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 Action Deadline: 8/28/2025
 Staff: Isobel Cooper - SF
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 Hearing Date: 8/13/2025

STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-2-HMB-25-0017

Applicant: John Vidovich

Appellants: Anju Abel, Brad Steinwede, John Rossi, and Co-Appellants Joe Farrell, Vic Froelicher, Susan Quaglietti

Local Government: City of Half Moon Bay

Local Decision: City of Half Moon Bay Coastal Development Permit Number PDP-17-055, approved by the City of Half Moon Bay City Council on June 3, 2025.

Project Location: Vacant property at the end of Champs Elysee Boulevard adjacent to the Pullman Watercourse and about 300 yards inland of Roosevelt Beach in the upcoast portion of the City of Half Moon Bay.

Project Description: Construction of a new two-story, 4,710 square-foot single-family residence with a 571 square-foot detached garage, stormwater infiltration detention basin and related infrastructure, landscaping, and associated development.

Staff Recommendation: No Substantial Issue Exists

IMPORTANT HEARING PROCEDURAL NOTE

Please note that this is a substantial issue hearing only, and testimony will be taken only on the question of whether the appeal raises a substantial issue. Such testimony is generally limited to three minutes total per side (although the Commission's Chair has the discretion to modify these time limits), so please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government, the local government, and their proxies/representatives are allowed to testify during this

substantial issue phase of the hearing. Other interested parties may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, then the Commission takes jurisdiction over the underlying coastal development permit (CDP) application and will then review that application at a future Commission meeting, at which time all persons are invited to testify. If the Commission finds that the appeal does not raise a substantial issue, then the local government CDP decision stands, and is thus final and effective.

SUMMARY OF STAFF RECOMMENDATION

The City of Half Moon Bay approved a coastal development permit (CDP) authorizing the construction of a new nearly 5,000 square-foot single-family residence, including decking and a detached nearly 600 square-foot garage connected to the residence by a breezeway, at a vacant property at the end of Champs Elysee Boulevard adjacent to the Pullman Watercourse and about 300 yards inland of Roosevelt Beach in the upcoast portion of the City of Half Moon Bay. The Appellants contend that the approved development is inconsistent with LCP provisions that protect riparian and wetland habitat, including that the development is sited within such resource areas and their typical buffer areas; that require development to minimize risks to life and property from flooding; that require water quality and hydrological function protections for LCP-designated watercourses, like the one present at this site, including by restricting hydromodification and requiring stormwater runoff management; and that require that development meet certain standards for properties located on bluffs.

However, the City appears to have appropriately applied the LCP to the project because the project meets all required buffers from the Pullman Watercourse; it has been designed to capture runoff from the site as a means of avoiding significantly worsening flooding associated with the watercourse feature; and it is not located in an area where the LCP's blufftop development provisions would apply. There are some questions about competing wetland delineations and the timing of each, however, the delineations that the City relied on were the most recent, and these issues are not substantial in this case.

As described in more detail in this report, it appears that the City's decision adequately addresses LCP objectives as they relate to the contentions raised, and staff believes that the issues do not rise to the level that would suggest that the Commission needs to become involved in this CDP application. Thus, staff recommends that the Commission find that **no substantial issue** exists with respect to the City-approved project's conformity with the LCP, and that the Commission decline to take jurisdiction over the underlying CDP application. The single motion and resolution to do so is found on page 4 below.

TABLE OF CONTENTS

1. MOTION AND RESOLUTION..... 4

2. FINDINGS AND DECLARATIONS..... 4

 A. Project Description and Location..... 4

 B. City of Half Moon Bay CDP Approval 5

 C. Appeal Procedures 5

 D. Summary of Appeal Contentions 7

 E. Standard of Review 7

 F. Substantial Issue Determination 7

3. APPENDICES 14

 A. Substantive File Documents 14

 B. Staff Contacts with Agencies and Groups 14

EXHIBITS

- Exhibit 1 – Location Map
- Exhibit 2 – City-Approved Project Plans
- Exhibit 3 – City of Half Moon Bay Final Local CDP Action Notice
- Exhibit 4 – Appeal of City CDP Action
- Exhibit 5 – Applicable LCP Provisions
- Exhibit 6 – 2021 BioMaAS Wetland Delineation
- Exhibit 7 – 2022 BioMaAS Wetland Delineation
- Exhibit 8 – Dunes, Beach and Bluff Buffers

1. MOTION AND RESOLUTION

Staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission would not take jurisdiction over the underlying CDP application for the proposed project and would not conduct further hearings on this matter, and that the local government CDP decision stands and is thus final and effective. To implement this recommendation, staff recommends a yes vote on the following motion which, if passed, will result in the recommended no substantial issue finding. If the motion fails, then the Commission will have instead found a substantial issue and will instead take jurisdiction over the subject CDP application for future hearing and action. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission determine that Appeal Number A-2-HMB-25-0017 **raises no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603, and I recommend a **yes** vote.*

Resolution to Find No Substantial Issue. *The Commission finds that Appeal Number A-2-HMB-25-0017 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Half Moon Bay Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

2. FINDINGS AND DECLARATIONS

A. Project Description and Location

The City-approved project is located on an approximately 31,700 square-foot, triangle-shaped vacant lot at the end of Champs Elysee Boulevard adjacent to the Pullman Watercourse and about 300 yards inland of Roosevelt Beach (also known as Naples Beach) in the upcoast portion of the City of Half Moon Bay (see **Exhibit 1**). The subject site is one of four parcels created through a subdivision map approved by the City in 2012, where two of the other parcels created have been developed to date. The site is currently vacant, covered with non-native ruderal vegetation and patches of planted Monterey cypress; and the Pullman Watercourse runs east-west along the entire northern boundary of the project site. The Pullman Watercourse is a man-made drainage course that conveys flows to the west from Highway 1, coastal hills, agricultural greenhouses, and agricultural growing fields where it empties at Roosevelt Beach via a culvert approximately 210 feet west of the project site.

Although the site is not located within a mapped flood hazard area, evidence shows the site is clearly subject to periodic heavy flooding during significant storms, and the City has identified Pullman Watercourse as a “high priority” for hydrological capacity improvements due to the depth of the flooding that can occur in this area. The project site is zoned Planned Unit Development, and a Planned Unit Development Plan (or PUDP, which was adopted as part of the underlying subdivision approval) details the permitted land uses, development standards, and open space requirements. The PUDP

includes single-family residential dwellings as a permitted use, and the parcel map for the subdivision identifies a buildable area for each parcel, where the proposed house is within that area.

The City-approved project would allow for the construction of a two-story, 4,710 square-foot single-family residence with exterior decking, a 571 square-foot two-car garage (connected to the main residence via a breezeway and a courtyard), landscaping and related improvements, including an approximately 2,000 square-foot stormwater detention basin to capture stormwater runoff. The City also required the Applicant to make an irrevocable offer to the City to dedicate a 30-foot easement along the Pullman Watercourse to allow the City to potentially implement drainage improvements in and along the watercourse in the future. See **Exhibit 2** for the City-approved project plans.

B. City of Half Moon Bay CDP Approval

CDP PDP-17-055 was heard at four public City Planning Commission meetings between August 2018 and July 2023 before ultimately being denied at a fifth Planning Commission meeting in September 2024. The Applicant appealed the denial to the City Council, where the appeal was denied via a split 2-2 vote. The Applicant then filed a lawsuit against the City challenging the denial. As part of a subsequent settlement agreement, the project was again heard by the City Council on June 3, 2025 where the project as described above was approved, authorizing residential development at the subject site, subject to conditions. The City's notice of its final CDP decision was received in the Coastal Commission's North Central Coast District Office on Thursday, June 5, 2025 (see **Exhibit 3**), and the Coastal Commission's ten-working day appeal period for this action began the next day and concluded at 5pm on June 19, 2025. Four valid appeals (discussed below and shown in **Exhibit 4**) were received during the appeal period, three appeals from Brad Steinwede, Anju Abel, and John Rossi, and one appeal from co-Appellants Joe Farrell, Vic Froelicher, Susan Quaglietti.¹

C. Appeal Procedures

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This

¹ Mr. John Rossi filed a separate appeal and also signed-on as a co-Appellant to the appeal filed by Joe Farrell, Vic Froelicher, and Susan Quaglietti.

City CDP decision is appealable because the City-approved project is located between the sea and the first public road paralleling the sea.

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP and/or to Coastal Act public access provisions. For appeals of a CDP denial, where allowed (i.e., only allowed in extremely limited circumstances – see description of appealable actions, above), the grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions.

The Commission's consideration of appeals is a two-step process. The first step is determining whether the appeal raises a substantial issue that the Commission, in the exercise of its discretion, finds to be significant enough to warrant the Commission taking jurisdiction over the CDP application. This step is often referred to as the "substantial issue" phase of an appeal. The Commission is required to begin its hearing on an appeal and address at least the substantial issue question within 49 working days of the filing of the appeal unless the applicant has waived that requirement, in which case there is no deadline for Commission action. In this case, the Applicant has not waived the 49 working day requirement, and thus the deadline is August 28, 2025, meaning that the Commission must take action on the substantial issue question at the August 2025 Commission meeting in Calabasas in order to meet this deadline.

The Coastal Act and the Commission's implementing regulations are structured such that a substantial issue is presumed when the Commission acts on this question unless the Commission finds that an appeal does not raise a substantial issue, and the Commission considers a number of factors in making that determination.² At this stage, the Commission may only consider contentions raised by the appeal. At the substantial issue hearing, staff will make a recommendation for the Commission to find either substantial issue or no substantial issue. If staff makes the former recommendation, the Commission will not take testimony at the hearing on the substantial issue recommendation unless at least three Commissioners request it, and, if no such full hearing is requested, a substantial issue is automatically found. If the Commission does take testimony, it is generally (and at the discretion of the Commission Chair) limited to three minutes total per side, and only the Applicant, Appellants, persons who opposed the application before the local government, the local government, and their

² The term substantial issue is not defined in the Coastal Act. The Commission's regulations indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (California Code of Regulations, Title 14, Section 13115(b)). Section 13115(c) of the Commission regulations provides, along with past Commission practice, that the Commission may consider the following five factors when determining if a local action raises a substantial issue: (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 the Coastal Act's public access provisions; (2) the extent and scope of the development; (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. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

proxies/representatives are allowed to testify, while others may submit comments in writing.

If, following testimony and a public hearing, the Commission determines that the appeal does not raise a substantial issue, then the first step is the only step, and the local government's CDP decision stands. However, if the Commission finds a substantial issue, the Commission takes jurisdiction over the underlying CDP application for the proposed project, and the appeal proceeds to the second phase of the hearing on the appeal.

In the second phase of the appeal, if applicable, the Commission must determine whether the proposed development is consistent with the applicable LCP (and in certain circumstances the Coastal Act's public access and recreation provisions). This step is often referred to as the "de novo" review phase of an appeal, and it entails reviewing the proposed project in total. There is no legal deadline for the Commission to act on the de novo phase of an appeal. Staff will make a CDP decision recommendation to the Commission, and the Commission will conduct a public hearing to decide whether to approve, approve with conditions, or deny the subject CDP. Any person may testify during the de novo phase of an appeal hearing (if applicable).

D. Summary of Appeal Contentions

The Appellants contend that the City-approved project raises LCP conformance issues related to coastal hazards and flooding, environmentally sensitive habitat areas, wetlands, and public access. Specifically, the Appellants contend that the approved development is inconsistent with LCP provisions that protect riparian and wetland habitat, including that the development is sited within such resource areas and their typical buffer areas; that require development to minimize risks to life and property from flooding; that require water quality and hydrological function protections for LCP-designated watercourses, like the one present at this site, including by restricting hydromodification and requiring stormwater runoff management; and that require that development meet certain standards for properties located on bluffs. See full appeal documents in **Exhibit 4**.

E. Standard of Review

The standard of review for considering these appeal contentions is the certified City of Half Moon Bay LCP (which is made up of a certified Land Use Plan (LUP) and a certified Implementation Plan (IP)) and the public access policies of the Coastal Act (which include Coastal Act Sections 30210 through 30224), as applicable.

F. Substantial Issue Determination

Applicable LCP Provisions

The LCP includes a series of provisions that address development in relation to habitat areas, like the adjacent Pullman Watercourse in this case, and that provide prescriptions for addressing issues such as flooding and coastal hazards. Importantly, limited resource-dependent development is allowed in ESHA and wetlands, and buffers of 100 feet from such resources are required, although those buffers can be reduced to as small as 20 feet in certain circumstances (see LUP Policies 6-17, 6-40, 6-41, 6-42, 6-

43, 6-50, and 6-53). As for intermittent and ephemeral watercourses with riparian vegetation, which could apply to the vegetated aspects of Pullman Watercourse, the LCP requires a setback of at least 35 feet (as measured from the outer limit of riparian vegetation or the top of bank, whichever is greater) (see LUP Policies 6-49 and 6-50). The LCP also specifically describes areas of Pullman Watercourse without riparian vegetation or sensitive habitat value as an example of a non-riparian watercourse that requires a minimum setback of 20 feet (see LUP policy 6-53). The LCP also requires new development to demonstrate that it will not cause or contribute to flood hazards on or off-site, including requiring that stormwater runoff is properly managed (see LUP Policies 7-1, 7-57, 6-78, 6-79, 6-81, 6-83, and 6-84). See the full text of all applicable LCP provisions in **Exhibit 5**.

Analysis

Pullman Watercourse and ESHA Contentions

The Pullman Watercourse, which runs adjacent to the northern boundary of the project site, is a man-made, earthen-lined drainage feature which extends from the Rocket Farms property east of Highway 1, under Highway 1 via a culvert, and then flows west where it empties at Roosevelt Beach. Several biological resource evaluations have been completed for areas in and along the Pullman Watercourse between 2005 and 2023, and there has historically been debate as to the watercourse's status as ESHA (it should be noted that the Half Moon Bay LCP calls out specific policies for 'watercourse' ESHA as opposed to 'terrestrial' ESHA). LUP habitat and ESHA maps identify Pullman Watercourse as a "non-riparian watercourse", a designation that includes intermittent or ephemeral and man-made drainage ditches that lack riparian vegetation. LUP maps mark the watercourse as "potential ESHA." For non-riparian watercourses, including the portions of Pullman Watercourse without riparian vegetation or other sensitive habitat value, the LUP requires a minimum 20-foot buffer from the top of the bank, and the IP requires a 30-foot buffer from the centerline of intermittent streams where there is no riparian vegetation. Where riparian vegetation is present, or where there is sensitive habitat value, the LCP requires a buffer of 35 feet from the outer limit of riparian vegetation or from the top of the bank, whichever is greater. However, this buffer may be reduced to no less than 25 feet. While there has been some ongoing uncertainty regarding the presence or absence of vegetation and species that meet the LUP definition of riparian habitat at this location, and whether or not the watercourse rises to the level of ESHA due to potential dispersal habitat for special status species,³ the proposed residence is sited outside of all potentially applicable watercourse and ESHA

³ The watercourse has been described at different times as a "man-made ephemeral drainage" feature (WRA 2010) as well as an intermittent stream. The Biological Resource Assessment completed by WRA Environmental Consultants (WRA) for the original subdivision concluded that, due to Pullman Watercourse's "ephemeral nature" and lack of riparian vegetation, it would not be considered riparian habitat. WRA issued a revised Biological Resource Evaluation in February 2019 to provide an update on existing conditions at the project site, including identifying any potential sensitive habitats. This updated evaluation by WRA generally concurs with the conclusions of the 2010 WRA report, including that no riparian vegetation is present within the project area, however it does recognize that Pullman Watercourse may be considered sensitive habitat as a man-made intermittent stream per the LCP. The updated 2019 WRA report goes on to identify potential riparian arroyo willow thickets, but notes that further review of these thickets would be necessary to determine whether these thickets meet the LCP's definition of riparian areas.

buffers (i.e., it is farther than 35 feet from the top of bank and any potential riparian vegetation). As to the stormwater detention basin, it extends slightly into the 35-foot buffer of an arroyo willow thicket identified as “potential” riparian vegetation. However, as noted previously the LCP allows for this buffer to be reduced to no less than 25 feet and again, it is not clear that riparian vegetation is even present of the sort that would require a 35-foot buffer in the first place, and arguably the stormwater detention basin is an allowable use within a riparian buffer (see LUP policies 6-47 and 6-50). As such, the appeal contentions related to required buffers from the Pullman Watercourse and its habitats do not raise substantial issues.

One Appellant also contends that the Monterey cypress onsite constitute raptor habitat and could therefore be qualified as ESHA. While the LCP describes Monterey Cypress forest as supporting raptor nesting and roosting, the trees on the subject site are isolated, do not represent a native stand, and previous biological reports for the project site have not observed repeated raptor or other special status species nesting. Thus, it is highly unlikely that the Monterey cypress trees on the parcel constitute ESHA in this case. Furthermore, the project does not propose to remove any trees and the City’s approval requires tree protection measures and pre-construction surveys for nesting birds and raptors within 500 feet of the construction site. Thus, potential impacts to the Monterey cypress trees on the parcel do not raise substantial issues.

Wetland Contentions

One Appellant also asserts that wetlands are present on the property and that the 2022 wetland delineation that concluded that no wetlands are present at the site, and which the City relied on in its approval, is flawed. There are two recent wetland delineations for the site, both completed by the same company (BioMaAS), where one was completed in 2021 (see **Exhibit 6**), but that 2021 delineation was replaced by a delineation subsequently completed in 2022 (see **Exhibit 7**). The 2021 wetland delineation was based on samples from 35 representative locations within the study area collected during the wet season in March and May, where 9 data points indicated the presence of either hydrophytic vegetation, hydric soils, or both. Based on such sampling, the 2021 report mapped three wetland areas on the property, totaling 0.131 acres (or about 5,700 square feet total) in the western part of the site (with some overlapping of the proposed detention basin location). The 2022 wetland delineation that replaced the 2021 effort was based on samples from 6 representative locations within the study area collected during the dry season in August, and it did not identify any wetland areas on site. The City relied on the most recent 2022 report in making its CDP decision.

The LCP clearly prefers wet season delineations, but it is not a requirement, rather the policy is framed such that wetland delineations “should typically” be conducted during the rainy season (see LUP Policy 6-37). That said, policies in land use planning that are framed as something “should” be done typically stand for the premise that the standard in question be applied unless there is a compelling reason for that not to happen. As a general rule, wet season delineations are more likely to turn up wetlands than dry season delineations. That said, this is not a case of competing experts, rather the same entity reviewed the site a second time and based on their updated evaluation, they changed the delineation. That is not to say that a subsequent wet season delineation might not lead to different conclusions, but regardless, the City relied on the most recent

delineation when making their decision, and that delineation identified no wetlands. Ultimately, this appeal contention falls into somewhat of a grey area, but here the Commission finds that the facts suggest this is not a substantial issue.⁴

Blufftop Contentions

The Commission's regulations define "blufftop and beachfront development" as development located within 300 feet landward of a bluff line or edge, or 300 feet landward from the inland extent of the beach, where "coastal bluffs" are understood to be those bluffs where the toe of such bluffs are subject to marine erosion.⁵ The Appellants contend that the western boundary of the subject site is just 210 feet from the bluff edge, and therefore the proposed project must comply with the LCP's blufftop development provisions, which require assessment of the blufftop hazards present and adequate setbacks. However, the Appellant's 210-foot measurement is taken from the seaward edge of the Roosevelt Beach parking lot access road, where the Pullman Watercourse passes under the road and trail via a culvert. According to California State Parks, this culvert itself is approximately 300 feet northeast of that actual channel outlet onto the beach. So, while this artificial channel cuts through coastal bluff areas, it is inaccurate to describe the drainage culvert as the inland extent of the bluff edge. While there has not been a formal bluff edge delineation, the City's conclusion that the westernmost edge of the project site is not within 300 feet of the bluff in this area (see **Exhibit 8** prepared by City staff) appears accurate based on the evidence available. In fact, the house site itself is even further from the bluff/shoreline (some 850 feet removed). Because the project site is not within 300 feet of the bluff edge, the LUP provisions regulating blufftop development do not apply (see LUP Policies 7-13 and 7-16 in **Exhibit 5**), and this contention does not rise to the level of a substantial issue.

Flooding Contentions

The Pullman Watercourse has been subject to episodes of intense flooding in the past, as evidenced by photographs and videos submitted by the Appellants, and the City has long identified Pullman Watercourse as a high priority for improvements to address flooding. The City LUP specifically identifies channelized watercourses, including Pullman Watercourse, as producing erosion, explaining that culverts placed in these watercourses are subject to undercutting and collapse due to erosion. Given the history of flooding in and along the Pullman Watercourse, including at the subject property, many of the appeal contentions are related to the project's potential impact on hydrologic processes at and around the site. Specifically, several of the Appellants

⁴ If these 2021 areas were to be considered wetlands, they overlap the detention basin area, albeit in a quite limited way (i.e., one the 9 positive points from 2021 is in the same area, and its wetland determination is based on the presence of a single dominant facultative species). Following the 2021 wetland delineation, it's not clear that the stormwater detention basin would be allowed there under the LCP, and it would likely need to be moved. However, if a 100-foot buffer were applied to these wetlands, the majority of the building site would fall into the buffer, and it would qualify for a reduction, which the LCP allows down to 20 feet and it appears that the entirety of the house is currently outside of that 20-foot buffer. What's more, this is a legal lot that is zoned residential, where the Applicant appears to have established a reasonable investment-backed expectation to develop a house, and questions about takings jurisprudence could be implicated in all such scenarios, which might itself lead to a house designed in exception of strict adherence to all LCP standards at this location.

⁵ See California Code of Regulations, Title 14, Division 5.5 (CCR) Section 13577 (h).

contend that the increase in impervious surfaces at the site will modify existing flow patterns, worsen flooding and erosion conditions, and potentially impact ESHA. The LCP contains several provisions related to the protection of the quality and hydrological function of coastal zone waters, as well as reducing risk to life and property from flood hazards. Specifically, LUP Policies 6-79, 6-81 and 6-83 require that new development minimize impacts to coastal waters, such as reducing runoff and erosion impacts both during and after construction, by implementing best management practices during construction, developing post-construction drainage and run-off control plans, and by appropriately siting and designing development (again, see **Exhibit 5**).

The site is currently undeveloped, and construction of the proposed home would result in approximately 4,300 square feet of new impervious surfaces. As such, the City-approved project includes a stormwater detention basin with a 2,260 cubic foot capacity, adequate to capture stormwater runoff produced on-site during a 25-year, 24-hour storm event. Stormwater runoff from the residence's roof and other impervious surfaces would be directed to the detention basin, where water would be allowed to percolate into the water table. This proposed design exceeds the LCP's requirement that new development include structural BMPs designed to capture and infiltrate the amount of stormwater produced by 10-year, 2-hour storm events (LUP Policy 6-84). Additionally, the City included a condition of approval requiring submittal of a Lot Drainage Plan as well as an Erosion and Sediment Control Plan, demonstrating that all surface runoff is retained and managed on-site, including how pre-development runoff from adjacent parcels would be addressed on-site, and how erosion and sedimentation would be minimized. Furthermore, the project would implement San Mateo County Pollution Prevention Program BMPs, as detailed in the approved site plans.

Beyond requiring management of stormwater runoff from the project itself, the LCP also requires new development to demonstrate that it will not cause or contribute to flood hazards on- or off-site (LUP Policies 7-51 and 7-57). Though the project site and the surrounding area are not within a mapped flood hazard zone, according to FEMA Flood Maps and the LUP Sea Level Rise Flood Impacts Map, there is a well-documented history of localized flooding in and along the watercourse. The Pullman Watercourse conveys flows from a 171-acre watershed area generally bounded by Washington Boulevard to the north, the Corral de Tierra mountain ridge to the east, and Rocket Farms to the south. In 2024, engineering consultant EDT produced a report evaluating the cause of flooding at 2804 Champs Elysee Boulevard, directly north of the subject site. The report concluded that undersized culverts along the watercourse contribute to the flooding in and along the Pullman Watercourse. The City's engineering consultant (Schaaf & Wheeler) also evaluated watercourse hydraulics and the hydraulic effect of a 10-year and 100-year storm on Pullman Watercourse and again identified culverts along Pullman Watercourse as the main limiting factors for hydraulic conveyance. In fact, the City's 2016 Storm Drain Master Plan Update, also prepared by Shaaf & Wheeler, specifically recognizes the need to improve or bypass Pullman Watercourse to address flooding. As previously stated, the City has designated Pullman as a "high priority" for future hydrological capacity improvements and as a part of this approval, the City included a condition to record a 30-foot easement within the subject property along the Pullman Watercourse to allow for such potential future improvement or bypass projects to alleviate flooding.

In addition to analyzing existing hydrologic and hydraulic conditions in and around the subject property, Schaaf & Wheeler also analyzed the potential on- and off-site impacts of the project on these conditions. This report concluded that development of the project at the subject site would result in a 0.4% increase in watershed flow, a 0.02-foot increase in water surface elevation in Pullman Watercourse, and a 0.1-foot increase in water surface elevation within the subject property during a 100-year storm event, all of which represent a less than significant contribution to the existing flood condition during such an event. Additionally, the proposed residence is sited on an area of high ground that does not provide significant conveyance for water that overtops the Pullman Watercourse to the surrounding area.

In short, the City's evaluation shows that the project would not contribute to or worsen existing flooding conditions at and around the site, in compliance with LUP Policies 7-51 and 7-57. It is evident from the many hydrologic and hydraulic analyses completed in and around the Pullman Watercourse, and the many documented instances of intense flooding events, that major watercourse improvements are required to alleviate flooding in the long-term, and it is clear that the City recognizes as much. In any event, the Applicant is neither responsible for, nor required by the LCP, to improve flood conditions for the general area, only to ensure that the proposed development does not worsen flood conditions, and the City's evaluation shows that is likely to be the case. As such, the flooding contentions do not raise a substantial issue.

Grading Contentions

The Appellants also contend that grading took place on the parcel in late 2016 without permits, and that such grading resulted in sheet-flow being diverted offsite, funneling runoff towards adjacent properties and into Pullman Watercourse, including across the California Coastal Trail and beach parking lot access road, leading to adverse public access impacts.⁶ It is true that the Pullman Watercourse has eroded such that the outflow channel has widened and damaged the culverts that pass under the access road and trail. In fact, the single access road to the Roosevelt Beach parking lot has been closed due to damage from erosion as a result of stormwater runoff exceeding the capacity of the culverts.⁷ That said, it is not as clear to what degree grading at the site, which the City has indicated was permitted and necessary to complete site improvements authorized as part of the underlying subdivision approval,⁸ is the root cause of the flooding, runoff, and erosion issues. It appears that it would be nearly impossible to determine whether the grading that occurred at the subject property has worsened flooding, stormwater runoff, and erosion in the area, especially when at least

⁶ As noted previously, the project site is about 200 feet inland of the California Coastal Trail and the State Parks access road to the Roosevelt Beach parking lot, and both the road and the trail cross over the Pullman Watercourse.

⁷ The City of Half Moon Bay approved CDP PDP-21-071 on November 26, 2024 authorizing the replacement of two failed drainage culverts with one larger drainage culvert at the western end of the Pullman Watercourse. Replacement of the culvert is necessary to reconstruct and stabilize the access road to Roosevelt Beach parking lot.

⁸ Including water main extensions, new sewer connections, sidewalks and gutters, undergrounding new utilities, and earthwork for street infrastructure, specifically the extension of Champs Elysee Boulevard and the new cul-de-sac.

four other residences have been constructed on properties along the Pullman Watercourse between 2016 to the present. As discussed above, the City and the Applicant have demonstrated that the proposed project and the subject of this appeal would not significantly worsen existing flood conditions on or off-site, which is the requirement of the LCP. This contention also does not raise a substantial issue.

Conclusion

When considering a project that has been appealed to it, the Commission must first determine whether the local government's decision on the project raises a substantial issue of LCP and/or Coastal Act (as applicable) conformity, such that the Commission should assert jurisdiction over the CDP application 'de novo' (i.e., completely reviewing the project for LCP and Coastal Act consistency) for such development. At this stage, the Commission has the discretion to find that the project does or does not raise a substantial issue of LCP conformance. Section 13115(c) of the Commission regulations provides that the Commission may consider the following five factors when determining if a local action raises a significant issue: the degree of factual and legal support for the City's decision; the extent and scope of the development as approved or denied by the City; the significance of the coastal resources affected by the decision; the precedential value of the City's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

As described above, it appears that the City's decision adequately addresses LCP provisions as they relate to Pullman Watercourse habitats, flooding, stormwater runoff and erosion, and the Commission does not believe that these issues raised rise to the level of a substantial issue. In terms of the degree of factual and legal support for the City's decision, as detailed above, the City had significant factual and legal support for its conclusions overall, including through technical reports prepared specifically for this project and general vicinity. Even though the differing conclusions of the two wetland delineations raise some concern, especially as it relates to delineations ideally being performed in the wet season, ultimately this isn't an evaluation of competing experts, rather the same expert updated its report, and determined that there weren't wetlands present. Here the facts suggest that this is not a substantial issue, especially given that the proposed residence is located outside the wetlands delineated in 2021. Thus, this factor weighs in favor of no substantial issue.

Second, with respect to extent and scope of the City-approved development, the proposed development is limited to one single-family residence and associated development, adjacent to similarly sited single-family residences, surrounded by similar neighborhood development to the north and east. As such, the second factor does not weigh in favor of finding substantial issue.

With respect to the significance of affected coastal resources, the project raises questions about watercourses and riparian and wetland resources, which are significant coastal resources. As described above, it appears clear that the watercourse/riparian resources were appropriately addressed in the City approval. As to the wetland question, and for the same reason above, it appears the City had a basis for taking the

action it did in this case. Thus, although there is some competing evidence, when evaluated against the record as a whole, this factor just slightly advocates for no substantial issue.

As to the fourth factor, the potential to set an adverse precedent for future interpretations of the LCP, it should first be noted that any one case, like this one, is decided on its specific facts and its specific merits and is not dispositive as to how subsequent CDP decisions will be made. At the same time, there is always the potential that the City and/or other parties interested in the issues raised here might see the City's action as precedential in some way, despite each case being considered based on its own facts and context. In that sense, the questions about whether the LCP requires wet season wetland delineation are important, and whereas the LCP would typically advocate for a wet season delineation, it didn't happen in this case. However, even if the wet season delineation from 2021 were to be used, the residence would be appropriately buffered. As such, this factor weighs in favor of finding no substantial issue.

As to the fifth factor, the City-approved project results in a single-family residential house on a fairly recently approved residential subdivision adjacent to other single-family residences, which, by itself does not raise issues of regional and statewide significance. At the same time, the site is adjacent to a watercourse, and potentially wetlands, which are of greater than local import, and thus this factor both supports and doesn't support a finding of substantial issue.

In this case, taken together, the five factors support a conclusion that the City's approval of a CDP for this project does not raise a substantial issue of LCP conformance. Thus, and for all the reasons stated herein, the Commission finds that Appeal Number A-2-HMB-25-0017 does not raise a substantial issue as to conformance with the certified City of Half Moon Bay LCP and the public access policies of the Coastal Act, and the Commission declines to take jurisdiction over the CDP application for the proposed project.

3. APPENDICES

A. Substantive File Documents⁹

- City of Half Moon Bay CDP File PDP-17-055

B. Staff Contacts with Agencies and Groups

- City of Half Moon Bay Community Development Department

⁹ These documents are available for review from the Commission's North Central Coast District office.