of import to the people of California and this Appeal does not meet that standard.**

**I ask for your finding of No Substantial Issue on this Appeal and I thank you for all of the wonderful work your Commission does.**

**Sincerely,**

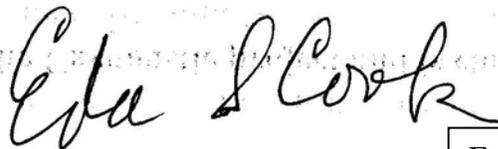


Exhibit 11  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
October 23, 2007 Letter from Eda S. Cook

RECEIVED

OCT 25 2007

CALIFORNIA  
COASTAL COMMISSION

**Robert P Cook**  
**171 Turnberry Rd**  
**Half Moon Bay, CA 94019**

Tel: 650-726-3356

E-mail: [Bobeda5@aol.com](mailto:Bobeda5@aol.com)

Fax: 650-726-3358

**October 23, 2007**

**Ms YinLan Zhang**  
**California Coastal Commission**  
**North Central Cost District Office**  
**45 Fremont Street, Suite 2000**  
**San Francisco, CA 94105**

**Re: Carnoustie Project; Appeal No. A-2-HMB-07-034**

**Dear Ms Zhang:**

**I am writing to let the Coastal Commission know my opinion of the Appeal put in by Mr George Muteff. To my mind, this appeal has no merit.**

**I frequently use Redondo Beach Road to access the Wavecrest trails, the beach, and previously, Strawberry Ranch. This is essentially a one-lane road, (similar to Wavecrest Road which is the sole road to the City ballfields). Drivers, bicyclists, and walkers know to pull over for an approaching vehicle. None of this will change with the construction. The Developers have proposed measures to assure safety and mitigate any inconvenience.**

**I feel the temporary construction road will have no or little impact on Coastal Access from Redondo Beach Road.**

**Please deny this Appeal.**

**Sincerely,**

*Robert P. Cook*

Exhibit 12  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
October 23, 2007 Letter from Robert P. Cook

October 24, 2007

Ms YinLan Zhang  
California Coastal Commission  
North Central Coast District Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Re: Carnoustie Project  
Appeal No. A-2-HMB-07-034

Dear Ms Zhang:

It is our opinion that the Appeal on the Carnoustie Project has no merit and should be denied. The Coastal Commission, for which we have the greatest respect, should instead apply their mission towards issues of import to the people of California.

Coastal Access to the area at the end of Redondo Beach Road is not an issue. Ocean Colony Partners have taken steps to mitigate the construction traffic concerns and assure that access of the public is not impeded.

Thank you for your great work in protecting the Coast and Coastal Access for the ongoing good of the public.

Yours Truly,

*John and Marcia Traversaro*  
*41 Inverness Rd*  
*H.M.B., CA 94019*

Exhibit 13  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
October 24, 2007 Letter form John and Marcia Traversaro

October 24, 2007

Ms YinLan Zhang  
California Coastal Commission  
North Central Coast District Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Terence Ainscow  
180 Turnberry Road  
Half Moon Bay, CA 94019  
Tel & Fax: (650) 726-5522  
E-Mail: tainscow@comcast.net

Re: Carnoustie Project  
Appeal No. A-2-HMB-07-034

Dear Ms Zhang:

If the Coastal Commission allows the Appeal and it goes on to a hearing, not only will Coastal Commission resources be wasted on what I think is a non-issue, but the residents of Ocean Colony may be severely impacted.

We are a community of 550 homes and more than 1500 residents, all who come in and leave the community through the front gatehouse off Fairway Drive. If the Appeal is allowed, Ocean Colony Partners may not be willing to go through the long 1 to 2 year process of hearings, which would delay the start of building. They may instead decide to use Ocean Colony roads as access to the building site. This would be grievously unfair to Ocean Colony residents and visitors, all of whom use the gatehouse for ingress and egress. It would be dangerous to bicycle and non-vehicular traffic, particularly the children who play around our roadways. It would also leave our roadways in compromised condition.

I respectfully request that you deny this Appeal. Thank you to all the staff and Commissioners who have so assiduously protected our Coast.

Sincerely,



Exhibit 14  
A-2-HMB-07-034 Ocean Colony Partners, LLC  
October 24, 2007 Letter from Terence Ainscow



**HALF MOON BAY COASTSIDE**  
CHAMBER OF COMMERCE & VISITORS' BUREAU

*It's your connection*

**RECEIVED**

OCT 25 2007

CALIFORNIA  
COASTAL COMMISSION

October 24, 2007

Ms. YinLan Zhang  
Coastal Program Analyst  
California Coastal Commission  
North Central Coast District Office  
45 Fremont, Suite 2000  
San Francisco, CA 94105

Re: Carnoustie Development

Dear Ms. Zhang:

My name is Charise McHugh and I write on behalf of the Half Moon Bay Coastsides Chamber of Commerce & Visitors' Bureau to voice support for the Carnoustie development at Ocean Colony. This project is designed to ensure that Half Moon Bay retains its unique coastal character, which is vital to the tourism and visitor-serving industry. Moreover, the project will add important resources to our City.

The members of the Chamber of Commerce are pleased with the housing opportunities created by this development, which include thirty-two homes on-site and additional low and moderate housing units in downtown Half Moon Bay. In addition, the design and character of this development is top notch. Tourism is Half Moon Bay's second largest industry, and so it is crucial that all new development enhance the aesthetics of this community. This development combines beautifully constructed homes with significant set-asides of open space. Both of these elements add to the character of this community.

Additionally, the development will assist the City financially. The development includes a \$1,000,000 Traffic Mitigation Fee and a \$500,000 Park Facilities Development Fee, both of which can be used to provide the residents of Half Moon Bay with vital services. In addition, the project will result in an increase in property tax revenues, which will provide an important revenue stream for schools in Half Moon Bay.

520 Kelly Avenue  
Half Moon Bay, CA 94019  
(650) 726-8380  
fax (650) 726-8389

www.hmbchamber.com  
www.halfmoonbayecotourism.com

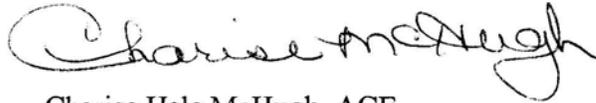
Exhibit 15

A-2-HMB-07-034 Ocean Colony Partners, LLC  
October 24, 2007 Letter from Half Moon Bay Coastsides  
Chamber of Commerce and Visitor's Bureau

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This development project is good for the City of Half Moon Bay. It has gone through extensive review, and the developer has appropriately dealt with the issues every step of the way. We respectfully request that you deny the current appeal, and permit this development project to move forward.

Sincerely,

A handwritten signature in black ink that reads "Charise McHugh". The signature is written in a cursive style with a large initial "C" and "M".

Charise Hale McHugh, ACE  
President/CEO

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