

CALIFORNIA COASTAL COMMISSION

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



Memorandum

November 16, 2007

To: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
North Central Coast DistrictRe: **Additional Information for Commission Meeting Friday, November 16, 2007**

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YinLan Zhang

F 7a

From: Jeff Staben
Sent: Sunday, November 11, 2007 9:04 AM
To: Michael Endicott; Lita Castillo; YinLan Zhang
Subject: FW: Commissioner Blank Ex parte

for your records

-----Original Message-----

From: steve blank [mailto:sblank@kandsranch.com]
Sent: Saturday, November 10, 2007 2:55 PM
To: Vanessa Miller; Jeff Staben
Subject: Commissioner Blank Ex parte

Ex parte's attached.

Commissioner Blank

--

sblank@kandsranch.com
415 999-9924

The attached ex-parte is similar
to a letter received from
Bruce Russell dated November 6, 2007



KENMARK
Real Estate Group, Inc.

November 6, 2007

Hand Delivered

YinLan Zhang
Coastal Program Analyst
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105

Re: Carnoustie Project A-2-HMB-07-034

Dear Ms. Zhang:

Enclosed please find correspondence to the Commission regarding the above-referenced appeal. Pursuant to our recent call, I understand you will circulate copies to each of the Commissioners in advance of the November 16th hearing.

Thank you for your ongoing cooperation and assistance.

Very truly yours,

Signature on File

Bruce J. Russell
Chief Executive Officer

BJR:
Enclosure





KENMARK
Real Estate Group, Inc.

November 16, 2007 Hearing
Agenda Item F 7(a) YLZ-SF
Opposition to Appeal

November 6, 2007

Mr. Patrick Kruer and Commissioners
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105

Re: *Appeal of Coastal Development Permit PDP-087-00, AN A-2-HMB-07-034*

Dear Chairperson Kruer and Commissioners:

In late 2005, Kenmark assumed management responsibility for all of Ocean Colony Partners' ("OCP") holdings in Half Moon Bay including both golf courses, existing commercial, office and low-income rental housing complexes, and the Carnoustie project. In 2007, we also accepted management of the Wavecrest Village project, in which OCP is a minority partner. Since our involvement, we have worked successfully with the Commission on several important projects including the 18th hole golf course riprap removal in 2006, and the relocation/redesign of the North Wavecrest beach access improvements. Recently, we concluded agreements with the Peninsula Open Space Trust ("POST") for its acquisition of the entire 208-acre Wavecrest Village site for permanent open space. That pending transaction could bring to a close over 30 years of contentious development proposals and community debate, and resolve a long-outstanding appeal before the Commission.

We are writing today in support of the Carnoustie project and the Commission staff's recommendation for a determination of No Substantial Issue on this appeal.

The City of Half Moon Bay ("City") and OCP spent several years analyzing and designing the Carnoustie project to ensure compliance with the City's Local Coastal Program and Land Use Plan ("LCP"), Zoning Ordinance, and the Coastal Act. The final result is a single-family residential project unanimously approved by the City, and actively supported by environmental and community groups. The Carnoustie project was also the subject of a comprehensive EIR, and was extensively reviewed by the City, Commission staff, the California Department of Fish and Game ("CDFG") and the U.S. Fish and Wildlife Service ("USFWS"). They all concluded that the project satisfies local, state and federal requirements, and mitigates all potential impacts (Exhibit A).

The Carnoustie project is the final phase of Ocean Colony, a master development approved in 1972 and included in the City's certified LCP. Although originally entitled for 63 units, we reduced the Carnoustie project to 32 homes. The project includes significant mitigations and public benefits including over \$1,000,000 for traffic mitigation, \$772,000 for

2450 South Cabrillo Highway
Half Moon Bay, California 94019
phone 650.560.0055
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San Francisco • Los Angeles

KENMARK

Mr. Patrick Krueer and Commissioners

November 6, 2007

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parks, a 34-lot retirement program, open space, park land and buffer zones, a \$2,000,000 low and moderate income housing component, and the rebuilding of major portions of Redondo Beach Road. That road is a secondary coastal access route near the project that will be used for temporary construction traffic, but not permanent access to the development.

The only person to appeal the project is Appellant – George Muteff. Neither the Commission nor any other parties have joined the appeal. Mr. Muteff lives on the only residential property fronting Redondo Beach Road. He asserts an LCP violation arguing that temporary construction traffic will impermissibly impact coastal access unless Redondo Beach Road is widened to 20'. For the reasons set forth in the Commission staff report and this letter, we believe Mr. Muteff's appeal presents No Substantial Issue and should be rejected. That view is shared by the Ocean Colony Homeowners Association, the Half Moon Bay Chamber of Commerce, the San Mateo County League for Coastsides Protection, all City Councilmembers, and several other organizations and individuals, many of whom are submitting written opposition to this appeal.

Description and History of the Project

The Carnoustie project will be the last subdivision in Ocean Colony. The project consists of 32 single-family homes on eight acres, with average lots of around 7,400 square feet and living areas of approximately 3,200 square feet. OCP first filed applications for the Carnoustie project in July 2000. A full EIR was prepared and circulated for public comment. The project was reviewed at no less than 12 public hearings by the Planning Commission or City Council. Commission staff, CDFG and USFWS all visited the site on several occasions.

Between 2000 and 2005, the City had consultants conduct extensive studies on traffic, biological resources, storm drainage, and soils. In June 2005, the Planning Commission recommended project modifications to address concerns over density, lot sizes, road configuration, pedestrian trails, parks and related matters. After a significant redesign, we resubmitted the project in June 2006. On August 21, 2007, the City Council approved OCP's applications, and issued a Coastal Development Permit ("CDP").

Before issuing the CDP and related approvals, the City made extensive findings regarding the project's compliance with the LCP. The City determined that the project would (i) not interfere with the public's access to the coastal trail, beach or sea, (ii) not restrict or otherwise adversely affect public coastal access or recreational opportunities, and (iii) not impact scenic corridors and visual resources. Additionally, the City and OCP agreed to many conditions to the CDP including:

- A \$1,000,000 contribution for traffic improvements;
- A \$500,000 contribution for park development facilities plus \$272,000 for park fees;
- A 34-lot retirement program;

KENMARK

Mr. Patrick Krueer and Commissioners

November 6, 2007

Page 3

- A \$2,000,000 affordable housing component;
- Dedication of a 10,500 square foot parcel within the project for park and recreation purposes, plus buffer zones and pedestrian trails;
- City approval of all future grading plans, haul routes, schedules and safety measures for construction traffic; and
- Repair and resurfacing of Redondo Beach Road.

Mr. Muteff's Appeal

On September 11, 2007, Mr. Muteff filed this appeal. While he cites dozens of sections of the LCP and Coastal Act, his appeal really boils down to just three issues:

- Does the project violate LCP Policy 10-32, which requires the improvement of primary and secondary beach access routes where private development is adjacent to or served by such routes?
- Does the project impermissibly impede public access to the coast?
- Does the project violate emergency vehicular access requirements?

The answer to each of these questions is no.

LCP Policy 10-32

The LCP requires that the City condition private development on the improvement or financial participation in the improvement of primary and secondary beach access routes, but only where the development is adjacent to or served by such routes. Mr. Muteff's assertion that the City failed to comply with this provision is wrong. The City imposed two conditions that satisfy Policy 10-32. First, it required OCP to pay a \$1,000,000 traffic mitigation fee for City road improvements. Second, it required OCP to repave and resurface Redondo Beach Road at an estimated additional cost of \$300,000. The City imposed these conditions even though Policy 10-32 may not apply to the Carnoustie project because it has no driveways adjacent to Redondo Beach Road, and there is no permanent access off that road. The EIR also concluded that the project would have no significant impacts to Redondo Beach Road.

Mr. Muteff's claims regarding LCP Policy 10-32 do not raise a substantial issue, and his appeal on this basis should be rejected.

Public Access

Under the LCP and Coastal Act, the City must consider the impact of development on coastal access. In this instance, the City specifically considered this issue and concluded that the project "does not interfere with the public's access to the coastal trail, beach or sea." Mr. Muteff's assertions to the contrary are baseless, and were dismissed by the City.

KENMARK

Mr. Patrick Kruer and Commissioners

November 6, 2007

Page 4

Redondo Beach Road is a rural road designated as a secondary coastal access route in the LCP. 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. For over 50 years, Redondo Beach Road has remained generally in its current condition and location. During weekdays, Redondo Beach Road is rarely used for coastal access. The City has five other designated coastal access routes, and numerous "informal" beach roads that accommodate coastal access.

Mr. Muteff contends that temporary construction traffic on Redondo Beach Road will impermissibly block access to the coast, and, therefore, the road must be widened to 20' before any construction. His argument is both misplaced and disingenuous. At worst, the Carnoustie project will require heavy truck traffic on Redondo Beach Road for less than three months during grading and infrastructure. While truck traffic during that period will be substantial, it will have minimal impact on coastal access because Redondo Beach Road is rarely used on weekdays, there are ample alternative coastal access routes, the road will never be closed, and OCP has agreed with City staff that work will not be done on holidays or weekends—the peak coastal use periods. And, once the initial period of grading and infrastructure is over, the project will result in very light construction traffic because OCP's plans (and the City's Measure A growth control measure) call for a slow build out—no more than 12-16 homes started per year. The resulting large truck traffic on Redondo Beach Road will average only one roundtrip delivery every two working days.

Expanding Redondo Beach Road as Mr. Muteff demands is also a bad idea for several reasons. First, it would require two-three months of serious road impacts or closure. The effect of that expansion on coastal access would far exceed any impacts from the Carnoustie grading activities. Second, engineering surveys reveal that the existing roadway is 14-18' wide, but in some locations is outside the City right-of-way. Therefore, expansion could require the "taking" of private property in several places. Third, expanding Redondo Beach Road would impact adjacent intermittent streams, Cypress and Eucalyptus groves, open space, drainage ditches, utilities and fencing. These are all serious impediments to any significant expansion. And fourth, 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, and because of the growth-inducing potential of roadway expansion. Once widened to 20', property like Mr. Muteff's would have a "City-standard road" to support new development plans. This is particularly relevant now given our recent Wavecrest transaction with POST and the need to preserve these sensitive areas. Indeed, the Commission has often recognized that access is not best served by widening a road "which would involve substantial amounts of grading and an even greater potential for impacts to habitat and visual resources". (Kleisner Road Staff Report on Substantial Issue Determination, A-3-MCO-02-083, p. 11).

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Mr. Patrick Krueer and Commissioners

November 6, 2007

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Finally, contrary to Mr. Muteff's claims, the safe and successful use of coastal access roads for construction traffic is not new to Ocean Colony. The last 50-unit Spyglass subdivision in Ocean Colony exclusively used Miramontes Point Road for construction access. Use of that road (designated in the LCP as a major, primary coastal access route) was approved by the City and Commission. During six years of construction, there were no coastal access problems. Miramontes Point Road was also used exclusively in 2006 for the 18th hole riprap removal approved by the Commission. Over 8,000 tons of rocks were removed with more than 50 trucks per day plus heavy equipment. However, with good planning and scheduling, and careful supervision and safety measures, coastal access on this primary route was never significantly impacted.

Whether a City's issuance of a CDP was based on sound factual and legal support is an important Commission consideration when evaluating whether an appeal raises a substantial issue. Here, the City carefully considered the impact on coastal access and imposed conditions designed to mitigate that impact before it issued a CDP. The City required OCP to repave and resurface Redondo Beach Road and to submit haul routes and schedules for City approval prior to any grading activities. OCP has also agreed to limit heavy truck traffic to regular workdays. Limitations such as these have satisfied the Commission in the past (San Luis Obispo Improvements Staff Report on Substantial Issue Determination, A-3-MCO-02-083).

Mr. Muteff's assertions regarding coastal access do not raise a substantial issue, and his appeal on this basis should be rejected.

Emergency Vehicular Access

Mr. Muteff's final argument is that Redondo Beach Road must be expanded to 20' to comply with local fire district rules. This is not an LCP or Coastal Act issue, and Mr. Muteff fails to explain why this matter is within the Commission's purview.

Regardless, the Carnoustie project complies with the applicable regulations. Under the Fire District's emergency access guidelines, a main fire access road is recommended to be 20' wide. The Carnoustie project meets that recommendation because it is connected to Bay Hill Road, which is 28' wide. This access guideline does not apply to Redondo Beach Road because it is merely a secondary emergency vehicular access road for the Carnoustie subdivision. The Fire District reviewed the Carnoustie project and approved the 28' wide Bay Hill Road as sufficient for fire protection purposes. Mr. Muteff's assertions regarding emergency vehicular access do not raise a substantial issue and his appeal on that basis should be rejected.

Conclusion

The Carnoustie project is the product of many years of planning and cooperation between OCP, the City, community groups, environmentalists, and state and federal resource

KENMARK

Mr. Patrick Kruer and Commissioners

November 6, 2007

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agencies. The project is consistent the City's LCP and the Coastal Act. None of the arguments raised by Mr. Muteff raise a substantial issue. This Commission should, therefore, follow the staff's recommendation and reject Mr. Muteff's appeal by making a determination of No Substantial Issue.

Respectfully submitted,

Signature on File

Bruce J. Russell

Chief Executive Officer

BJR:bp

cc: YinLan Zhang, Coastal Program Analyst

Steve Flint, Planning Director

EXHIBIT A

CALIFORNIA COASTAL COMMISSION

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



August 21, 2007

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

RE: PDP-87-00, Carnoustie Residential Development

Honorable Councilmembers,

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,

A handwritten signature in black ink, reading "Michael B. Endicott".

Michael Endicott
North Central Coast Supervisor

Cc: Bruce Russell, Kenmark

Bruce Russell

From: Lucy_Triffleman@fws.gov
Sent: Monday, August 20, 2007 5:18 PM
To: Bruce Russell
Cc: stevef@hmbcity.com; Kevin.J.Lansing@sf.frb.org; yzhang@coastal.ca.gov
Subject: Camoustie

Bruce:

I was finally able to review your conditions of agreement for the Camoustie 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

10/26/2007

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CALIFORNIA
COASTAL COMMISSION

Agenda No. 7a
Appeal No. A-2-HMB-07-034
Dale Dunham
In Favor of Project

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

November 5, 2007

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CALIFORNIA
COASTAL COMMISSION

Commission Members:

The Staff Report for Appeal No. A-2-HMB-07-034 is flawed throughout. It is so replete with obfuscation and misinterpretation of virtually every issue addressed by the Appellant that specific response to already clearly identified *substantial issues* would be meaningless.

The mantra of erroneous assumptions and misdirection of focus to extraneous issues through regurgitation of the misleading and self-serving statements of the Applicant is so one-sided as to lead one to question whether the Staff review of the Appeal was conducted with the predetermined intention of recommending 'No Substantial Issue'.

If the Commission wants to determine the objective truth in this matter, rather than rely on the entirely erroneous conclusions of the Staff, you will have to read the Appeal yourselves and go to a de novo public hearing on the merits of the project.

Respectfully:

Dale Dunham
513 Ruisseau Francais Avenue
Half Moon Bay, CA 94019

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

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CALIFORNIA
COASTAL COMMISSION

November 7, 2007

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

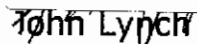
Dear Chair and Commissioners,

Thank you for this opportunity to urge this Commission to agree with your Staff Report's recommendation for No Substantial Issue on the Appeal of the Carnoustie Coastal Development Permit.

I am a strong believer in the Public Access protections contained in the Coastal Act and I believe that Public Access will be improved by the existing permit conditions and therefore I believe there are no grounds for this Appeal. When developments are fully consistent with the policies of the LCP and Coastal Act we should stand ready to acknowledge that consistency by finding No Substantial Issue with ill-founded appeals.

For the staff report,

Signature on File

John Lynch

2098 Touraine Lane
Half Moon Bay, CA 94019
650-726-9280
john@hmblynch.com

November 7, 2007

Michael J. Ferreira
419 St. Joseph Ave.
Half Moon Bay, Ca 94019

California Coastal Commission

Attn: Ms. YinLan Zhang / North Central Coast District
45 Fremont, Suite 2000
San Francisco, CA 94105

Re: Appeal #. A-2-HMB-07-034, "Carnoustie"

Dear Chairman Kruer and Commissioners,

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COASTAL COMMISSION

The Carnoustie project has been in the permit process since I was on the Half Moon Bay Planning Commission (1998 thru 2001) and during the whole time I was on the City Council (2002 thru 2005). The project has been continuously improved over that time and the improvement curve was significantly accelerated during the term of the most recent management entity – Kenmark. It was gratifying to observe important agencies such as the California Coastal Commission, California Fish and Game, and the United States Fish and Wildlife Service engaged proactively in the process.

I completely concur with your staff recommendation for a determination of No Substantial Issue as to either wetlands or public access policy consistency. The staff report demonstrates a comprehensive knowledge of the terrain, of the historic background, and of all potential issues. Its conclusions are solidly drawn as to Local Coastal Program consistency.

I ask for your concurrence with your well reasoned staff recommendation for No Substantial Issue.

Sincerely,

Signature on File

Michael J. Ferreira
Former Councilmember
Half Moon Bay, Ca

November 7, 2007

California Coastal Commission
Attn: Ms. YinLan Zhang
45 Fremont, Suite 2000
San Francisco, CA 94105

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**CALIFORNIA
COASTAL COMMISSION**

Re: Appeal / Carnoustie / Item A-2-HMB-07-034

Dear Commissioners,

As a 15-year resident of Half Moon Bay, I am writing you with two purposes in mind. The first is to commend your staff for an excellently presented report which goes into careful and balanced analysis of the issues as raised. The second is to ask for your support of the staff recommendation for a determination of No Substantial Issue - as that is what this appeal merits.

The appellant raises the issue of wetlands conflict yet offers hardly a hint as to the location or nature of the conflict. Your staff is left to recite the lack of conflict as shown in the environmental documents. The appellant attempts to make a case for a public access policy conflict yet, as your staff report demonstrates, there is little or no evidence of same and the cure sought by the applicant would pose a greater conflict with public access policies were it to be required.

I greatly appreciate the work of your Commission and I seek your agreement with the staff recommendation for No Substantial Issue in order that you and your staff may move on to more important matters.

Sincerely,

Signature on File _____

Hal Bogner
PO Box 143
Half Moon Bay, Ca 94019

Sofia M. Freer
984 Pilarcitos Ave
Half Moon Bay, CA 94019-1462
November 7, 2007

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COASTAL COMMISSION

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

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

Dear Chair and Commissioners,

I respectfully request that you accept your staff's recommendation, and find that the Carnoustie Project raises NO substantial issue with the provisions of the city's certified LCP or with the Coastal Act's protection of public beach access.

The Carnoustie Project and the construction staging area for the project allow adequate buffers and mitigation measures to protect sensitive habitat.

Moreover, mitigation measures, which include lot retirement, as well as fees for traffic improvements and park and recreation, will help maintain future beach access and contribute to the safety of both residents and visitors.

Sincerely,

Signature on File

Sofia Freer
Half Moon Bay Park and Recreation Commissioner
650-712-1652
freer@hmb1.com

Nov. 8, 2007

Kathryn Slater-Carter
P.O. 370321
Montara, CA 94037

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CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
Attn: Ms. YinLan Zhang, Coastal Program Analyst
45 Fremont, Suite 2000
San Francisco, CA 94105

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

Dear Chair and Commissioners,

As a long-time supporter of the Coastal Act and the Coastal Commission I write to support the staff recommendation for No Substantial Issue regarding the Public Access aspects of this permit. The rebuilding/improvement of Redondo Beach Road within its current dimensions in return for temporary construction usage is an excellent mitigation with long-term benefit for the Public at large.

The Half Moon Bay LCP should not be used to further private agendas or political retribution, but to insure compliance with the Coastal Act. Please support the staff recommendation for No Substantial Issue.

Sincerely,

Signature on File

Kathryn Slater-Carter

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

November 8, 2007

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CALIFORNIA
COASTAL COMMISSION

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

Dear Chairman Kruer and Commissioners,

As an involved participant in numerous conservationist activities in Half Moon Bay, I would like to request that the California Coastal Commission concur with your Commission's staff report recommending No Substantial Issue for the Appeal referred to above.

The temporary impact caused by construction traffic on Redondo Beach Road is more than mitigated by the rebuilding of the roadbed. The Public gains significantly by being provided with a superior driving experience on a rebuilt and much longer-lasting surface.

I strongly support the Public Access policies of the Half Moon Bay LCP and think it would be a mistake to overlook the very real improvements incorporated in this project in favor of the overdrawn and misapplied claims in this appeal.

Please accept the staff recommendations as presented - No Substantial Issue.

Sincerely,

Signature on File

Kenneth King
633 Terrace Avenue
Half Moon Bay, CA 94019

650 726 4268



James Henderson

85 Creekside Drive/Half Moon Bay, CA 94019

November 9, 2007

California Coastal Commission
Attn: Ms. YinLan Zhang
45 Fremont, Suite 2000
San Francisco, CA 94105

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NOV 13 2007
CALIFORNIA
COASTAL COMMISSION

Re: Carnoustie / Item A-2-HMB-07-034

Dear Coastal Commissioners,

I wish to commend your staff for an excellent report which does a wonderful job of explaining the issues for folks such as myself who do not regularly engage on such. Having read it I ask for your support of this staff recommendation for a determination of No Substantial Issue. To me this now seems to be a clear choice.

Although the appellant has mentioned wetlands conflict he doesn't tell us how such a conflict arises; not even where the wetland might be in relation to the project. The appellant then asserts hypothetical, and rather minor, public access conflicts but the cure he seeks would impact public access to a worse degree than his hypotheses.

I very much appreciate all of the good works of your Commission and I entreat your acceptance of the staff recommendation for No Substantial Issue.

Sincerely,

Signature on File

League for Coastside Protection

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CALIFORNIA
COASTAL COMMISSION

November 10, 2007

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

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

Dear Chairman Kruer and Commissioners,

The San Mateo County League For Coastside Protection (SMC LCP) completely concurs with your staff recommendation for No Substantial Issue as regards the appeal of the Carnoustie subdivision in Half Moon Bay.

This particular subdivision has taken extra pains to be LCP compliant and is the first in San Mateo County to voluntarily offer a Lot Retirement condition (34 lots elsewhere in HMB) as a regional traffic mitigation. Traffic and Park mitigation fees greatly exceed the ordinance requirements. Federal and State agencies have been proactively engaged, as well as environmental organizations.

As is made clear in the staff analysis the appellant has failed to provide any evidential basis for his wetlands claim and has failed to establish significant inconsistencies as to the Public Access provisions of the Local Coastal Program or Coastal Act.

The League strongly believes in the appeal process as a mechanism for safeguarding the policies of the aforementioned Programs and the Act, but sometimes that process is best honored by a finding of No Substantial Issue, and we ask for such a finding in this case.

We greatly appreciate the efforts of the California Coastal Commission and its staff in conserving our precious coastal resources for future generations.

Sincerely,

Signature on File

Signature on File

Dana M. Kimsey, Co-Chair
San Mateo County League for Coastside Protection

Scott Boyd, Co-Chair

P.O. Box 3560, Half Moon Bay, CA 94019 (ld # 1234363)
<http://LCP.sanmateo.org>

20

November 10, 2007

Michael Endicott
North Central District Manager
CA Coastal Commission
45 Fremont Street, Ste 2000
San Francisco, CA 94105

RECEIVED

NOV 13 2007

CALIFORNIA
COASTAL COMMISSION

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

Dear Mr. Endicott,

I am writing this letter to express my deep concerns with the latest Ocean Colony Project, Carnoustie. My concerns are in regard to the construction access for the project. Redondo Beach Road's use as primary access will create a terrible public safety and beach access problem.

I have read the appeal filed by Mr. Muteff. I believe his appeal is valid. To see Commission Staff recommend No Substantial Issue, in the face of the points Mr. Muteff details is unbelievable. I continue to feel there's been some mistake. How can staff systematically throw out every issue raised when anyone can see they're valid? Pertinent section after section of the Coastal Act is recited, as well as from our LCP that demonstrates violations.

This project will last over three years, with periods of intense construction traffic, and some more relaxed. Temporary? If your staff truly believes what is in the staff report, they need to come to Half Moon Bay, to Redondo Beach Road, put a few tractor-trailers on RBR and watch. That road is obviously too narrow and structurally weak to handle that type and volume of demand.

If you don't want to take Mr. Muteff's suggestion stated in his conclusion, then just run all of the construction traffic through Ocean Colony, thereby relieving RBR of any change at all.

The idea that the City, and the Coastal Commission are acting as agents for the Ocean Colony Home Owners Association, at the obvious expense of public health, safety and beach access is unconscionable.

It is my hope that the Commission finds Substantial Issue and works this out.

Thank you,

Lucy Lopez
531 Terrace Avenue
Half Moon Bay, CA 94019

984 Pilarcitos Ave
Half Moon Bay, CA 94019
November 11, 2007

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CALIFORNIA
COASTAL COMMISSION

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

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

Dear Chair and Commissioners,

I strongly appreciate the public good that has been the work product of the California Coastal Commission since the passage of the Coastal Act in 1976. And I believe equally strongly that the Commission needs to be vigilant and protective in its considerations of the Public Access protections contained in the Act. As to this particular Coastal Development Permit, however, I take note that Public Access will actually be improved by the existing permit conditions and, therefore, I firmly conclude that there are no grounds for this Appeal. I support the view that whenever developments are fully consistent with the policies of the Act we should stand up and acknowledge that achievement by finding No Substantial Issue with questionably articulated appeals.

Thank you for providing this opportunity to communicate to this Commission that I believe the best decision is to agree with your Staff Report's recommendation for No Substantial Issue on the Appeal of the Carnoustie Coastal Development Permit.

In favor of the staff report,

Signature on File

Stephan T. Freer

November 12, 2007

Michael Endicott
North Central Coast Supervisor
North Central Coast District
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

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CALIFORNIA
COASTAL COMMISSION

Re: Carnoustie Project; Appeal No. A-2-HMB-07-034, & Staff Report F7a-11-2007

Dear Mr Endicott,

I have read the correspondence regarding the Carnoustie Project, including the staff report and addenda for the next Coastal Commission meeting scheduled for November 16, 2007. I support the project with only two qualifications, that is, Public Access, and Public Safety. I am requesting the Coastal Commission consider these two issues as substantial issues and hear the appeal.

Coastal Program Analyst, YinLan Zhang, made an excellent point regarding Public Access in her letter to Steve Flint, Planning Director, Half Moon Bay, Ca, on July 26, 2007, subject, PDP-87-00, Carnoustie Residential Development.

Regarding Public Access Ms YinLan Zhang, , stated
"Moreover, LUP Policy 10-32 requires, as a condition of approved privately development, that development adjacent to primary and secondary beach access roads improve or contribute financially to the improvement of the road. Redondo Beach Road is mapped as a beach access route on the City's Land Use Plan Map, and as such, should meet the requirement of LUP Policy 10-32. Currently, there is no discussion of consistency with LUP Policy 10-32 in the City's staff report."

In your subsequent letter dated August 21, 2007 to the City Council of Half Moon Bay on the Carnoustie Development you state "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." However, it is not clear that the requirements and conditions cited by Ms YinLan Zhang are being met.

I would hope that the Coastal Commission treats this applicant the same as any other applicant, and that the Coastal Commission explicitly states the required "improvements to the road" or the required "access enhancements", rather than leaving any vagueness in those details. Any vagueness in settling this appeal to the Coastal Commission would be both unacceptable and unprecedented. Please support Appeal A-2-HMB-07-034.

Regarding Public Safety, according to the staff report F7a-11-2007, "The approved development will result in additional traffic on Redondo Beach Road only during the three year construction period.", and goes on to state "During this time, construction traffic will slow down any potential beach users, however, it will be a **temporary inconvenience** that will not prevent anyone from reaching the beach at the end of

Redondo Beach Road." To me three years is much more than a temporary inconvenience and offers many opportunities for danger to any Public using Redondo Beach Road.

My concern about Public Safety, is that for a period of up to three years, Redondo Beach Road will be used for development purposes continually by heavy trucks that are in excess of 10 feet wide on a 14 foot road.

The HMB Conditions of Approval for PDP-087-00 under Article 4 Fire Access Roads states "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."

No apparent mitigation for Public Safety is being considered during the entire 3 year period. Why not?

Please consider both issues of Public Access and Public Safety as Substantial issues, and consider the appeal No. A-2-HMB-07-034 by Mr Muteff.

Sincerely,

Terrence D Gossett
193 Reef Point Road
Moss Beach, CA 94038
650-563-9508

YinLan Zhang

From: Michael Endicott
Sent: Tuesday, November 13, 2007 9:13 AM
To: YinLan Zhang
Cc: Charles Lester
Subject: FW: Appeal No. A-2-HMB-07-34 (Ocean Colony Partners, LLC, Half Moon Bay)

Michael Endicott
District Manager - North Central Coast District
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105
ph (415) 904-5260
Fax (415) 904-5400
mendicott@coastal.ca.gov
www.coastal.ca.gov

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NOV 13 2007
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COASTAL COMMISSION

-----Original Message-----

From: jerry@jerrysteinberg.com [mailto:jerry@jerrysteinberg.com]
Sent: Monday, November 12, 2007 3:26 PM
To: Michael Endicott
Cc: gmuteff@comcast.net
Subject: Appeal No. A-2-HMB-07-34 (Ocean Colony Partners, LLC, Half Moon Bay)

Subject: Appeal No. A-2-HMB-07-34 (Ocean Colony Partners, LLC, Half Moon Bay)

Dear Mr. Endicott,

As a licensed Civil Engineer I feel the responsibility to bring to the attention of the Coastal Commission a very serious UNSAFE condition that would occur if Redondo Beach Road was used "as is" for ingress and egress of the two phase removal of thousands of cubic yard of stockpiled spoils and soil and then the construction of 32 homes and required infrastructure.

I have made my comments publicly on the "TalkAbout" Environment section of the Half Moon Bay Review website and have included them below.

I would appreciate it if you would include this correspondence in your staff report to the Coastal Commissioners.

Warmest Regards,

Jerry Steinberg, CE
jerry@jerrysteinberg.com

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11/13/2007

Who is Responsible for Public Safety in the Design, Load Capacity, Speed Limits and Maintenance of Public Streets in Half Moon Bay?

Environment, posted by Jerry Steinberg, a resident of Half Moon Bay, on September 27, 2007 at 5:35 am

I believe that the City Engineer and building department should be involved in these decisions. They would review a project EIR, which would include traffic studies and a peer review of other engineers recommendations. This would occur during the CEQA/EIR/CDP process.

Lets look at a current example : Redondo Beach Road.

From my perspective there are TWO issues to be reviewed and TWO different "decision makers".

A. Is it possible to use Redondo beach Road "as is" for ingress and egress of heavy construction traffic mixed with resident and beach access visitor traffic?

B. Is the developer by law required to improve the road for beach access?

A. I believe unequivocally that it is NOT SAFE to use the 14 to 15 foot sub-standard Redondo Beach Road "as is" for the mixture of resident, beach access visitors and traffic for ingress and egress for thousands of day trips for heavily loaded construction trucks (earth moving, concrete mix, double trailer lumber and gypsum board etc.) and equipment. I believe that if a CEQA/EIR/CDP had been done and reviewed by the city engineer, they would come to the same conclusion. This process would have looked at alternate solutions, such as using the existing well designed and constructed roadways within Ocean Colony for construction traffic. Or mitigation for the apparent wetlands by modifying the layout of Redondo Beach Road.

However the "decision maker" for this issue is the "Ocean Colony Homeowners Association". Obviously Mr. Russell representing "Ocean Colony" finds himself between a "rock and a very hard place". However, ALL the "give backs" to the City of HMB (including the well timed proposal of selling Wavecrest to POST and the rumored giving of the ballfields to the City of HMB and possibly the forgiveness of the \$3,000,000 POST loan on the 22 acre proposed park parcel) could still be realized if this issue was resolved successfully.

B. The issue of whether the developer by law is required to improve the road for beach access under the HMB LCP is one where it appears the decision maker is the California Coastal Commission. In the past they have based their decisions on the rule of law of the local HMB LCP.

I thought that the last part of Mr. Russell's comments in Clay's HMB Blog of 9/21/07, to quote:

"He says there are wetlands in the way and utilities to deal with --not to mention the volatile politics that explode whenever anyone wants to widen a road and create infrastructure capable

of handling additional capacity.”

recognizes the necessity for the CEQA/EIR/CDP process and the involvement of the City Engineer in fulfilling his responsibility to the community.

Jerry Steinberg, CE

Half Moon Bay

Jerry Steinberg, a resident of Half Moon Bay, on September 28, 2007 at 3:28 am

Adequacy of Insurance Liability Review and HMB City Coverage

It would be helpful to have the HMB City liability insurance carrier make a detailed review of the safety issues that would be discussed in the CEQA/EIR/CDP process.

It would cover in detail using a 14 to 15 foot roadway to carry two way heavy construction traffic, HMB residents and beach visitors on Redondo Beach Road over a three year period during various physical, seasonal and light conditions.

Since the City staff (which includes a Licensed Professional Engineer) will sign off on this proposed street usage, the City should understand its liability position, notwithstanding the insurance carried by Ocean Colony Contractors. Possibly the City can have the contractors insurance carrier cover ALL costs of litigation including those of defending HMB City in court. I would think that the Coastal Commission would consider this in their deliberations.

It is my understanding that if the responsible licensed engineers decision / judgment is in question (for competence or influenced by outside pressure) a complaint can be made to the California Board of Professional Engineers.

This complaint would be heard and if found valid, may result in disciplinary action including loss of license and financial restitution.

Jerry Steinberg, CE

Half Moon Bay

Jerry Steinberg, a resident of Half Moon Bay, on October 3, 2007 at 11:06 pm

Question:

Did the HMB City Engineer review the Carnousitie CDP that the City has sent on to the Coastal Commission? ...And if so, what were his specific conclusions / traffic studies based on? And was outside political pressure exerted on his judgement?

There are TWO phases to the use of Redondo Beach Road.

PHASE 1

Clearing the site of 27,000 cubic yards of "spoils" (assumed to be grubbed vegetation and construction debris) and soil from the previous construction of hundreds of Ocean Colony homes. To visualize this – it represents removing a little over FIFTEEN (15) feet high of material spread over a football field of 100 yards long x 50 yards wide.

This would require approx 1400 truck trips into the site and 1400 truck trips loaded out of the site to be completed in three (3) months.

This represents 45 round trips per day or SIX (6) ROUND TRIPS PER HOUR.

Wow ... sure seems it might be hazardous to mix 6 round trips per hour of large dump trucks, eight hours a day, 5 days a week for 3 MONTHS with the normal vehicle, bicycle, foot traffic of residents and beach access visitors. Not to mention the need for fire/medic/police access to the homes and beach on this 14-15 foot wide (with NO shoulders) Redondo Beach Road. Also remember the city requires that this hauling must be done during the summer/ autumn months within specified hours.

And we need to consider next-

PHASE 2

The start of actually building 32 homes over a THREE (3) year period.

Now would start the process of moving heavy loaded construction supply trucks (including concrete/lumber/gypsum board/roofing materials) onto the site. These same up-to-53 foot double trailer trucks would come out, over this same 14 – 15 foot roadway mixed with the normal vehicle, bicycle, foot traffic of residents and beach access visitors. Not to mention the need for fire/medic/police access to the homes and beach on 14-15 foot wide (with NO shoulders) Redondo Beach Road. And craftsman personal pickup trucks and equipment. All over this three year period.

What were the alternates in the CEQA/EIR/CDP documents?

Was the Coastal Commission asked to allow the closure of the Beach access on Redondo Beach Road in favor of the developer to protect public safety?

Was the Infant Toddler Center asked to close down during construction in favor of safety.

Were the residents to be given access to their property only after construction shut down for the day?

Was using the streets in Ocean Colony considered as was previously done for other Ocean Colony building?

Did the CEQA/EIR/CDP indicate the location of wetlands close to the roadway and any wetlands growth along the roadway?

Jerry Steinberg, CE

Jerry Steinberg, a resident of Half Moon Bay, on November 10, 2007 at 4:16 pm
Mr. Perkovic, I appreciate your review of my posting – "Who is Responsible for Public Safety in the Design, Load Capacity, Speed Limits and Maintenance of Public Streets in Half Moon Bay."

It is my opinion, this responsibility must be taken by the licensed city engineer of HMB, as the peer reviewer of an outside licensed engineer during the CEQA/EIR/CDP Process.

In the Redondo Beach example, the large movement of "cut material" out of the site during a three month Summer/Autumn (at specific hours of day) and construction materials into the site for 3 years or more on a substandard 14-15 foot roadway for ingress and egress was NOT included in the CEQA/EIR/CDP process.

The truck route to the accepting landfill site has NOT been defined. Will it go to Ox Mountain landfill on HWY 92? Will it go "over" the hill on HWY 92? Will it affect normal and commute traffic on Hwy 92 and Hwy 1?

Since the present City Engineer has resigned recently, it would appear that this proposal should be returned by the Coastal Commission to the City of HMB for review by the newly appointed City Engineer.

Jerry Steinberg, CE

Half Moon Bay



COMMITTEE FOR
GREEN FOOTHILLS

November 13, 2007

Agenda Item F7.a
Appeal No. A-2-HMB-07-34
Lennie Roberts

Chairman Patrick Kruer and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

**Re: Appeal by George Muteff from decision of the City of Half Moon Bay to
approve a 32-lot residential subdivision (Carnoustie)**

Dear Chairman Kruer and Members of the Commission,

On behalf of Committee for Green Foothills, I am writing in support of the Staff
Recommendation for a finding of No Substantial Issue on the above-referenced Appeal.

Committee for Green Foothills has carefully reviewed the proposed subdivision, and we
concur with staff's analysis that the proposed project complies with the sensitive habitat
and public access policies of the Half Moon Bay Local Coastal Program and the Coastal
Act.

Thank you for your consideration of our views.

Sincerely,

Signature on File

Lennie Roberts, Legislative Advocate
Committee for Green Foothills
Home office: 339 La Cuesta
Portola Valley, CA 94028

Agenda No. F 7a

Appeal No.: A-2-HMB-07-034

Hearing Date: Nov. 16, 2007

Ron Sturgeon

P.O. Box 36

San Gregorio, CA 94074

November 12, 2007

California Coastal Commission

45 Fremont, Suite 2000

San Francisco, CA 54105 - 2219

Via Fax (415) 904 5400 (Copy forwarded to YinLan Zhang - SF Staff)

Re: Opposition to Staff's recommendation of a "No Substantial Issue" finding regarding the 32-unit subdivision referenced as the *Carnoustie Residential Development* proposed at Ocean Colony in Half Moon Bay.

Dear Chairman Kruer and Commissioners:

Staff's *Report* regarding this Appeal strangely contradicts its author's prior position regarding the project's impacts to coastal access via Redondo Beach Road and adopts the developer's exercise in make believe and recourse to semantics. In a 7/26/07 letter to the Planning Director of Half Moon Bay regarding this development Commission Staff states:-----

"Moreover, LUP Policy 10-32 requires, as a condition of approved private development, that development adjacent to primary and secondary beach access roads improve or contribute financially to the improvement of the road. Redondo Beach Road is mapped as a beach access route on the City's Land Use Plan Map, and as such, should meet the requirement of LUP Policy 10-32. Currently, there is no discussion of consistency with LUP Policy 10-32 in the City's staff report." (emphases added)-----

Thus Commission Staff itself, and not just the Appellant, has raised the issue of the project's compliance with this important coastal access policy. It's important to note that the referenced "City's staff report" (associated with the City's Planning Commission's approval of this project) included the approximate \$1,061,000 in "traffic mitigation fees"; thus by inference this exaction did not satisfy any requirement pursuant to LUP Policy 10-32 as the Commission's Staff maintains now in its *Report*. (As recently as 8/21/07 the Commission's North Central Coast Supervisor wrote the Half Moon Bay City Council: "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.")

Despite the clear mandate of Policy 10-32 vis-à-vis the substantial expansion of this gated residential community; despite the evident expectation expressed by Commission Staff, in July, that this Policy *should* be complied with; despite the clear understanding expressed, in August, by a senior officer of the Commission that this Policy *would* be complied with; there is "no substantial issue" raised by the appellant now that it's clearly evident that compliance with Policy 10-32 has been given merely lip service and not complied with? What possible coastal protection consideration(s) of this high-end residential development overrides the Commission's obligation to enforce a local coastal program's prioritization of public access over private development when the local entity (the City) deigns to do so?

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The ready explanation for all involved in the approval of this project failure thus far to face the significance of the heavy utilization of this roadway during its construction is the avoidance of acknowledging the strength of the nexus between the project's foreseeable impacts on coastal access and the requirement of LUP Policy 10-32.

The Commission Staff's *Report* correctly observed that the *Final Environmental Impact Report (FEIR)* prepared for the "Carnoustie Project" failed to take into consideration the fact that a narrow beach access road was destined to be the primary if not exclusive access for vehicles during its construction. Thus the environmental document (which only acknowledges a cumulative adverse impact to traffic once the project's 32 homes are constructed and occupied) cannot be relied upon by the Commission in assessing the adverse impacts to Redondo Beach Road during the construction phase of the project.

Likewise, ~~since the FEIR incompletely assessed the project's impacts during its construction phase;~~ the potential adverse impacts to habitats proximate to the Redondo Beach Road caused by its now acknowledge intended heavy use during construction are completely unassayed and potentially appropriately mitigated.

There is substantial evidence in the record now that the project changed between the time the *FEIR* was certified (as complete) and when the project was approved. The project now includes the heavy utilization of Redondo Beach Road during construction – the *FEIR* is for (in essential respects under CEQA) another project that studiously neither acknowledged any such utilization nor assayed the associated potentially adverse environmental impacts. Before the Commission denies the appeal (and in effect approves the project) it has the authority, and duty under CEQA [CEQA Guidelines Sections 15160 – 15163], to require the preparation of a supplement to the *FEIR* analyzing the full range of environmental impacts associated with the utilization of Redondo Beach Road during the project's construction, which have thus far been ignored.

A project's environmental analysis under CEQA is not an exercise in misdirection or make believe. It requires that decision makers be as fully aware as they reasonably can be of the environmental consequences of the projects they approve. The applicant has been successful in persuading the decision makers thus far to ignore their obligation(s) under CEQA as pertains to the impacts of his project on Redondo Beach Road. I urge the Commission to rectify this orientation to environmental evaluation of projects coming before it.

Given the project's irrefutable significant and substantial adverse impacts to Redondo Beach Road; I further urge the Commission to find that the Appeal raises a "substantial issue" as to the conformance of this affluent residential subdivision development with LUP Policy 10-32. A requirement to return a well maintained but narrow roadway to its pre-construction status establishes the projects foreseeable substantial impacts thereto, but does nothing to mitigate three years of collateral impingement on coastal access.

Sincerely,

Signature on File

Ron Sturgeon

cc: Resources Agency

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CALIFORNIA COASTAL COMMISSION

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

F 7a

Filed: September 11, 2007
49th Day: October 30, 2007 (Waived)
Staff: YinLan Zhang – SF
Staff Report: November 1, 2007
Hearing Date: November 16, 2007

**STAFF REPORT – APPEAL
SUBSTANTIAL ISSUE**

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

APPLICANT: Ocean Colony Partners, LLC

LOCAL GOVERNMENT: City of Half Moon Bay

ACTION: Approval with Conditions.

PROJECT LOCATION: South of Redondo Beach Road and West of Highway 1, within the Half Moon Bay Country Club PUD (APNs 066-092-250, 066-092-470, 066-371-160)

PROJECT DESCRIPTION: 32-unit subdivision on a 7.95 acre site.

APPELLANT: George Muteff

STAFF RECOMMENDATION: No Substantial Issue

SUBSTANTIVE FILE DOCUMENT: Carnoustie Residential Development Final Environmental Impact Report

Executive Summary

Commission staff recommends that the Commission find that the appeal raises no substantial issue with regard to conformance of the approved development with either the Half Moon Bay certified Local Coastal Program (LCP) sensitive habitat and public access policies or the public access policies of the Coastal Act.

The City of Half Moon Bay approved with conditions a coastal development permit for a 32-unit, single-family subdivision, commonly referred to as the Carnoustie subdivision, within the private, gated Ocean Colony residential development in southern Half Moon Bay, located west of Highway 1, approximately 0.5 miles from the shoreline.

The appellant contends that the approved development is inconsistent with the sensitive habitat protection policies in the LCP and the public access policies in both the LCP and the Coastal Act. The appellant does not cite any specific basis for the development's inconsistency with the sensitive habitat protection policies. The appellant's primary concern regarding public access impacts of the approved development centers on the construction traffic that will occur on Redondo Beach Road, a City designated secondary beach access route, which will be used as the main access road for construction activities.

Commission staff recommends that the Commission determine that the appeal raises no substantial issue regarding whether the approved development is consistent with the sensitive habitat protection policies of the LCP. There are no sensitive habitats on the site of the approved development. Three intermittent streams are adjacent to the development that provide habitat for the California red-legged frog and the San Francisco garter snake. However, the approved development is located beyond the minimum buffer required for intermittent streams in the LCP and also incorporates mitigation measures, recommended by the U.S. Fish and Wildlife Service, that will avoid any potential significant adverse impacts to the California red-legged frog and San Francisco garter snake. Therefore, staff recommends that the Commission find that the appeal of the approved development does not raise a substantial issue of conformance of the approved development with the sensitive habitat protection policies of the LCP.

With respect to the appellant's contentions concerning significant adverse public access impacts on Redondo Beach Road as well as general public access issues, Commission staff recommends that the Commission find that the appeal raises no substantial issue regarding whether the approved development is consistent with the public access policies of the LCP and Coastal Act. Access to the approved development, after construction, will not be through Redondo Beach Road but rather existing roads currently serving Ocean Colony. The approved development will result in additional traffic on Redondo Beach Road only during the approximately three-year construction period. Available evidence indicates that there is not a high public access traffic demand on Redondo Beach Road. In addition, the road will not be closed during construction and no construction staging will occur along the road or at the public parking area at the end of Redondo Beach Road. The heaviest of construction traffic will occur in the first two to three months when significant amount of cut material will be moved off site using large trucks and infrastructure for the subdivision such as roads, sidewalks, utilities, and park will be installed. During this time, construction traffic will slow down any potential beach users, however, it will be a temporary inconvenience that will not prevent anyone from reaching the beach at the end of Redondo Beach Road. There are several vertical access roads to the beach nearby also available to the public during construction. Construction after initial grading and installation of infrastructure will be at a low intensity level because the City limits the amount of construction per year to 16 homes maximum, which in effect limits the amount

of workers and materials required to be transported via Redondo Beach Road. Moreover, to address potential construction safety and access impacts on Redondo Beach Road, the applicant will implement various safety measures, repave the section of Redondo Beach Road used during construction after project completion, and contribute its fair share for the improvement of the Redondo Beach Road and Highway 1 intersection when such improvements are warranted. Because temporary construction impacts have been mitigated to the maximum extent, it will not result in significant adverse impacts to public access along Redondo Beach Road that will interfere with the public's ability to access the sea, and because the approved development requires improvement of Redondo Beach Road consistent with the LCP policies, staff recommends that the Commission find that the appeal of the approved development concerning Redondo Beach Road does not raise a substantial issue of conformance of the approved development with either the public access policies of the LCP or the Coastal Act.

With respect to questions concerning permanent public access impacts related to the approved development, the City's approval requires the applicant to implement a suite of mitigation measures to address potential public access impacts including retiring the development rights on 34 legal lots within the vicinity of the approved development, payment of approximately \$1,061,000 in traffic mitigation fees for traffic improvements in the City, and payment of \$272,000 in park and recreation fees. There is sufficient beach access adjacent to the approved development that the approved development will not cause any overcrowding of public parking of beaches in these areas. Moreover, the suite of mitigation measures required by the City will ensure that there will be no net increase in demands on public beaches and roadways under buildout of the existing LCP and that the approved development will maintain circulation patterns in the City. Because of the availability of adjacent public access and the required mitigation to address potential cumulative public access impacts, Commission staff recommends that the Commission find that the appeal does not raise a substantial issue of conformance with either the public access policies of the LCP or the Coastal Act.

Exhibits:

1. Appeal and Supplemental Material by George Muteff
2. Notice of Final Local Act
3. Project Location Map
4. Aerial Photo of Project Location
5. Site Plans
6. Location of Adjacent Drainages
7. August 20, 2007 Email from Lucy Triffleman, USFWS to Bruce Russell
8. October 23, 2007 Letter from Bruce Russell to Steve Flint and Paul Nagengast
9. October 16, 2007 Email from Bruce Russell
10. October 17, 2007 Letter from Ocean Colony Association
11. October 23, 2007 Letter from Eda S. Cook
12. October 23, 2007 Letter from Robert P. Cook
13. October 24, 2007 Letter from John and Marcia Traversaro
14. October 24, 2007 Letter from Terence Ainscow
15. October 24, 2007 Letter from Half Moon Bay Coastside Chamber of Commerce

and Visitor's Bureau

1.0 STAFF RECOMMENDATION FOR A-2-HMB-07-034

No Substantial Issue

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed.

Motion

I move that the Commission determine that Appeal No. A-2-HMB-07-034 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff Recommendation of No Substantial Issue

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution to Find No Substantial Issue

The Commission finds that Appeal No. A-2-HMB-07-034 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency of the approved project with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

2.0 PROJECT LOCATION AND DESCRIPTION

2.1 Location and Site Description

The 7.95-acre project site is located at the northern edge of the Half Moon Bay Country Club Planned Unit Development (PUD) within the private, gated Ocean Colony residential community, at the western end of Bayhill Road, roughly half way between Highway 1 and the Pacific Ocean (Exhibit 3). The site is bound by Redondo Beach Road and undeveloped land to the north, a 4-H farm to the east, the Half Moon Bay Country Club's golf course to the south, and a maintenance yard and undeveloped land to the west.

The Coastsides Infant Toddler Center is located at the northwest corner of the intersection of Redondo Beach Road and Highway 1. On the south side of Redondo Beach Road, beginning at the intersection with Highway 1, there are two residences, additional Ocean Colony homes that are not accessed via Redondo Beach Road, and the 4-H farm. There is another single family home south of the parking area at the end of Redondo Beach Road. Redondo Beach Road currently provides access to the daycare center, three residences, the 4-H farm and the golf course maintenance yard.

The project site is a part of the 279-acre PUD, approved by the City in 1972 prior to the adoption of the Coastal Act. The entire PUD currently consists of 540 residential dwellings, a golf course, hotel, and associated infrastructure. Since the initiation of the PUD construction, the site has been used to store landscaping materials, soil and waste associated with the maintenance of the Half Moon Bay Country Club's golf course and outdoor areas.

The project site consists of three vacant parcels. The northern two-thirds of the site is relatively level and is currently used for storage of topsoil, compost, and fill. The southern third of the site slopes down to the golf course and is covered in grass. A stand of eucalyptus trees is located on the northern boundary of the project site, south of Redondo Beach Road.

2.2 Project Description

The approved coastal development permit authorizes subdivision of the three parcels on site into 32 single-family residential lots, the construction of the single-family homes and associated improvements, including roadways and utility infrastructure, and the creation of an approximately 17,000 square-foot, on site park (see site plans in Exhibit 5).

The residential lots will range from 6,240 square feet to 10,215 square feet. The average floor to area ratio of the approved buildings will be 0.5 (i.e. the square footage of the houses will be approximately one half the sizes of the created residential lots.)

Due to existing use of the site for storage, the site will require grading to remove a total of 27,100 cubic yards of stockpiled spoils and soil that will be disposed of outside the Coastal Zone. Approximately another 8,900 cubic yards of soil will be used and kept on site as fill.

The approved subdivision will be accessed from Highway 1 through the existing Fairway Drive where the security gate for Ocean Colony is located and Bayhill Road. Construction access will be through Redondo Beach Road and the golf course maintenance yard. There will be no vehicle access from Redondo Beach Road to the Carnoustie subdivision after construction ends.

The City's conditions of approval include requirements to address construction and post-construction stormwater runoff, measures to prevent potential impacts to special-status species including the California red-legged frog, San Francisco garter snake, monarch butterfly, and raptors, and measures to address the project's individual and cumulative impacts to traffic and public access that include retirement of 34 legal lots within the vicinity of the project site, payment of approximately \$1,061,000 in traffic mitigation fees for traffic improvements identified in the City's general plan, signalization and lane improvements at certain intersections affected by the subdivision, and the repaving of the section of Redondo Beach Road that will be used for construction access after project completion. The approved development also requires the applicant to pay \$272,000 in park and recreation fees.

3.0 APPEAL PROCESS

3.1 Filing of the Appeal

The Half Moon Bay City Council approved the coastal development permit on August 11, 2007. On August 27, 2007, the Commission received the City's Notice of Final Local Action (Exhibit 2). The ten working-day Commission appeal period ran from the next business day, August 28, 2007, to September 11, 2007. On September 11, 2007, the Commission received an appeal of the City's actions on the approved CDP from George Muteff (Exhibit 1).

Pursuant to Section 30621 of the Coastal Act, an appeal hearing must be set within 49 days from the date that an appeal of a locally issued CDP is filed. The appeal on the above-described decision was filed on September 11, 2007 and the 49th day was on October 30, 2007. On September 13, 2007 the applicant waived the right to a hearing within 49 days of the date the appeal was filed.

3.2 Appeals under the Coastal Act

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

Coastal Act Section 30603 provides, in applicable part, that an action taken by a local government on a coastal development permit application may be appealed to the Coastal Commission for certain kinds of developments, including the approval of developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff; or in a sensitive coastal resource area or located within 100 feet of any wetland, estuary, or stream. Developments approved by counties may be appealed if they are not designated as the "principal permitted use" under the certified LCP. Developments that constitute a major public works or a major energy facility may be appealed, whether they are approved or denied by the local government.

The approved subdivision meets the Commission's appeal criteria set forth in Section 30603 of the Coastal Act because it is development located between the sea and the first public road, Highway 1. Pursuant to Section 30603 of the Coastal Act, an appeal for this type of development is limited to the allegation that the development does not conform to the standards set forth in the certified LCP or the public access and recreation policies set forth in the Coastal Act.

Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal has been filed. In this case, because the staff is recommending no substantial issue, the Commission will hear arguments and vote on the substantial issue question. It takes a majority of the Commissioners present to find that no substantial issue is raised. Proponents and opponents will have three minutes per side

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

3.3 Standard of Review

Public Resources Code Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the Commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term *substantial issue* is not defined in the Coastal Act or its implementing regulations. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Commission Regulations, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

If the Commission chooses not to hear an appeal, the appellant nevertheless may obtain judicial review of the local government's action on the coastal development permit by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

4.0 SUBSTANTIAL ISSUE ANALYSIS

Appellants' Contentions

The appeal includes the following contentions (see Exhibit 1):

1. Because the approved development will use Redondo Beach Road for construction access, and because the City's coastal development permit does not require the applicant to improve and widen the entire length of Redondo Beach Road from less than 15 feet to 20 feet, the approved development will interfere

with public access to the beach and endanger public safety, and is therefore, inconsistent with the public access policies of the Coastal Act and LCP.

2. The approved development is generally inconsistent with the public access policies of the LCP and the Coastal Act.
3. The approved development is inconsistent with the ESHA Policy, Section 30240, of the Coastal Act.
4. The approved development is inconsistent with Coastal Act Sections 30001.5, 30003, 30004, 30007.5, 30107.5, 30116, and 30604.
5. The approved development is inconsistent with CEQA because the EIR is inadequate and does not analyze impact of construction access via Redondo Beach Road.

4.1 Appellant's Contentions that are not Valid Grounds for Appeal

Pursuant to Coastal Act Section 30603(b)(1), the grounds for an appeal of a local government approval of a coastal development permit shall be limited to an allegation that the approved development does not conform to the standards set forth in the certified local coastal program or the public access and public recreation policies of Chapter 3 of the Coastal Act. Therefore, the appellant's contention that the City's action does not conform to requirements of the California Environmental Quality Act (CEQA) is not a valid ground for an appeal of the approved CDP to the Commission (contention #5) because it does not allege an inconsistency of the approved development with either the certified LCP or the access and recreation policy of the Coastal Act.

In addition, the appellant's contentions (contention #4) regarding the approved development's inconsistencies with Sections 30001.5, 30003, 30004, 30007.5, 30107.5, 30116, and 30604 of the Coastal Act are not valid grounds for appeal because those sections in the Coastal Act are not specifically incorporated as policies or standards of or review in the City's certified LCP nor are they public access or recreation policies contained in Chapter 3 of the Coastal Act. LUP Policy 1-1 adopts Coastal Act Section 30210 through 30264 as guiding policies for the LUP. However, Sections 30001.5, 30003, 30004, 30007.5, 30107.5, 30116, and 30604 of the Coastal Act have not been specifically incorporated into the LCP nor are they Chapter 3 policies of the Coastal Act. Therefore, the appellant's contentions regarding these specific sections of the Coastal Act are not allegations that the approved development does not conform to the standards set forth in the certified local coastal program or the public access and recreation policies of Chapter 3 of the Coastal Act. As such, these contentions are invalid grounds for appeal.

4.2 Appellants Contentions that Raise No Substantial Issue

4.2.1 ESHA Protection Policies

The appellant contends that among the Coastal Act policies that the approved development violates is Section 30240 (contention #3), although he does not specify how the development is inconsistent with the ESHA policy.

Section 30240 of the Coastal Act is incorporated into the LCP as guiding policy under LUP Policy 1-1. Other applicable LCP Policies include:

3-1 Definition of Sensitive Habitats

- (a) Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and as those areas which meet one of the following criteria: (1) habitats containing or supporting “rare and endangered” species ..., (2) all perennial and intermittent streams and their tributaries, ...

3-3 Protection of Sensitive Habitats

- (a) Prohibit any land use and/or development which would have significant adverse impacts on sensitive habitat areas.
- (b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.

3-4 Permitted Uses

- (a) Permit only resource-dependent or other uses which will not have a significant adverse impact in sensitive habitats.
- (b) In all sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife Service and State Department of Fish and Game regulations.

3-11 Establishment of Buffer Zones

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

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

As stated in the Location and Site Description section, the 7.95 acre site has been used for storage of soil and landscaping materials for the Half Moon Bay Country Club for nearly 30 years. Due to this history of use, the site does not support any wetlands or other sensitive habitats. According to the biological assessments conducted for the approved development (included in the FEIR) no special status plant species were found on site and none is likely to occur. Additionally, the studies conclude that the “project site provides little in way of wildlife habitat.” The biological assessments discuss how a stand of eucalyptus trees on the site’s northern boundary, between the approved homes and Redondo Beach Road, could provide nesting habitat for raptors and overwintering site for monarch butterflies. LUP Policy 3-3 defines habitats that contain or support rare and endangered species as sensitive habitat. If the eucalyptus stand provides raptor nesting and/or monarch overwintering sites, it would meet the definition of sensitive habitat. However, according to the raptor study conducted by Brian Walton of the Predatory Bird Group at University of California—Santa Cruz, “it is highly unlikely that any raptor species could nest there or would nest there in the future if the site were left undeveloped.” As for the use of the eucalyptus by monarch butterflies, the studies conclude that because monarch butterflies usually roost in eucalyptus groves protected by winds they are not expected to roost over winter on site because the stand is not dense enough and is exposed to winds. An overwintering monarch survey of the project site conducted in 2002 found no butterflies. Because the eucalyptus stand has a very low potential to provide raptor nesting and overwintering habitat for monarch butterflies, it does not meet the definition of sensitive habitat in the LCP.

The approved development will remove 29 eucalyptus trees. Even though the eucalyptus stand is not considered sensitive habitat because raptor nesting and monarch winter roosting are not likely to occur, the project, as approved by the City, is required to take additional precautionary measures to ensure no adverse impacts to biological resources will occur. The approved measures include preconstruction surveys for nesting raptors, and if raptor nesting is found on site, a 50-foot buffer around any nesting tree will be required and tree removal will not occur until the young have fledged. The City’s conditions of approval also include a requirement for an additional monarch overwintering survey, and require the applicant to develop mitigation measures with the California Department of Fish and Game if any monarch butterflies are found. In addition, the applicant will plant additional trees to compensate for the removed trees.

While there is no sensitive habitat on site, the biological assessments conclude that there are three intermittent drainages occurring adjacent to the project site (Exhibit 6). Two intermittent drainages are located north of Redondo Beach Road, and one west of the golf course maintenance yard. The drainages also provide habitat for the California red-legged frog and the San Francisco garter snake. The drainages adjacent to the project site meet the definition of sensitive habitats because intermittent streams are defined as sensitive

habitats under the LCP and habitats that support rare or endangered species also meet the definition of sensitive habitat.

LUP Policy 3-3 requires development adjacent to sensitive habitats to be sited and designed to prevent impacts that could significantly degrade the sensitive habitats and be compatible with the maintenance of biologic productivity of such areas. LUP Policy 3-11 requires a 30-foot buffer for intermittent streams.

The approved development will be located approximately 50 feet south of the drainages north of Redondo Beach Road and 200 feet east of the drainage adjacent to the golf course maintenance yard, and is therefore consistent with the buffer requirements for intermittent streams specified in LUP Policy 3-11.

Because the intermittent drainages adjacent to the project site provide habitat for the California red-legged frog (federally Threatened and California Species of Special Concern) and the San Francisco garter snake (federally and state Endangered, California fully protected species), individual frogs or snakes using the drainages could wander onto the adjacent project site during grading and other construction activities and be injured or killed. Injury to or death of a frog or snake would adversely affect the populations of the species in the adjacent drainages, and would therefore degrade the sensitive habitat and not be compatible with the maintenance of the biologic productivity of those areas, inconsistent with LUP Policy 3-3 and Coastal Action Section 30240. However, the City's conditions of approval for the project require the applicant to implement measures recommended by the U.S. Fish and Wildlife Service to avoid harm to the California red-legged frog and the San Francisco garter snake from construction activities, which include installation of specifically designed temporary and permanent fencing to exclude frogs and snakes from the project site, preconstruction surveys to ensure that frogs or snakes will not be trapped in the fenced enclosure prior to construction, and contractor education to ensure that construction personnel can identify the species and take appropriate measures if needed. Biologist from USFWS states in an August 20, 2007 email to the applicant:

Upon review of this document as well as your [the applicant's] 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 (Exhibit 7).

Due to the required mitigation measures, the approved development will not cause any harm to the California red-legged frog or San Francisco garter snake, and therefore will neither degrade the adjacent sensitive habitats nor be incompatible with the maintenance of their biological productivity, consistent with the requirements of the certified LCP.

Because the approved development is not located in a sensitive habitat, and is sited and designed to prevent significant adverse impacts to adjacent sensitive habitat and will be compatible with the maintenance of the biologic productivity of such areas, the

Commission finds that the appeal of the approved development does not raise a substantial issue of conformance of the approved development with the sensitive habitat protection policies of the LCP.

4.2.2 Public Access Policies

The appellant contends that the approved development raises both general public access issues and specific public access and safety issues with respect to construction impacts to Redondo Beach Road (contentions #1 and #2).

4.2.2.1 Site Location and Existing Public Access

The site of the approved development is approximately 0.5 miles east of the nearest beach at the end of Redondo Beach Road. The approved subdivision will be located entirely within the private, gated Ocean Colony residential community, which is located west of Highway 1 between Redondo Beach Road and south of Miramontes Point Road. No existing public access to the beach occurs across the privately owned site or the adjacent private lands.

There are three public beach access points within a mile of the approved development including (1) public beach parking at the Ritz Carlton Hotel, (2) public beach parking, lateral paths and a vertical access stairway near the end of Miramontes Point Road at Arroyo Canada Verde, and (3) parking and lateral and vertical access paths at the end of Redondo Beach Road, which is closest to the site of the approved development at approximately 0.5 miles away (Exhibit 4). The public parking spaces at the Ritz Carlton Hotel must be accessed through a private security gate. Other beach access further north from the approved development includes the ends of Wavecrest Road and Poplar Street.

4.2.2.2 Mitigation Measures that Address Public Access and Recreation

The City's conditions of approval require the retirement of 34 legal lots within the vicinity of the approved development, payment of approximately \$1,061,000 in traffic mitigation fees for traffic improvements identified in the City's general plan, addressing signalization and lane improvements at certain intersections affected by the subdivision, including Redondo Beach Road, and repaving of Redondo Beach Road which will be used for construction access. Moreover, the approved development includes an approximately 17,000 square-foot, on site park to serve the residents and payment of \$272,000 in park and recreation fees.

4.2.2.3 Applicable Coastal Act and LCP Policies

Coastal Act Section 30210:

In carrying out the requirement of [Section 4 of Article X of the California Constitution](#), maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to

protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 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...

Coastal Act Section 30252:

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

LUP 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.

LUP 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.

LUP 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.

4.2.2.4 Public Access and Redondo Beach Road

The appellant contends:

The development is **adjacent** to Redondo Beach Road (RBR)...RBR is a non-conforming, substandard road that is identified in the HMB LCP as a Secondary Beach Access Road...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...

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 aforementioned Program and Policies...

...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 signification 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.

According to the FEIR 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 on site as fill...That translates into 1,700 exported loads, which represent at least 3,400 large truck trips over RBR (in& out) just for exportation...

Throughout the development there will be a constant movement of dirt, trucks, and equipment...All of which will increase the burden on residents, pedestrian and bicycle traffic, and beach access of users of RBR...

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.

The appellant contends that the amount of construction traffic on Redondo Beach Road that would be generated by the approved development would interfere with public access

to the beach via Redondo Beach Road, especially since public access demand will increase with the staircase that will be constructed at the end of the road, and also would threaten the safety of the users of Redondo Beach Road including the Coastside Infant Toddler Center, the 4-H farm, and three residences, including the appellant's, inconsistent with the LCP and Coastal Act public access policies. The appellant further contends that paving and widening Redondo Beach Road to 20 feet for its entire length would make the project consistent with the LCP and Coastal Act.

At issue is whether or not construction traffic for the approved development would result in adverse impacts to public access and safety that raise a substantial issue of conformance with the policies of the LCP and the public access and recreation policies of the Coastal Act.

Current Use of Redondo Beach Road

Redondo Beach Road is designated as a secondary access route on the City's LUP Map and located in the southern portion of the City, between Wavecrest Road and Miramontes Point Road. Only the eastern half of this approximately one mile long road is paved, the rest is a dirt gravel road. The paved section of the road is approximately 14-16 feet wide and the unpaved section is approximately 15-20 feet wide. An unpaved public parking area is located at the end of Redondo Beach Road on San Mateo County property. There are no other existing public facilities. There are various informal lateral and vertical access paths across the blufftop at the end of Redondo Beach Road. A vertical access stairway for this section of the blufftop is currently pending approval at the City. Aside from public coastal access, the road serves a daycare center at the intersection with Highway 1, the 4-H farm, the golf course maintenance yard and three residences south of the road. There is no residential development north of Redondo Beach Road, and only one residence between the site of the approved development and the west end of the road on the south.

According to the traffic study in the FEIR, current level of service at the intersection of Redondo Beach Road and Highway 1 operates at LOS D during weekday peak traffic and LOS E during Saturday PM peak, which are levels consistent with LUP Policy 10-25 that establishes the minimum Level of Service at E during peak traffic periods. The most significant delay at the intersection is experienced for the eastbound left turn approach. The FEIR states that implementation of a two-way/center acceleration lane would be able to address the delay at this intersection. The FEIR concludes that the level of service will not be changed by the approved development at the intersection of Redondo Beach Road and Highway 1, however, it does not take into consideration the temporary construction traffic impacts.

Additional information regarding public use of Redondo Beach Road indicates that there is not significant public access traffic demand on Redondo Beach Road. City staff observes that traffic and use of the parking area at Redondo Beach Road is light throughout the week. The applicant conducted an informal traffic count during a weekday

in late September 2007 and found that only one vehicle approximately every two houses used Redondo Beach Road to access the public beach.

Public Access Stairway at the End of Redondo Beach Road

The Commission, through an enforcement order unrelated to the approved development, has required the applicant (Ocean Colony Partners LLC) to address a previous violation by constructing a public access stairway at the end of Redondo Beach Road or contribute \$200,000 to the Coastal Conservancy (consent order # CCC-02-CD-02).

The appellant contends that the public access stairway which may be constructed at the end of Redondo Beach Road will increase public access demands on Redondo Beach Road and construction traffic will therefore cause even more significant adverse public access impacts.

If the public access stairway is constructed, it must be approved by the City through a coastal development permit because it constitutes development with the City's LCP jurisdiction. An application for a coastal development permit for the public access stairway has been submitted to the City for approval, however, there has been no approval from the City, and it is unclear when or if the stairway will be approved. Without final approval from the City, it is possible that Ocean Colony Partners may elect to address its violation through a payment to the Coastal Conservancy, consistent with the Commission's consent order. Because the City has not approved the staircase and the Commission's consent order allows Ocean Colony Partners to address its violation through payment to the Coastal Conservancy, it remains unclear whether the staircase will be constructed at all.

Potential Construction Impacts

The approved development consists of a 32-lot single-family subdivision and associated improvements. Construction access to the site will be primarily through Redondo Beach Road and the golf course maintenance yard west of the project site which will serve as one of the staging areas for construction. Entrance to the golf course maintenance yard is approximately half way down Redondo Beach Road. After construction is completed on the subdivision, residents will use the existing Fairview Drive and Bayhill Road for access to Highway 1. There will be no vehicular access to the subdivision through Redondo Beach Road after the completion of construction. Therefore, the approved development's impact to public access and safety on Redondo Beach Road will be limited to construction vehicle traffic. There will be no construction staging on Redondo Beach Road or the parking area at the end of the road. Construction personnel will also park on the project site instead of anywhere on the road.

The appellant contends that due to the amount of grading and construction for the homes, there will be constant heavy, large truck traffic on Redondo Beach Road for three years. The appellant asserts that transportation of fill materials off site alone would require "1,700 exported loads, which represents at least 3,400 large truck trips."

The construction of the Carnoustie subdivision will take approximately three years to complete. However, construction traffic will vary with the heaviest traffic resulting from the initial grading and installation of utilities and more moderate traffic activities during the construction of the homes.

Traffic from Grading and Installation of Infrastructure

According to the FEIR, the total amount of cut and fill on site is approximately 36,000 cubic yards. Approximately 27,100 cubic yards of material will be exported from the site and another 8,900 cubic yards will be reused on site as fill. The appellant calculates that the total amount of material that will need to be exported off site is 36,000 cubic yards (necessitating 1,700 truckloads), which includes the 8,900 cubic yards of material that will be reused on site as fill, and as such, is an overestimation of the amount of material that will be exported. In actuality, approximately 27,100 cubic yards of old stockpiled material and cut will need to be exported, which will amount to approximately 1,355 truckloads. According to the applicant, that amount of material would take between 30-35 days to transport off site based on 40 trucks per day (making 80 trips) carrying 20 cubic yards per trip. Once grading is completed, it will take another month of approximately 10-15 trucks per day to construct the infrastructure including roads, sidewalk, utilities, and the on site park (Exhibit 9).

Traffic from Construction of Homes

According to the applicant, construction of the homes will require less large truck traffic because the City's applicable condition of approval limits the number of homes allowed to be constructed per year at 16 homes maximum, and because single-family home construction only requires large truck deliveries for concrete, lumber, sheetrock and roofing. The applicant has calculated that the construction of 16 single family homes per year will require approximately 110 large truck deliveries, approximately two deliveries per week. The applicant also estimates that there will be approximately 15-40 construction workers on site per day and that construction workers will not exclusively access the site through Redondo Beach Road. Overall, the heaviest amount of construction traffic will be generated during the first two to three months of construction activities and will be less intense during the remainder of the three years.

Mitigation Measures that Address Construction Traffic on Redondo Beach Road

To address the potential impacts to Redondo Beach Road from construction traffic, the applicant is required to pave the road from Highway 1 to the golf course maintenance yard (the construction access point) after construction has been completed. Also, standard Caltrans safety measures will be implemented such entrance/exit procedures, flagmen, radio communication systems, signage, coning and other measures. Finally, the conditions of approval require the applicant to contribute approximately \$1,061,000 in traffic mitigation fees for traffic improvements identified in the City's general plan and for signalization and lane improvements at certain intersections affected by the subdivision when warranted, including a two-way/center acceleration lane at the intersection of Redondo Beach Road and Highway 1.

Analysis

Contention # 1 of the appeal raises three issues of regarding construction traffic on Redondo Beach Road and consistency with LCP and Coastal Act Public Access policies:

1. Impact of construction traffic will have on public access via Redondo Beach Road to the Beach.
2. Whether the approved development is conditioned to improve Redondo Beach Road consistent with LUP Policies 2-16 and 10-32.
3. Whether construction access via Redondo Beach Road is consistent with LUP Policy 10-34 that limits access to development from beach access routes, Highways 1 and 92.

Current use on Redondo Beach Road and Construction Impacts. Coastal Act Section 30211 requires development not to interfere with the public's access to the sea and Section 30210, 30212, and 30252 require new development to maintain or enhance public access to the sea. Available evidence indicates that Redondo Beach Road does not experience significant public access vehicular traffic. The FEIR traffic study concludes that residential use of the subdivision will not generate enough traffic to change the level of service at the intersection of Redondo Beach Road and Highway 1. Construction activities for the Carnoustie subdivision will certainly increase total amount of traffic on Redondo Beach Road for the three-year duration of the construction period. However, the road will not be closed at any time, and due to the location of the project, the entire length of Redondo Beach Road will not be affected by construction activities, and construction trucks, equipment, and parking by construction workers will not park along the road or occupy any public parking located at the end of Redondo Beach Road. Additionally, the most intense period of traffic flow generated by grading and construction of infrastructure on site will occur within a 2-3 month span. The remainder of the construction activities related to the single family homes will require less intensive large truck and smaller vehicle traffic.

Potential Future Staircase. The appellant contends that a new public access stairway, required through an enforcement order unrelated to the subject local approval will increase public demands on Redondo Beach Road and will be adversely affected by the construction access impacts of the approved development on the road. While, as discussed above, there is a potential for a new public access stairway at the end of Redondo Beach Road, it is not a part of the local approval here being appealed and it is unclear if or when such staircase would be approved by the City. Even if the staircase were approved, it is unclear when it would be built, what level of public access demands will be generated by the staircase, whether any construction of the approved development will occur after the stairway has been completed, and whether the construction traffic, if occurring after the stairway has been completed, will create any adverse impacts to the new level of public access demand on Redondo Beach Road. Given the foregoing uncertainties, there is no evidence to demonstrate that construction traffic impacts from the approved development will adversely impact any future public access demands on Redondo Beach Road.

Consistency with Coastal Act. Construction traffic will not interfere with public access to the sea via the road because (1) available information indicates that there is not a high level of public vehicular traffic on Redondo Beach Road, (2) no construction staging or parking will take place on Redondo Beach Road or the parking area at the end of the road; (2) the road will not be closed at any time during construction; (3) the heaviest period of construction traffic will not last only two to three months; and (4) for the majority of the construction period, only a low level of traffic will be generated.

Applicable LCP policies specific to the appellant's contentions concerning Redondo Beach Road include LUP Policies 2-16, 10-32 and 10-34.

Repavement of Redondo Beach Road Required. Policy 2-16 is a general stipulation for the improvement of Redondo Beach Road and Policy 10-32 specifically requires development to improve Redondo Beach Road if development will be located adjacent to or is accessed by Redondo Beach Road. Condition number F (12) requires the applicant to regrind, compact and resurface the section of Redondo Beach Road, used during construction, after completion of construction activities. Repaving that section of the road which will be used by construction traffic will result in road surfaces that exceed the current conditions of the road. Condition number E(10) also requires the applicant to contribute approximately \$1,061,000 in traffic mitigation fees for traffic improvements identified in the City's general plan when warranted, including a northbound two-way/center acceleration lane at the intersection of Highway 1 and Redondo Beach Road. The approved development is therefore conditioned to improve Redondo Beach Road as stipulated in the LCP.

No Permanent Access to Subdivision from Redondo Beach Road. LUP Policy 10-34 provides that access to new development from designated beach access routes, Highway 1 and 92 be limited, except where no alternative access is possible, consistent with public safety and enhanced circulation of visitors and residents. LUP Policy 10-34 does not prohibit development from accessing off of beach access routes, as long as it has been determined that no alternative access is possible and that the development is consistent with public safety and enhanced circulation of visitors and residents. As discussed above, the approved development will only use Redondo Beach Road, a secondary beach access route, during construction. The road will not be used by residents of the subdivision after construction has completed. Future residents of the Carnoustie subdivision will access their homes through the existing Fairview Drive and Bayhill Road that serve Ocean Colony exclusively. The only other alternative access for construction of the approved development would be from Fairview Drive, off of Highway 1, to which Policy 10-34 also limits access. Therefore, it's not possible for the approved development to be accessed from anywhere but Highway 1 or a beach access route. In addition, various safety measures will be implemented during construction to ensure public safety, and existing fire access within Ocean Colony to the approved development meets the requirement of the Half Moon Bay Fire Department. The portion of Redondo Beach Road affected by construction activities will be paved at the end of construction, and the applicant will contribute its fair share towards installation of a northbound two-

way/center acceleration lane when warranted to enhance circulation of visitors and residents. Therefore, the approved development does not raise any questions concerning conformance with LUP Policy 10-34.

Conclusion Concerning Construction Impacts to Redondo Beach Road

Construction for the Carnoustie subdivision is anticipated to take three years with the heaviest amount of construction traffic occurring in the first approximately two to three months with low intensity traffic occurring the rest of the time. Due to the limited duration of the heaviest construction traffic period, the low intensity level of traffic for the majority of the construction, the lack of strong public access traffic demands for Redondo Beach Road, the uncertainty of the development of the public access stairway and its potential to increase public access demands on Redondo Beach Road, the approved development will not result in significant public access impacts that will conflict with peak public access use of the road for beach access nor cause significant impacts that would interfere with public access to the sea.

With respect to LUP Policy 2-16 and 10-32, the approved development, which will only utilize Redondo Beach Road for construction access, has been conditioned to improve Redondo Beach Road by repaving the road after construction is complete and to help implement a northbound two way/center acceleration lane when such improvement is warranted. As for Policy 10-34, the applicant will implement safety measures during construction to ensure public safety, Redondo Beach Road will be paved at the end of construction, and the applicant will contribute to the implementation of a northbound two way/center acceleration lane when warranted to enhance circulation of visitors and residents. Therefore, the approved development meets the LCP requirements specific to Redondo Beach Road.

For the above reasons, the appellant's contentions concerning the approved development's construction impact on public access and safety does not raise a substantial issue of the approved development's conformance with either the public access policies of the LCP or Coastal Act.

Even if construction traffic impacts raise a question of consistency with the LCP, it is unclear how the appellant's solution of paving and widening the entire length of Redondo Beach Road to 20 feet before the onset of construction would adequately address the impacts the appellant contends. As noted in the FEIR, the greatest delay with respect to the intersection of Highway 1 and Redondo Beach Road is experienced by eastbound traffic turning left. The FEIR identifies implementing a northbound two-way/center acceleration lane as the solution to address that delay, not paving or widening the full length of Redondo Beach Road. Additionally, because there are intermittent streams and possibly other sensitive habitats adjacent to Redondo Beach Road on the north side, repaving and widening Redondo Beach Road would adversely impact sensitive habitats. Furthermore, because the unpaved section of Redondo Beach Road west of the golf course maintenance yard does not align with existing public road right-of-way but is located south of the right-of-way, paving and widening the road consistent with the City's public road right-of-way would mean that the road would need to be constructed north of the

existing section of the road and could encroach further into other possible sensitive habitat areas.

4.2.2.6 Other Public Access Issues

Beach Access adjacent to the Approved Development

Section 30210 of the Coastal Act requires maximum access to the sea. Section 30211 of the Coastal Act requires development not to interfere with public access to the sea. Section 30212 requires new development to provide access from nearest public roadway to the shoreline and along the coast 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. Section 30252 of the Coastal Act provides that the location and amount of new development should maintain and enhance public access to the coast. In its application of these policies, a permit issuing agency is limited by the need to show that any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impacts on existing access.

The approved Carnoustie subdivision will be located within the privately held, gated Ocean Colony residential community located west of Highway 1 between Redondo Beach Road and south of Miramontes Point Road. No existing public access to the beach occurs across the site or on the adjacent private lands. The question is therefore whether the approved development will result in an increase in demand for adjacent beaches will interfere with the public's ability to access the sea.

The approved development will result in 32 additional residences, which means that there will be approximately 89 more people in the City that will use the public beaches and facilities adjacent to the development (based on average of 2.78 persons per household provided by the U.S Census).

There are three existing public beach access points within a mile of the approved development consisting of (1) public beach parking at the Ritz Carlton Hotel (accessed via a private security gate), (2) public beach parking, and lateral paths and vertical access stairway at the end of Miramontes Point Road, and (3) parking and lateral and vertical access at the end of Redondo Beach Road, which is closest to the site of the approved development at approximately 0.5 miles away. Other beach access points further from the approved development include the end of Wavecrest Road and Poplar Street.

The approved development will be closest the beach at the end of Redondo Beach Road at approximately 0.5 miles away. Because vehicle access from the development to Redondo Beach Road will not be available, the development is located within a reasonable walking distance to the beach, and there is an existing pedestrian access from the golf course maintenance yard onto Redondo Beach Road, the approved development will more likely result in increased pedestrian access on Redondo Beach Road, not increased vehicle traffic or parking demands. Therefore, the approved development will not likely result in significant impacts to the public beach parking at Redondo Beach Road.

If residents of the approved development were to drive to the beach, current information indicates that the parking area at Redondo Beach Road is not in high public demand and will not be adversely affected by any additional demand from the approved development. Also, in addition to the three public parking locations identified above, there is private beach parking available to residents of Ocean Colony at the Colony Club that can be accessed via internal roads of the Ocean Colony. The availability of this parking area potentially reduces the demand on the nearby public beach parking from the residents of the approved development.

In addition, the approved development consists of an approximately 17,000 square foot park area to serve residents, and residents will have access to an existing golf course and other amenities provided by Ocean Colony, thereby reducing the potential of the recreational needs of residents to overload nearby beaches.

Moreover, the applicant has proposed, and the City has conditioned its approval to require the retirement of 34 legal lots within the vicinity of the development which will offset the increase in recreational and public access impacts resulting from the approved subdivision. As such, while the approved development will increase demands on adjacent beach access from current levels, it will not result in a net increase in cumulative demand when the City reaches buildout of existing legal lots under the current parcelization.

Given the existing available public access located adjacent to and in the vicinity of the approved development, the private parking that will be afforded to the residents of the approved development which will reduce demands on public facilities, and the requirement to retire 34 legal lots within the project's vicinity to offset the net increase in demand for public beaches, the approved development will not result in adverse impacts to adjacent beaches that will interfere with the public's ability to access the sea and will maintain existing public access resources. In addition, the approved development will not be required to provide new access under Section 30212 because adequate access exists nearby, and the increase in demand for public beach access from the development is offset by the requirement to retire the development rights of 34 legal lots within the vicinity of the development.

Cumulative Traffic Impacts

Section 30210 of the Coastal Act requires maximum public access be provided, Section 30211 provides that development shall not interfere with the public's right of access to the sea, and Section 30252 provides that new development should maintain and enhance public access.

According to the traffic study in the FEIR, existing level of service on Highway 1 and 92, the primary access roads to the region's shoreline, at numerous bottleneck sections is rated as LOS F and will continue to be rated at LOS F when considering the cumulative project impact. LOS F is defined as heavily congested flow with traffic demand exceeding capacity resulting in stopped traffic and long delays. This level of congestion

on the highways significantly interferes with the public's ability to access the Half Moon Bay and San Mateo County shoreline. The approved development, a new subdivision, will increase the level of development beyond that required to be allowed under the current parcelization, thereby potentially further interfering with the public's ability to access the coast.

As discussed above the applicant has proposed and the City has conditioned the retirement of 34 legal lots within the vicinity of the approved development to address public access impacts. In addition to the lot retirement condition, the applicant is also required to pay a \$1,000,000 traffic mitigation fee (in addition to \$61,000 in the City's standard traffic mitigation fee) to implement the City's circulation element and contribute its fair share for road and/or signalization improvements at various intersections in the City (including Redondo Beach Road) when such improvements are warranted. The approved development will create 32 legal lots from three existing legal parcels which will result in 29 additional legal lots and residential development, adding to the supply of existing legal lots in Half Moon Bay, which will result in significant adverse cumulative impacts to regional traffic congestion and to the public's ability to access the coast in conflict with the Coastal Act and LCP public access policies. However, the retirement of 34 legal lots along with the additional traffic mitigation fees designed for improving circulation in the City will proportionally address the impacts by preventing any increase in the development potential of legal lots for residential development and maintaining the flow of traffic within the City.¹ The suite of mitigation required by the City proportionally and adequately addresses the approved development's potential cumulative adverse impacts on public access, and therefore, the approved development does not raise a substantial issue of conformance with the public access policies of the Coastal Act or LCP.

Conclusion Concerning Adjacent Beach Access and Cumulative Traffic Impacts

The approved development will not obstruct any existing public access pathways as none exists. Due to the location of the approved development (0.5 miles from nearest beach) it is likely that the new residents would walk to the beach and therefore will not generate significant demands on adjacent public beach parking. Any potential increased in demand on public beach access is addressed by the availability of existing adjacent beach access (Redondo Beach Road, Ritz Carlton Hotel, and Miramontes Point Road) and the requirement to retire 34 legal lots within the vicinity of the approved development.

Existing severe traffic congestion within the San Mateo Midcoast and Half Moon Bay region already interferes with the public's ability to access the sea. Unless mitigated, the approved development, a new subdivision, will increase the level of development beyond that required to be allowed under the current parcelization, thereby potentially further interfering with the public's ability to access the coast. The approved development requires the applicant to retire 34 legal lots and contribute approximately \$1,061,000

¹ The Commission has previously imposed a lot retirement requirement as a condition of approval for subdivisions to mitigate cumulative adverse impacts on public access, the recent example in the area being the Ailanto subdivision located in Half Moon Bay.

towards traffic improvement projects identified in the City's general plan. The retirement of 34 legal lots along with the traffic mitigation fees designated for improving circulation in the City will proportionally address the impacts by preventing any increase in the development potential of legal lots for residential development and maintaining existing traffic circulation patterns.

For the above reasons, the Commission finds that the appeal does not raise a substantial issue of conformance of the approved development with the public access policies of the Coastal Act or the LCP.

4.2.3 Conclusion—No Substantial Issue

Applying the relevant factors listed in Section 3.3 above further clarifies that the appeal raises no substantial issue with respect to the conformity of the approved development with the policies of the Half Moon Bay LCP.

Regarding the degree of factual and legal support for the local government's decision that the development is consistent with the LCP, the record for approval of the local coastal development permit contains adequate factual and legal support for its decision. The appellant contends that the City's approval is inconsistent with the sensitive habitat policies of the LCP and the public access policies of the LCP and the Coastal Act.

As discussed above, there are no sensitive habitats on site, and the adjacent sensitive habitats will be protected because the approved development will be located beyond the minimum buffer requirements for intermittent streams and will be required to implement mitigation measures to avoid significant adverse impacts to the California red-legged frog and the San Francisco garter snake. Therefore, the approved development will not result in significant adverse impacts that will degrade the adjacent sensitive habitat or be incompatible with the maintenance of the biological productivity of such areas. With respect to public access, the approved development will not result in temporary or permanent public access impacts that will interfere with the public's ability to access the sea. Construction traffic impacts may cause a temporary inconvenience during two to three months of grading and installation of infrastructure but will not prevent the public from accessing the beach at the end of Redondo Beach Road. Permanent impacts including impacts on adjacent beach use and cumulative traffic impacts will also not result in significant adverse impacts to public access due to availability of existing adjacent beach access and the suite of mitigation measures that include retirement of 34 legal lots, and the payment of approximately \$1,061,000 in traffic mitigation fees for traffic improvements in the City, which will avoid a net increase in public beach demand or increase in traffic levels at buildout under the City's existing LCP, and which will maintain circulation patterns in the City. Thus, substantial factual and legal support exists for the County's action on the approved developments.

Regarding the precedential value of the local government's decision for future interpretations of its LCP, as discussed above, the City has addressed potential adverse impacts on sensitive habitats and public by incorporating numerous measures in its

approval to avoid significant adverse impacts to coastal resources. Because the approved development is consistent with the policies of the LCP, the City's action on the approved developments do not establish any negative precedent concerning the interpretation or implementation of the LCP.

Therefore, in conclusion, the Commission finds that the appeal does not raise a substantial issue concerning the consistency of the approved development with the policies of the Half Moon Bay certified LCP.

[Click here to go to the exhibits.](#)