

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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A-1-HMB-99-022-A2 (Pacific Ridge Subdivision Deadline Extension)

November 18, 2022

EXHIBITS

Table of Contents

EXHIBITS

Exhibit 1 – CDP A-1-HMB-99-022 Conditions as Amended

Exhibit 2 – Project Location

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**CONDITIONS AS AMENDED FOR COASTAL
DEVELOPMENT PERMIT A-1-HMB-99-022**

Amended text is shown in double underline.

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Standard Condition 2 shall be superseded by Special Condition 13.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. **Revised Subdivision Plan**
 - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AS AMENDED**, the applicant shall submit, for the review and approval of the Executive Director, a revised project site plan as shown on the Pacific Ridge at Half Moon Bay Grading Plan, attached as Exhibit 5. No development, including grading, shall be allowed on any slopes that currently drain to the pond or other wetlands north of Stream 3.
 - B. The applicant shall undertake development in accordance with the revised site plan approved by the Executive Director. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal

development permit unless the Executive Director determines that no amendment is required.

2. Open Space and Conservation Easement – Habitat Protection

A. No development, as defined in Coastal Act Section 30106, nor any agriculture or grazing activities shall occur in open space and environmentally sensitive habitat areas A and B as shown on Exhibit 3 except for: (1) construction of the fence that is sited and designed in accordance with Special Condition 5.A.7 below; (2) other development necessary for habitat enhancement, if approved by the Commission as an amendment to this coastal development permit; (3) construction and maintenance of the pedestrian trail as described in Special Condition 3; (4) construction of v-ditches or other drainage improvements, as may be required by geotechnical engineering review and erosion repair consistent with Special Condition 8, which are allowed by the erosion control plan approved by the Executive Director pursuant to Special Condition 8; (5) such minor grading as may be required to fulfill any other requirement of the Settlement Agreement between the applicant, the Commission and the City of Half Moon Bay, as allowed pursuant to Special Condition 4.A; and (6) construction of the crossings that span, but are not footed in, the riparian areas, as described in Special Condition 6.B; (7) grazing as allowed by the habitat management plan approved by the Executive Director pursuant to Special Condition 5.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AS AMENDED, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an open space and conservation easement for the purpose of resource protection and habitat conservation. Such easement shall include legal descriptions of both the applicant’s entire property and the easement area. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition.

C. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

3. Public Access and Park Dedication

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AS AMENDED, and consistent with the terms of the proposed project description, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate in fee to the City of Half Moon Bay or to another public agency approved by the Executive Director the 1.9-acre park site, as generally depicted on the property map attached as Exhibit 3. The recorded document shall include legal descriptions of both the applicant’s entire property and the fee dedication area. The recorded

document shall also reflect that development in the fee dedication area is restricted to public park and recreation purposes.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AS AMENDED**, and consistent with the terms of the proposed project description, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate a public access easement to the City of Half Moon Bay or another public agency or private association approved by the Executive Director over the entirety of the trails, paths and associated public parking area as generally depicted on the site plan attached as Exhibit 4. The parking area shall accommodate 5 cars. The recorded document shall include legal descriptions of both the applicant's entire property and the easement area. The recorded document shall also reflect that development in the easement area is restricted to public access purposes as set forth in this condition.
- C.** The offers identified in Subsections A and B shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interests being conveyed. The offers shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

4. Open Space Deed Restriction – Scenic View Protection

- A.** No building pad for any home in the Project may be situated above the 155 foot contour line, as shown on the May 12, 2008 project plans, attached as Exhibit 5. No grading shall occur above the 160 foot contour line, as shown on the May 12, 2008 project plans, attached as Exhibit 5, except for the installation of v-ditches or other drainage as may be required by geotechnical engineering review and erosion repair in order to comply with Special Condition 8 of the permit and such minor grading as may be required to fulfill any other requirement of the Settlement Agreement between the applicant, the Commission and the City of Half Moon Bay.
- B. PRIOR TO ISSUANCE OF THE NOI FOR THIS PERMIT, AS AMENDED**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit C to the Settlement Agreement between the applicant, the Commission, and the City of Half Moon Bay.

5. Habitat Management Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AS AMENDED**, the applicant shall submit, for the review and approval of the Executive Director, a Habitat Management Plan that shall provide the following specific measures designed to conserve enhance and manage the environmentally sensitive habitat area on the northern portion of the project site

for the benefit of the San Francisco garter snake, the California red-legged frog, and other sensitive species that use the area, including raptors. The applicant shall be responsible for assuring the long-term implementation of the approved Habitat Management Plan.

1. Pond Hydrology

Maintain the diversion berm in central Drainage 3 to continue to direct intermittent water flow from Upper Drainage 3 toward the pond.

2. Grass Management

Manage grassland areas adjacent to, and upslope from, the pond and delineated wetlands to favor (re)establishment of native grass species and reduce or control invasive non-native species.

3. Habitat Enhancement

Manage lands to enhance and protect populations of target species of special-status biota, riparian areas, wetlands, and other site resources.

4. Fuel Management

Reduce or eliminate dangerous accumulations of wildfire fuels.

5. Open Space Management

Develop techniques and strategies for the active management of the open space areas using such tools and practices as grazing, prescribed burning, mechanical control of fuels, habitat (vegetation) restoration and establishment of native plants, erosion prevention and sediment control, and removal of exotic species.

6. Raptors

Prior to commencement of grading or any other construction-related activity, a qualified biologist shall conduct a survey of nesting raptors at the project site. If white-tailed kite, Cooper's hawk or other tree-nesting raptors are found, the tree(s) shall be protected from disturbance during the nesting season. A temporary fence shall be placed 200 feet from the drip line of such trees and all grading or construction activities, including storage of materials or equipment, shall be excluded from the fenced area. If ground-nesting northern barriers are found, a temporary nest shall be placed around the nest at a radius of 300 feet and all construction shall be excluded from the fenced area. During the nesting season, the biologist shall monitor the grading or construction site on a biweekly (14 day) period. The protection measures shall remain in effect until the biologist has verified that adults have abandoned the nest or the young have left the nest or nest tree.

Prior to commencement of grading or any other construction-related activity during the yellowthroat-nesting season, a qualified biologist shall conduct a survey of the project site for nesting salt marsh common yellowthroats. A 100-foot fenced temporary buffer shall be established around any active nest to exclude any construction activity, or any storage of materials or equipment

from such buffer. The fence shall remain in place until August 1 of the year or until the biologist verifies that the nest is no longer active.

In the event that adult raptors or yellowthroats abandon a nest during grading or construction, the biologist shall within 48 hours prepare and submit a report to the executive director stating the observation and the biologist's professional opinion of the reasons therefor.

At the end of a grading or construction phase, or the end of each year's nesting season during project construction, whichever comes first, the biologist shall prepare and submit to the executive director a monitoring report on the effectiveness of this condition to protect any identified raptor or yellowthroat nests at the project site.

7. Perimeter Fence

The Habitat Management Plan shall provide for the construction of a four- to five-foot high fence with a solid base to separate the developed areas, ~~including trails,~~ from the adjacent open space and environmentally sensitive habitat areas.

- B. For a period of five years following issuance of the coastal development permit on the anniversary date of the Commission's action to approve the permit, the applicant (or his consulting expert) shall perform and report to the Commission on a monitoring study, consistent with applicable wildlife agency protocols, of the utilization of the dedicated habitat conservation area by the sensitive species referenced in Special Condition 5.A. Commencing with the eighth year following issuance of the coastal development permit and every third year thereafter, the "Pacific Ridge at Half Moon Bay" subdivision homeowners association, or its consulting expert, shall perform and report to the Commission on a monitoring study, consistent with applicable wildlife agency protocols of the utilization of the dedicated habitat conservation area by the sensitive species referenced in Special Condition 5.A.
- C. The applicant, or his successors or assigns, during the term of the development and home sales program of the subdivision, and the homeowners association following completion of subdivision home sales shall be responsible for the implementation, including, but limited to, any corrective actions of adverse conditions identified by the monitoring program pursuant to Special Condition 5.B.
- D. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AS AMENDED**, the applicant shall submit, for the review of, and approval by the Executive Director, a report by a professional arborist of the eucalyptus trees in Drainages 1, 2, 3, 4, and 5, that describes their current state and makes recommendations for their long-term arboreal management including for roosting and nesting.

6. Riparian Corridor Protection

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AS AMENDED**, the applicant shall submit, for the review and approval of the

Executive Director, revised project plans that demonstrate that no development, including lot lines, shall be located within 30 feet of the edge of any riparian vegetation associated with Streams 1, 2, and 3, or within 30 feet of the centerline of the streams where no riparian vegetation is present. For purposes of this permit condition, riparian vegetation shall be defined as any vegetation that requires or tolerates soil moisture levels in excess of that available in adjacent terrestrial areas and is typically associated with the banks, edges, or terrestrial limits of freshwater bodies, water courses, or surface emergent aquifers.

- B. The two stream crossings authorized herein shall span the streams with no supports located within the riparian corridors. All construction activities, materials and equipment are prohibited from entering the riparian corridors and their respective buffer zones except as necessary for the construction of one road crossing each on Streams 1 and 2. Prior to commencement of grading, the applicant shall install temporary construction fencing along the outer edge of all riparian buffer zones as shown on the approved revised site plan.

7. Cumulative Public Access Impact Mitigation

The applicant shall pay to the City the total sum of \$2,835,000 as a cumulative traffic mitigation contribution fee (“the in-lieu CTMC fee”). The in-lieu CTMC fee represent the payment of \$45,000 per lot, for each of the sixty-three parcels on which homes will be built. The in-lieu CTMC fee shall be used by the City for the purpose of acquiring and retiring development rights on existing legal parcels in the City.

The in-lieu CTMC fee shall be paid in the following manner: (1) a one-time amount of \$150,000 shall be paid to the City, after issuance of the permit by the Commission, at the time of the first recordation by the City of a final subdivision map for any phase of the Project in which at least one residential lot is included; (2) \$1,342,500 shall be paid within two years thereafter, or at the time of issuance of the first building permit by the City for a home on a new subdivided parcel or at the time of sale of the first such subdivided residential parcel, whichever occurs first; and (3) \$1,342,500 shall be paid within one year thereafter. The payment of the first \$1,342,500 shall fully vest Ailanto’s rights to complete all of the homes approved hereby.

The applicant’s responsibility to the Commission and the City to mitigate the cumulative traffic impacts of its project is discharged by payment of the in-lieu CTMC fee specified in this Special Condition and the costs specified in Special Condition Number 11, and no further traffic mitigation obligations or exactions will be imposed as part of satisfying the conditions of the City’s vesting tentative subdivision map, any other City approval, or the permit. The Commission and the City assume the risk that the in-lieu CTMC fee may not be sufficient to achieve the retirement of development rights on a desired number of parcels. Correspondingly, the applicant recognizes that it is not entitled to any refund of any portion of this payment in the event that the payment exceeds the amount sufficient to retire development rights on a desired number of parcels, or any refund of the \$150,000 one-time payment under any circumstances.

In order to ensure payment of the in-lieu CTMC fee, prior to issuance of the MCDP, the applicant or any successor shall submit to the Executive Director for review and approval a standby letter of credit for the amount of the CTMC fee. The letter shall be from a lender who is sufficiently reputable to assure payment of the funds at the appropriate time. The Executive Director shall approve the letter of credit if the letter is consistent with this condition. After approval by the Executive Director and prior to issuance of the MCDP, the Applicant shall deposit the letter with the Commission. The letter of credit may be revoked by Ailanto only if (a) the in-lieu CTMC fee is paid in full; (b) the permit expires without commencement of development (which includes recordation of a final subdivision map); or (c) the applicant surrenders the permit and relinquishes all rights under it, and reverts any subdivision to conditions existing prior to approval of the permit (including merger of all subdivided parcels). As long as the applicant complies with these requirements, it may revoke the letter of credit under (c) for any reason. The letter of credit shall be interpreted to allow revocation only under the foregoing circumstances, and if the applicant or successor succeeds in revoking the letter of credit under other circumstances without Commission approval, this shall be deemed to be a violation of the permit. The letter of credit shall provide that the Commission may draw funds at any time a CTMC payment obligation under the Settlement Agreement is overdue by more than seven calendar days.

The applicant, the City and the Commission anticipate that the first final subdivision map for the project will be recorded within three years of approval of the permit and that the three payments specified in the second paragraph of this condition will be made within three years, five years, and six years respectively of that approval ("the Original Timeline"), although these deadlines may be postponed pursuant to the tolling provisions of Special condition No. 13. Any payments made after they would be due under the Original Timeline shall be increased proportionately to any increase in the median home price in San Mateo County between the due date under the Original Timeline and the time of payment. Median prices shall be based on figures obtained from the San Mateo County Association of Realtors.

8. Erosion Control

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

causing significant nutrient runoff to surface waters. The Erosion Control Plan shall incorporate the Best Management Practices (BMPs) specified below.

1. Erosion & Sediment Source Control

- a. Sequence construction to install **sediment-capturing devices** first, followed by runoff control measures and runoff conveyances. Land clearing activities should only commence after the minimization and capture elements are in place.
- b. Time the clearing and grading activities to avoid the rainy season (October 15 through April 30).
- c. Minimize the area of bare soil exposed at one time (phased grading).
- d. Clear only areas essential for construction.
- e. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- f. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- g. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- h. Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- i. Excess fill shall not be disposed of in the Coastal Zone unless authorized through either an amendment to this coastal development permit or a new coastal development permit.

2. Runoff Control and Conveyance

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

3. Sediment-Capturing Devices

- a. Install stormdrain inlet protection that traps sediment before it enters the storm sewer system. This barrier could consist of filter fabric, straw bales, gravel, or sand bags.
- b. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).

- c. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences should be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.

4. Chemical Control

- a. Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.
 - b. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
 - c. Develop and implement spill prevention and control measures.
 - d. Provide sanitary facilities for construction workers.
 - e. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be disposed of at a location not subject to runoff and more than 50 feet away from a stormdrain, open ditch or surface water.
 - f. Provide adequate disposal facilities for solid waste, including excess asphalt, produced during construction.
 - g. Develop and implement nutrient management measures. Properly time applications, and work fertilizers and liming materials into the soil to depths of 4 to 6 inches. Reduce the amount of nutrients applied by conducting soil tests to determine site nutrient needs.
- B.** The applicant shall undertake development in accordance with the final erosion control plans approved by the Executive Director. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. The applicant shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan.
- C. Erosion Control Maintenance.** All of the above described erosion control measures shall be maintained pursuant to the following requirements.
- 1. All BMP traps/separators and/or filters shall be cleaned at minimum prior to the onset of the storm season and no later than October 15th each year.
 - 2. Sediment traps/basins shall be cleaned out at any time when 50% full (by volume).
 - 3. Sediment shall be removed from silt fences at any time when it reaches 1/3 the fence height.
 - 4. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.

5. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described above.

D. Erosion Control Monitoring. Throughout the construction period, the applicants shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved Erosion Control Plan. The applicant shall report the results of the inspections in writing to the Executive Director prior to the start of the rainy season (no later than October 15th), after the first storm of the rainy season, and monthly thereafter until April 30th for the duration of the project construction period. Major observations to be made during inspections and reported to the Executive Director shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed to enter the property as needed to conduct on-site inspections throughout the construction period.

9. Storm-water Pollution Prevention

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

1. Minimize Creation of Impervious Surfaces

- a. Design residential streets for the minimum required pavement widths needed to comply with all zoning and applicable ordinances to support travel lanes, on-street parking, emergency, maintenance and service vehicle access, sidewalks, and vegetated open channels.
- b. Minimize the number of residential street cul-de-sacs and incorporate landscaped areas to reduce their impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and vehicle turnarounds. Alternative turnarounds shall be employed where allowable.
- c. Avoid curb and gutter along driveways and streets where appropriate.
- d. Incorporate landscaping with vegetation or other permeable ground cover in setback areas between sidewalks and streets.
- e. Use alternative porous material/pavers (e.g., hybrid lots, parking groves, permeable overflow parking, crushed gravel, mulch, cobbles) to the extent

practicable for sidewalks, driveways, parking lots, or interior roadway surfaces.

- f. Reduce driveway lengths, and grade and construct driveways to direct runoff into adjacent landscaped areas.
- g. Direct rooftop runoff to permeable areas rather than driveways or impervious surfaces in order to facilitate infiltration and reduce the amount of storm-water leaving the site.

2. Roads and Parking Lots

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

3. Landscaping

- a. Native or drought tolerant adapted vegetation should be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.
- b. Where irrigation is necessary, the system must be designed with efficient technology. At a minimum, all irrigation systems shall have flow sensors and master valves installed on the mainline pipe to ensure system shutdown in the case of pipe breakage. Irrigation master systems shall have an automatic irrigation controller to ensure efficient water distribution. Automatic irrigation controllers shall be easily adjustable so that site watering will be appropriate for daily site weather conditions. Automatic irrigation controllers shall have rain shutoff devices in order to prevent unnecessary operation on rainy days.
- c. All BMP traps/separators and/or filters shall be cleaned prior to the onset of the storm season and no later than October 15th each year. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.
- d. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described below.

B. Storm-water Pollution Prevention Monitoring. The applicant shall conduct an annual inspection of the condition and operational status of all structural BMPs provided in satisfaction of the approved SWPPP including the detention basin. The results of each annual inspection shall be reported to the Executive Director in writing by no later than June 30th of each year following the commencement of construction. Major observations to be made during inspections and reported to the Executive Director shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are

not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed to enter the property as needed to conduct on-site inspections of the detention basin and other structural BMPs.

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

10. Grading Plan

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

1. The respective quantities of cut and fill and the final design grades and locations for all project related grading, including building foundations, streets, drainage, and utilities.
2. The phasing of all grading during construction.

B. Grading shall be conducted in strict conformity to the approved Grading Plan, Erosion Control Plan, SWPPP, and habitat protection measures specified in Special Conditions 6, 9 and 10.

11. Project Site Access

Terrace Avenue may be used as the vehicular access route for the Project, and for required development and construction. The applicant shall be responsible for repairing any damage to Terrace Avenue caused by development and construction. In addition to the in-lieu CTMC fee required by Special Condition Number 7, the applicant shall also pay an in-lieu fee in an amount equal to the costs of signalization, and the widening of Highway 1 necessary therefor, at the intersection of Terrace Avenue and Highway 1, up to the standards therefor of the California Department of Transportation. The money shall be expended to mitigate traffic impacts from the approved Pacific Ridge subdivision by either funding improvements to the intersection of California State Highway One and Terrace Avenue, located in the City, or funding alternative traffic improvements in the vicinity that have been approved for this funding by the Executive Director of the Commission.

12. Raptor Protection

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AS AMENDED, the applicant shall submit, for the review and approval of the Executive Director, a biological survey conducted by a qualified biologist/ornithologist that demonstrates that no development involving physical construction, including grading, shall occur within 100 feet of any nesting habitat for any state or federally listed species of raptor.

13. Expiration

If development (which includes recordation of a final subdivision map for any portion of the project) has not commenced, this permit will expire three years following approval by the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date. The expiration date of this permit shall be tolled, without regard to the length of time, for the same time as the time during which litigation is pending challenging the validity of that Settlement Agreement between the applicant, the Commission and the City of Half Moon Bay, or challenging the Commission's or the City's approval of that Settlement Agreement or the permit, or challenging the coastal development permits described in Paragraph 7 of that Settlement Agreement. The expiration date of this permit shall also be tolled during any period of time that an administrative appeal is pending

before the Commission involving either of these coastal development permits, and for the time necessary to obtain CalTrans approval for construction of the improvements authorized by the Terrace CDP, all as specified in Paragraph 7 of that Settlement Agreement. In addition to these tolling provisions, the Commission shall grant further extensions of the permit unless there are changed circumstances affecting the consistency of the permit with the LCP. See 14 Cal. Code Regs. Section 13169. Moratoria and incremental worsening of regional traffic conditions shall not constitute “changed circumstances” precluding permit extensions. Litigation shall be considered “pending” for purposes of this condition from the earliest date on which a lawsuit or lawsuits is or are commenced until the date on which: (a) a final judgment or decree has been entered in any and all such lawsuit(s) and all applicable judicial appeal periods with respect thereto have expired, with no pending or contested actions, (b) a request for voluntary dismissal of any and all such lawsuit(s) has been filed and dismissal has been entered by the Court, or (c) a settlement has been entered into by the parties to any and all such lawsuit(s) on mutually agreeable terms and conditions.

14. Deed Restriction

Prior to issuance of the permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

15. Settlement Agreement

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AS AMENDED, the applicant shall submit evidence that the Settlement Agreement is final and binding on all parties, or shall submit a letter stating that the applicant relinquishes all rights to terminate the Settlement Agreement.

16. Water Supply

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AS AMENDED, the applicant shall submit, for the review and approval of the Executive Director, a water supply plan that has been approved by the Coastside County Water District. The plan shall show that water will be supplied to the development via a pipeline under Terrace Avenue that is the minimum size necessary to serve the Pacific Ridge development only. If water service is proposed to be provided to the

development via a pipeline from the Carter Hill tanks or the Carter Hill pipeline, or from any other location besides Terrace Avenue, a Commission amendment to this coastal development permit will be required. Consistent with paragraph 7(e) of the settlement agreement, if a water line from the Carter Hill tanks or pipeline is proposed to supply the project, the City of Half Moon Bay will require a coastal development permit.

17. Construction Responsibilities

The permittee shall comply with the following construction-related requirements:

- A. Construction equipment and worker vehicles shall be staged and parked on the project site.
- B. The applicant shall notify the City 24 hours in advance if more than 25 worker vehicles are to exit the site during the PM peak-hour, and reimburse the City for the cost of any resulting traffic controls at the intersection of Terrace Avenue and Highway 1.
- C. The applicant shall maintain Terrace Avenue free of dirt and debris throughout project construction.
- D. Except in cases of emergency, heavy construction vehicles shall only access the site between 10:00 a.m. and 3:00 p.m.
- E. The applicant shall install speed bumps on Terrace Avenue, if required by the City.
- F. The applicant shall pay for any repairs required due to the construction traffic.

18. Settlement Agreement. PRIOR TO ISSUANCE OF CDP Amendment No. A-1-HMB-99-022-A2, the Permittee shall provide written evidence to the Executive Director demonstrating that the Permittee, the City of Half Moon Bay, and the Coastal Commission have executed a modification to the 2004 Settlement Agreement in *Ailanto, Inc. v. CCC, et al.* (Case No. 416540) extending the deadline for completion of construction of the approved development by five years (to May 15, 2030).

LOCATION MAP – Pacific Ridge
A-1-HMB-99-022-A2 – Ailanto Properties, Inc.
CITY OF HALF MOON BAY, SAN MATEO COUNTY

