AGENDA

CITY OF HALF MOON BAY
PLANNING COMMISSION

TUESDAY, SEPTEMBER 24, 2019
7:00 PM

Half Moon Bay EOC
537 Kelly Ave.
Half Moon Bay, CA 94019

Brian Holt, Chair
James Benjamin, Vice Chair
Sara Polgar, Planning Commissioner
Steve Ruddock, Planning Commissioner
Rick Hernandez, Planning Commissioner

This agenda contains a brief description of each item to be considered. Those wishing to address the Planning Commission on any matter not listed on the Agenda, but within the jurisdiction of the Planning Commission to resolve, may come forward to the podium during the Public Forum portion of the Agenda and will have a maximum of three minutes to discuss their item. Those wishing to speak on an agenda item are asked to fill out a speaker card. Speaker(s) will be called forward at the appropriate time during the agenda item in consideration.

Please Note: Please Provide a Copy of Prepared Presentations to the Clerk

Copies of written documentation relating to each item of business on the Agenda are on file in the Office of the City Clerk at City Hall and the Half Moon Bay Library where they are available for public inspection. If requested, the agenda shall be available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132.) Information may be obtained by calling 650-726-8271.

In compliance with the Americans with Disabilities Act, special assistance for participation in this meeting can be obtained by contacting the City Clerk's Office at 650-726-8271. A 48-hour notification will enable the City to make reasonable accommodations to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

http://hmbcity.com/

MEETING WILL CONCLUDE BY 10:30 PM UNLESS OTHERWISE EXTENDED BY SIMPLE MAJORITY VOTE OF THE PLANNING COMMISSION.

CORRESPONDENCE

Correspondence (submitted after Agenda Packet was posted, but before end of 09.10.2019 PC Meeting)
Memo to PC for 9.24.19 LUP Study Session

PLEDGE OF ALLEGIANCE AND ROLL CALL

APPROVAL OF MINUTES

Minutes
MINUTES 09.10.2019

PUBLIC COMMENT

1. PUBLIC HEARING ITEMS

1.A Local Coastal Land Use Plan Update – Study Session
Receive a presentation from staff regarding the major topics of comments on the draft Land Use Plan (LUP) Update received by the public and the Planning Commission to date; hold a public comment forum; conduct a discussion and provide direction to staff.
STAFF REPORT

ATTACHMENT 1 - Public Comments

1.B
CITY FILE No. PDP-19-035

PROJECT DESCRIPTION: 1) Receive an update on the Poplar Beach Gateways Plan; and

2) Adopt a resolution approving PDP-19-035, an application for a Coastal Development Permit as a follow-up to emergency CDPS #PDP-18-092 and PDP-19-024 to construct safety and drainage improvements including installation of wooden steps anchored by metal stakes, a cable handrail, a stepped concrete landing, and a 6-inch-deep drainage V-ditch with minor grading and compaction at the existing beach access ramp for Poplar Beach

STAFF REPORT

ATTACHMENT 1 - Resolution

ATTACHMENT 2 - Plans

ATTACHMENT 3 - Environmental Checklist

ATTACHMENT 4 - Emergency Pipe CDP PDP-18-092

ATTACHMENT 5 - Emergency CDP PDP-19-024 Poplar Safety Fencing

DIRECTOR'S REPORT

PLANNING COMMISSION COMMUNICATIONS

ADJOURNMENT

Date: September 23, 2019

To: Honorable Chair and Planning Commissioners

From: Jill Ekas, Community Development Director

Brittney Cozzolino, Associate Planner

Subject: September 24, 2019 Local Coastal Land Use Plan Study Session

This memo is intended to provide the Planning Commission with a written letter received by California Coastal Commission (CCC) staff on the City's Land Use Plan (LUP) update after the staff report was published for the September 24, 2019 study session. Your staff appreciates the opportunity to respond to this correspondence, as the letter includes suggestions for several changes to the draft plan as well as points that need additional clarification. The letter is attached and annotated with numbering by your staff to correspond to the responses below. In order to provide the Planning Commission and staff with additional time to understand and consider the suggestions contained in this letter, staff recommends holding a follow-up study session on October 8, 2019.

1. **Introduction/Purpose.** City staff are appreciative of the time that CCC staff is taking to review this document. For a local jurisdiction that is entirely within the coastal zone, the LUP update will play a major role in development review and coastal resource protection in Half Moon Bay.

2. **Early Coordination.** As mentioned in the letter, City staff have been dedicated to coordinating with CCC staff early and often on the progress of the LUP update. At a regular coordination meeting on December 6, 2018, City staff provided CCC staff with the draft LUP chapters that had gone out for public review (Agriculture, Coastal Access and Recreation, Natural Resources, Coastal Hazards, Cultural Resources, and Scenic and Visual Resources) as well as an overview of the administrative draft Development Chapter that was published on December 19, 2018. Since that time, City staff have provided CCC staff with the public draft chapters as they were published and have had several phone calls and meetings to discuss high-level policy intent and initial reactions. CCC staff have also provided specific line edits on four draft chapters to date, including Coastal Access and Recreation, Coastal Hazards, Cultural Resources, and Scenic and Visual Resources, and have offered additional specific comments on the remaining chapters as noted in the attached letter.

3. **Document Length.** City staff are welcoming of CCC staff's input to cut down on the overall length and background information in the LUP update. It was our understanding that the

community desired a plan with narrative that supported the policies and recognize that this can sometimes be in the form of a snapshot in time. City staff also recognize that this LUP update includes policies that go beyond the scope of Coastal Act requirements in an effort to have a single, cohesive document that would act as a Land Use Plan as well as a General Plan Land Use Element. This approach was supported by the Planning Commission and the public, but it is certainly not the only option. City staff are comfortable pulling the more programmatic policies out into a separate Land Use Element or other optional General Plan element that would be independent of but complementary to the LUP and recommend that the Planning Commission consider this option. As suggested by CCC staff, the LUP could also be shortened by moving the background information on special status species in the Natural Resources chapter to an appendix. There are several other components of the draft LUP that could be shifted into a separate General Plan element and City staff will be prepared to highlight several of these options at the October 8, 2019 study session. These types of adjustments would result in a more streamlined LUP document that focuses on implementing the Coastal Act and may reduce the need for future LCP amendments on topics that are not specifically under the purview of the Coastal Commission. City staff will also be checking for policy redundancy for the revised final draft, now that the whole document is complete and public comment is being taken under consideration. City staff have previously communicated these general comments to the Planning Commission in staff reports and at meetings on the LUP update.

4. **Planned Development (PD) Construct.** City staff are appreciative of the input from CCC staff on reducing and simplifying the application of the PD land use designation. While the CCC staff report for the City's 2013 LCP grant does mention that the many PD areas create difficulties for development review, CCC staff had not previously suggested master planning the PD designations through this LUP update process. City staff is happy to discuss what master planning the PDs would entail if the Planning Commission has questions about this. City staff's intent with the draft Development Chapter was to provide a more realistic look at the densities and intensities of permitted land uses in PD areas after identifying development constraints to provide better guidance for master planning. City staff also proposed several PD re-designations in this draft LUP update already, including Guerrero Avenue, Public Facilities, Pilarcitos West Urban Reserve, Stoloski/Gonzalez, and parts of Pacific Ridge and North Wavecrest, as well as fallback zone policies for several other substantially undeveloped PDs. City staff believe there are opportunities for considering re-designation of several other developed PDs, but that several substantially undeveloped PDs would not benefit from re-designation for a number of reasons discussed in more detail in Response #5. City staff also believe that replacing the Urban Reserve and Open Space Reserve designations is not aligned with interests of the landowners in these land use designations, and that the draft LUP update has proposed several opportunities for supporting agriculture and horticulture operations while protecting prime agriculture soils without imposing land use changes, as discussed in more detail in Response #6.

5. **PD Designation Alternatives.** CCC staff provide several constructive alternatives in lieu of completely removing and replacing the PD land use designations. In response to the first suggestion, City staff agree that it is possible and appropriate to re-designate the developed PDs

into the appropriate designation that reflects their actual land use as mentioned in the staff report for this study session. There are also several substantially undeveloped PDs that could be either re-designated or have required fallback zoning once master planning occurs. Finally, there are several substantially undeveloped PDs that staff recommends keeping in the PD land use designation due to the need for flexible master planning, challenges with multiple parcels under separate private ownership, and the desire to provide opportunity for internal transfer of development rights. These three categories of PDs are detailed below for further consideration.

a. Developed PDs that could be re-designated:
    i. Casa Mira: Residential – Medium Density
    ii. Main Street Park: Residential – Medium Density
    iii. Pacific Ridge: Residential – Low Density
    iv. South Wavecrest: Commercial - Visitor Serving
    v. Andreotti: Commercial – General (Stone Pine Shopping Center), Residential – Medium Density (Cypress Cove townhomes), and Light Industrial (vacant Highway 92-fronting parcels)
    vi. Ocean Colony: This may require a new residential land use designation that considers consistency with Ocean Colony's CC&Rs. There are several parcels fronting Highway 1 that could be considered for Commercial – General, Commercial – Visitor Serving, or Residential – Medium or High Density as applicable. City staff note that during development of the LUP update, staff addressed the potential for these types of changes at a Planning Commission study session and was met with concern from Ocean Colony landowners.
    vii. Matteucci: This PD has several parcels that are well over the minimum lot size of the R-1 B-3 zone, which is Half Moon Bay's lowest density residential zoning. Staff recommends considering creating a large-lot rural residential land use designation that could allow for additional uses such as agriculture and equestrian use. This could also be applicable to other areas of the City, including the Carter Hill PD and the area previously considered for the Dolores PD.

b. Substantially undeveloped PDs that could be re-designated:
    i. South Downtown Gateway: Staff considered this PD for re-designation while drafting the Development Chapter, but did not want to pre-suppose the parcel's land use as there is an active application for developing this site. However, the PD could be re-designated either Commercial – General or Commercial – Visitor Serving as consistent with the permitted land uses in the PD and with the commercial land use node at this southern end of the Town Center.
    ii. Carter Hill: The parcel owned by Coastside County Water District could be re-designated as Public Facilities. The other parcels could be considered for the large-lot rural residential land use described for Matteucci above.
    iii. Nurserymen's Exchange: As this PD only has four parcels and two different owners, it could be considered for residential, commercial, and/or mixed-use land use designations. However, as the PD is fairly large and has several site

constraints including steep slopes, a riparian corridor, and surrounding high fire zones, the PD designation may be more beneficial for flexible site planning.

c. <u>Substantially undeveloped PDs that staff recommends retaining in PD designations:</u>
   i. Surf Beach/Dunes Beach
   ii. Venice Beach
   iii. West of Railroad
   iv. North Wavecrest
   v. Podesta
   vi. Stone Pine Public Facilities and Conservation Corridor

As was noted in the staff report, the draft concepts for the Upper Grandview and Glencree PD and Dolores PD are not intended to be brought forward in the final revised draft.

6. **Re-designating Reserve Lands.** City staff understands CCC staff's intent to have land use designations reflect the actual or envisioned land use of properties in Urban Reserve and Open Space Reserve, and the intent of reducing the amount of "placeholder" land use designations in the City. However, City staff believe that re-designating these lands would not align with the intent to provide agricultural landowners with flexibility and with the need to delay conversion of these lands to a PD designation in order to first prioritize infill and Town Center development. Under the City's existing LUP, the Urban Reserve and Open Space Reserve are intended to remain available for agricultural, horticultural, and open space uses until such time that other lands designated for development are substantially built out. At that time, these lands could be considered for a PD designation. To support this existing policy and the continued viability of agricultural operations, City staff proposed a new Agriculture land use designation in the draft LUP update. This designation is intended to be available to agricultural landowners as an option, not a requirement, to remain in an agricultural land use if such land comes under a Williamson Act contract or an affirmative agricultural easement or if the landowner seeks the designation for other reasons. City staff believe that the draft update includes policies that are supportive of the agricultural operations and protective of the prime soils through allowances for supplemental uses such as agritourism and produce stands as well as application of the Priority Housing Overlay to provide farmworker housing. In lieu of re-designating these lands into the new Agriculture designation, it is City staff's opinion that replacing these lands with a PD designation per CCC staff's suggestion would be contrary to the community's desire to support the City's agricultural operations and farming culture, would facilitate conversion of prime agricultural land to non-agricultural uses ahead of areas more appropriate for such development, and would conflict with City Council's direction to prioritize development in the Town Center. Staff is considering other options for addressing this comment and will update the Planning Commission at the October 8, 2019 meeting.

7. **Level of detail in the PDs.** City staff agree that there are opportunities for adjustments to the PD policies to allow sufficient master planning flexibility, and notes that there is consistency in this suggestion with several of the comment letters from PD landowners. As the existing LUP

contains a similar level of detail with an estimated maximum development for each PD, City staff would like to better understand how such reduced specificity would affect the maximum theoretical buildout projections and public infrastructure planning. City staff have expressed this concern to CCC staff and look forward to collaborating with them further on this topic.

8. **ESHA Buffers.** As City staff has previously brought to the Planning Commission's attention, CCC staff recommend simplifying the ESHA buffer requirements by setting minimum buffer requirements and allowing buffers to be adjusted on a case-by-case basis based on evidence provided by a site-specific biological assessment. City staff concur that there are opportunities to simplify the ESHA buffers in a manner that does not loosen any protection of sensitive habitat areas. City staff are actively working on a revised final draft that addresses these concerns and welcomes any additional input from the Planning Commission.

9. **Hazards Chapter Re-organization**. City staff appreciate the input from CCC staff on re-organizing the Coastal Hazards chapter to group the narrative and policies by hazards that occur due to the ocean-shoreline interface (i.e. bluff erosion, tsunamis, wave run-up, seawater intrusion, sea level rise) and hazards that do not involve or rely on shoreline processes (i.e. fires, earthquakes, liquefaction, flooding, sedimentation). Again, City staff are actively working on a revised final draft that addresses these concerns and welcome any additional input from the Planning Commission.

10. **Agriculture Protections.** City staff have discussed this input with CCC staff at a high level and will be working to address these concerns in the revised final draft. We note that since the Agriculture chapter was released, City staff have been working with the Farm Bureau and other affected property owners and have already prepared a detailed erratum that may address some of CCC staff's interests.

11. **Public Works Chapter.** City staff have not had the chance to discuss the draft Public Works chapter with CCC staff in much detail and would like additional clarification on these comments. It seems that a more detailed discussion would be beneficial prior to revising the draft chapter, as the City's limited public services are certainly a major topic of concern for the CCC, the City, and the City's residents.

City staff will continue to work with CCC staff on these concepts and ways to respond to their suggestions that harmonize with community needs for the final revised draft. Staff will provide an overview of the CCC staff input at the September 24, 2019 study session and will return with additional clarification and recommendations at the October 8, 2019 study session.

Attachments:

1. Letter from CCC staff dated September 23, 2019

STATE OF CALIFORNIA—NATURAL RESOURCES AGENCY

GAVIN NEWSOM, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

September 23, 2019

City of Half Moon Bay Planning Department
Attn: Jill Ekas
501 Main Street
Half Moon Bay, CA 94019

Subject: City of Half Moon Bay Draft Local Coastal Program Land Use Plan Update

Dear Ms. Ekas:

1 Thank you for the opportunity to review and comment on the City's proposed update to the Local Coastal Program (LCP) Land Use Plan (LUP). Please present these comments to the Planning Commission in their consideration of Item 1.A, "Local Coastal Land Use Plan Update – Study Session" that is scheduled to be heard at the September 24, 2019 Planning Commission meeting. As you know, the LUP is a key regulatory tool that implements the statewide goals and policies specified in the California Coastal Act to protect, restore, and enhance coastal resources at the local level, including by specifying the kinds, locations, and intensities of allowed development and applicable coastal resource protection requirements. Once the LUP and an accompanying Implementation Plan (IP) are certified by the Coastal Commission,[1] thus certifying an updated LCP overall, the updated LCP forms the basis and standard of review for future development within the City.

2 Accordingly, the City's current LCP update process offers an exciting opportunity to holistically and comprehensively envision Half Moon Bay's future and describe the process for how to achieve that vision. Because of its importance, we have been actively and directly engaged with you and your staff to identify issues early and provide recommendations on how to approach the many complicated coastal resource policy decisions facing the City, and we very much commend City staff for your thoughtful efforts to date, including early and often outreach and coordination with us. In our experience, this type of early coordination helps to ensure a smoother LCP certification process, including streamlining review and resolution of issues upon submittal to the Coastal Commission. In that vein, we recognize the hard work the City has invested in developing this draft LUP document, and are hopeful that these comments are understood in the manner in which intended; namely to provide as much helpful guidance from our perspective as possible at this juncture, including in response to specific requests for comments prior to the Planning Commission's study session. Thus, this letter provides a summary of some of the key issues we've identified thus far in our review of the draft document, as well as some broad recommendations for how to address these issues. If needed, we are also willing to provide more specific comments (including line edits) on each of the draft LUP chapters should the City find that appropriate.

[1] The standard of review for an LUP is Chapter 3 of the Coastal Act, and for an IP is the certified LUP.

First, in general, the proposed LUP update provides a good starting point by which the City can evaluate development in the coastal zone through looking at up-to-date information and revised policies. However, at a fairly broad level, the document is voluminous and it includes significant background data and more programmatic 'policies' that, while important to the process, aren't actually applicable to proposed development, and will tend to make the LUP itself potentially confusing and difficult to implement, particularly in relation to the understanding of it by the lay public. Similarly, there is much overlap between policies in different chapters that introduces redundancy and, when slightly different, potential internal confusion. In our view, the LUP can be significantly refined, truncated, and focused to allow for more clarity and ease of use for the City, applicants, and general public.

3 Specifically, we believe that it would be important that the draft document be made simpler, shorter, less redundant, and more succinct to assure readability as well as function in terms of guiding coastal development. For example, the draft Natural Resources chapter includes some 82 pages of background text and tables, including documentation of species present or not in the City. Similarly, the draft Public Works chapter includes some 20 pages of detailed information regarding water and sewer supply and demand, and a series of programmatic policies that are not directed to review of actual proposed development. While informative, the background data only provides a snapshot in time regarding existing conditions and assumptions, and could potentially frustrate future decision-making when or if it becomes out-of-date or context but is still part of the certified LUP. Likewise, while programmatic policies (e.g., directing the City to pursue studies of one type or another) are important for the City and its future work plans, these types of policies tend to confuse review of actual proposed development because they aren't applicable to it so much as to certain programmatic issue areas (e.g., water supply and wastewater capacity generally and/or overall) where the City wants to pursue studies or related objectives.

We strongly recommend that this type of background information and data be removed from the draft LUP and instead be put into a support document that reflects the data used to *prepare* the LUP but is not made *part of* the LUP. In addition, we also recommend that the same be done to more programmatic policies, where they can help form a working document that is not part of the LUP but instead that can be used to help inform the City's related efforts and work plans. Finally, we also recommend that the document be reviewed to eliminate policy redundancies (and internal policy inconsistencies), both within and among chapters, and to group related policies accordingly. For example, we recommend moving the community character policies from the Development chapter into the Scenic and Visual Resources chapter where such issues are addressed more comprehensively, or removing them entirely if there is redundancy.

In short, we strongly believe that the effectiveness and clarity of the LUP can be much improved by simply reorganizing it with supporting documents that are not part of the LUP (and don't require Coastal Commission certification, including if the City eventually wants to change them), and by reducing/addressing redundancy and overlap.

4 Next, we have some concerns with the manner in which the draft LUP intends to carry forward the existing LCP's Planned Development (PD) construct, which requires the preparation and approval of a Master Plan as an LCP amendment as a precursor to any development in the PD, and where the Master

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Plan is intended to identify site constraints and allowable types, densities, and intensities of uses within the defined geography.[2] This construct has caused confusion in the past, including both procedurally and substantively, as it can be unclear how proposed development is required to be evaluated in these areas absent said Plan, and the desire to resolve this LCP PD problem/issue in large measure provided the impetus for the Commission's 2013 grant to the City to help prepare this LCP update. As such, we believe that one of the key goals of the LCP update should be to appropriately plan for these areas *now* (e.g., identifying agricultural, residential, open space, visitor-serving and/or other LCP designations as opposed to a blanket PD designation) to ensure the LUP provides a clear direction and vision for any proposed development in these areas. The LCP update process is where the allowable types, densities, and intensities of uses are intended to be identified per the Coastal Act, including so that all parties are clear of the City's vision and rules for proposed development in those areas moving forward. Thus, we strongly believe that this LUP update should be striving to replace the PD, Urban Reserve, and Open Space Reserve designations and construct, and instead identify intended land use designations and related development controls for these areas that both align with the City's overall vision and take coastal resource constraints and issues into consideration. Again, the existing LCP's PD construct essentially deferred such planning to the Master Plan/LCP amendment process, and the Urban/Open Space Reserve construct similarly serves as a placeholder for potential future development, yet the LCP update is the appropriate juncture to provide specific direction for these lands in our view, including so that the LCP provides clarity for evaluating proposed development there without additional Master Plans/LCP amendments and/or ambiguity. We are more than happy to work with you and your staff on replacing the now proposed retention of this construct with something more specific in that regard. — 6

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At the same time, we recognize that our view of this issue may not align with the City's. Thus, while we strongly recognize the above, if the City chooses to maintain the PD construct nonetheless, then we strongly recommend three things: 1) that the PD designation be reserved *only* for the enumerated and identified "substantially undeveloped" areas, (conversely, with all "substantially developed" areas appropriately designated to reflect their existing (or approved) development patterns (e.g., residential if already approved for residential use, as was done for the former Stoloski PD)); 2) that reference and descriptions of each of the substantially undeveloped PDs should be discussed only at a fairly high level, limited to the City's broad vision for each PD and currently identified constraints, but leaving the specific kinds, locations, and intensities of uses subject to a future Master Plan (and LCP amendment) based on coastal resource constraints present and detailed/described at that time (e.g., water supply, environmentally sensitive habitats, agriculture, public views, etc.); and 3) that the Urban Reserve and Open Space Reserve designations be deleted and instead replaced with PD. The first suggestion ensures that only areas that actually require further LCP planning are deferred such required planning through the Master Plan/LCP amendment process (and doesn't bog down review of infill/already allowed development in developed areas in the interim), and the second ensures that the Commission respects the City's proposed construct (i.e., that defers to future Master Plan/LCP amendment processes, where each Master Plan would require an LUP amendment) without being asked to certify anything now that might ultimately prejudice its future decisions on Master Plans/LCP amendments for any specific area in the — 6

[2] Similarly, the proposed Urban Reserve and Open Space Reserve areas set aside land for potential future urban development that has clear identifiable coastal resource and hazard constraints that don't seem to respond to same, and pose similar issues as the PD construct.

5 future. In our view, these first two changes are critical to success under the proposed construct, and the third suggestion would ensure there is only one "placeholder" designation and development process for undeveloped areas in the LUP.

7 With respect to the current level of PD detail in the draft LUP, as currently written, the level of specificity provided for each of the PD areas is too detailed to work within the City's chosen Master Plan/LCP amendment construct, especially because potential constraints within each PD will need to be assessed when future development is proposed, and because the Commission here would be asked to certify this language and potentially prejudice its future decisions by doing so. For example, the draft indicates that conservation and restoration are a priority for the North Wavecrest PD given that the entire PD has been designated potential ESHA. However, the document also indicates that up to 192 residential units could potentially be located in the North Wavecrest PD. The Commission can either evaluate the appropriate kinds, location, and intensities of use in relation to identified constraints *now* in the LUP update, and make decisions reflected in the LCP about what is allowed and not allowed, but it is inappropriate to ask the Commission to identify a site as all ESHA but to state that up to 192 residential units could go there, even though residential is not an allowed use in ESHA under the Coastal Act, and then ask the Commission to also defer final planning to a future Master Plan/LCP amendment after doing so. We can appreciate that the City wants to provide direction to a future Master Plan/LCP amendment process, but that type of level of specificity directs the Commission to make decisions *now*, including as, in that case, the identified ESHA constraint does not even allow residential use under the Coastal Act, and the Commission can't certify such provisions pursuant to it. Instead, if the City chooses this LCP construct, then we recommend a high level discussion about identified constraints and the potential vision of the City for each PD, leaving a future Master Plan/LCP amendment to dictate the specifics about appropriate kinds, locations, and intensities of allowed development.

To reiterate, for any development proposed within a PD area without such a Coastal Commission-certified Master Plan (through an LUP amendment), the City would be required to work with potential applicants to develop and submit a Master Plan (via a specific plan or precise plan) for the PD in question, that would need to be certified by the Coastal Commission through an LUP amendment (with the Coastal Act as the standard of review) before any proposed CDP applications for such development could even be reviewed by the City under the LCP. While we don't think this is the best approach, and that this LCP update process provides a means for doing the actual master planning *now*, we understand that it may be the only way the City is interested in addressing these issues. If that is the case, then the draft PD sections need to be modified, including in order for the City and the Commission to retain full discretion regarding measuring consistency with the Coastal Act in future Master Plan/LCP amendment processes.

8 Finally, as discussed above, we have reviewed each of the draft LUP chapters and provided City staff with our suggestions and recommendations via in person meetings and phone calls on each chapter. As stated above, we are happy to provide additional detail, including line edits. But for now, and broadly, we note the following. Within the Natural Resources chapter, we recommend that ESHA and ESHA buffer discussions and policies be simplified and clarified (including to address overlap and internal inconsistencies between resources of varying types that are also ESHA), and, other than minimum buffer requirements and performance standards for any variations thereto, that details about potential

8 adjustments to required ESHA buffers be addressed through biological reports on a project-by-project basis as opposed to being affirmatively defined in the LUP. With respect to the Environmental Hazards chapter, we recommend that hazards be defined, grouped, and addressed based on hazard type: geologic/seismic, fluvial flooding, fire, and coastal hazards. For agriculture, we recommend that the 9
10 Coastal Act constructs for the protection (and potential conversion) of agriculture in Coastal Act Sections 30241, 30241.5 and 30242 be more closely reflected in the policy language, and that determinations regarding agricultural protection be applied throughout the City on a per project basis. In the Public Works chapter, we recommend a more focused discussion on how the City plans to allocate (already) limited public services to proposed future development, and the addition of more directive policies requiring new development to demonstrate that there are adequate public services to serve such 11
development.

In closing, we again thank you and your staff for the thoughtful and collaborative work done to date, and appreciate and commend the City for moving forward with the sometimes difficult task of updating the LCP's LUP. We also very much look forward to further collaboration, and helping the City to refine the draft LUP, and a future draft IP, including in the ways identified in this letter. We hope these comments help move us forward to this end. If you have any questions or would like to discuss these matters further, please don't hesitate to contact me.

Sincerely,

Julia Koppman Norton
Coastal Planner
North Central Coast District Office
California Coastal Commission

cc: City of Half Moon Bay Planning Commission

MINUTES

CITY OF HALF MOON BAY PLANNING COMMISSION

TUESDAY, SEPTEMBER 10, 2019

EMERGENCY OPERATIONS CENTER (EOC) / 537 KELLY AVENUE

Chair Holt called the meeting to order at 7:02 PM

PRESENT: Chair Holt, Commissioners Benjamin, Hernandez, Ruddock and Polgar

PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Holt led the Pledge of Allegiance.

APPROVAL OF MINUTES
Minutes: August 27, 2019
M/S: Benjamin/Hernandez
Approved: 4-0-1 (Commissioner Polgar abstained. She was absent at the 08.27.2019 meeting)

PUBLIC COMMENT
None

1.A - 2019 Working Draft Downtown Parking Assessment – Receive a report summarizing a working draft Downtown Parking Assessment prepared this summer by the Public Works and City Manager's Office interns.

Ryan Anderson, Public Works Summer Intern and Cal Poly Student gave a presentation to the Planning Commission.

PUBLIC COMMENT
Carole Black, resident – would like the City to consider Sunday morning parking, as well as Saturday and Sunday evening. She suggested that this look especially at Stone Pine Center area, because church parking is heavy until 1-2:00 pm; and to make sure to consider adequate parking for events in the area.

PLANNING COMMISSION COMMENTS

- Great start of data gathering and presentation, the City will get value out of it.
- It was confirmed that school samples were taken when school was in session.

Planning Commission acknowledged receiving the report.

1B PROJECT DESCRIPTION: An application for a Coastal Development and Architectural Review to allow the construction of a new 7,979 square foot triplex with subterranean parking, site and frontage improvements on a 7,440 square-foot site

CITY FILE: PDP-18-076
LOCATION: 219, 221, 223 Pilarcitos Avenue
APN: 056-141-330
APPLICANT: Kritjan Higdon, Ruiying Zhang / James and Dolores Babich
PROJECT PLANNER: Scott Phillips; 650-726-8299; sphillips@hmbcity.com

Scott Phillips, Associate Planner gave a presentation to the Planning Commission.

Planning Commission Clarifying Questions for Staff:
Q: Are there alternatives to street trees?
A: Staff explained that there are no street trees in the neighborhood; there is not a lot of sidewalk width and noted that tree grates not consistent with the neighborhood context; encouraged wider sidewalks to improve the pedestrian link between Hatch Elementary School and the bridge over Pilarcitos Creek at Oak Avenue Park.
Q: What is the open space square feet on the project?
A: Staff (and later the applicant) reviewed the project's open space and noted the table on the plans; it was confirmed that the driveway is not included as part of the open space provisions.
Q: Why weren't story poles required?
A: Story poles are required in the visual resource corridor; however, in this case there is no view of the project from Highway 1. The motel blocks all views from the highway.
Q: Did any of the neighbors contact City Staff about this project?
A: No
Q: What about the water table in this location? Flooding?
A: The project engineer commented about the flood protection design measures.
Q: Was the project noticed via mail?
A: Yes, 300 feet for owners and 100 feet for occupants. The site was also posted, and an ad was placed in the *Half Moon Bay Review*.

Jason Silva, applicant – worked with staff to get to this point; wanted to support need for rental housing; sees the need for parking in the neighborhood; units will be rentals; maximized

both on and off street parking; included front porches and BBQ to compliment the neighborhood; it's a unique place.

Casey Coverdell, Blue Sky Designs – Presented the design goals for the landscaping: 1) water conserving; 2) low maintenance; 3) pleasing to the neighborhood. Majority native plant palette is used on this project, artificial turf is low maintenance and easy to clean and safe for children to play on.

Planning Commission Clarifying Questions for the Applicant:
The Commission asked about the existing willow tree, specifications about the artificial turf, and the storm capacity of the on-site drainage infrastructure.

The applicant confirmed that the willow tree is intended to be retained and that tree protection measures will be incorporated; the turf has a fifteen year life, is pervious, safe, and a Bay Area made produce, and is proposed to cover about 500 square feet; and that the storm frequency design standard is for a 10 year, 2 hour event with approximately 30% additional capacity.

PUBLIC COMMENT:

1) **Ellen Gartside, neighboring resident –** most logical location for high density housing; walking distance to stores; likes the underground parking; need more long term rental opportunity.

Planning Commission Comments:

- Design: Thoughtful overall, supportive of family oriented in size, fits well in the neighborhood and the environment, metal balcony grates omitted, sense of texture of the project from the renderings
- Site Plan: Appreciate wider sidewalks
- Parking: Likes EV, underground parking ok in the area, bike parking will be a great addition
- Landscaping: Happy with proposed plantings, artificial turf is fine, open patio nice, worried about the willow surviving, staff to work on tree protection and/or replacement
- Flooding: Several units in the area have not had problems with flooding; while others have; make sure that City Engineer reviews this for Building Permit

Motion as written in the staff report with the following additions made with the following:

- **Addition the following revision to Finding 4. on pages 3-4 of Exhibit A.**
  4. **Zoning Provisions –** *The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the Zoning Ordinance.*
  Evidence: The proposed triplex conforms to all applicable requirements of the R-3, Multi-Family Residential Zoning District, which allows multi-family residential uses. The proposed setbacks, lot coverage, ~~height~~, parking and open space meet the requirements of the R-3 Zoning District for Substandard Lots. In addition, section 18.06.050 Exceptions to

Development Standards, H. Exceptions for Large Rental Units, provides an exception that allows the triplex to exceed the 28-foot height limit provided for substandard lots. As a result, the proposed triplex is consistent with all development standards and other requirements ~~and other relevant provisions of the Zoning Code.~~

- Add additional raceway in parking area for future electric vehicle charges for all spaces.

M/S: Benjamin/Ruddock
VOTE: 5-0

DIRECTOR REPORT

PLANNING COMMISSION COMMUNICATIONS

ADJOURNMENT

M/S: Hernandez/Benjamin
Motion Carried: unanimous
Meeting adjourned: 8:46pm

Respectfully Submitted:

_____
Bridget Jett, Planning Analyst

Approved:

_____
Brian Holt, Chair

BUSINESS OF THE PLANNING COMMISSION
OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: September 24, 2019

TO: Honorable Chair and Planning Commissioners

FROM: Jill Ekas, Community Development Director
Brittney Cozzolino, Associate Planner

TITLE: Local Coastal Land Use Plan Update – Study Session

RECOMMENDATION

Receive a presentation from staff regarding the major topics of comments on the draft Land Use Plan (LUP) Update received by the public and the Planning Commission to date; hold a public comment forum; conduct a discussion and provide direction to staff.

BACKGROUND

This study session is one in a series of meetings with the Planning Commission for the purpose of receiving and providing input on public draft chapters of the LUP.

The 2018-19 draft LUP Update is now complete. Most of the updated chapters have been available since October 30th, 2018, and staff has been actively meeting with members of the public, holding Planning Commission study sessions, and collecting written comments since that time. With completion of the full draft document as of July 30th, 2019, a 45-day public comment period was established and ended on September 13th, 2019. This staff report provides a summary of the primary topics addressed by public comments on the 2018-19 draft LUP Update.

DISCUSSION

The 2018-19 draft LUP Update provides a policy framework for development and coastal resource protection in Half Moon Bay over the next twenty years. Primary goals and major changes from the existing LUP include supporting a vibrant Town Center; facilitating a diverse range of affordable housing options; supporting the continuation of community agriculture, updating Planned Development policies based on recent habitat mapping and other land use constraints; and emphasizing sustainability and resilience through climate adaptation planning.

Comments received on the draft LUP update range from site-specific remarks to overarching thoughts on larger land areas or new policies and programs. Commenters include private landowners, representatives of environmental and developer groups, local and state agency staff members, and other interested Half Moon Bay residents. The majority of comments are related

to Chapter 2. Development, particularly to the substantially undeveloped Planned Developments (PDs). The major topics and related comments are summarized below.

Major Topics of Public Comment

Planned Developments

- Concern with level of detail for permitted development in substantially undeveloped PDs
- Preference of landowners in proposed Dolores and Upper Grandview PDs to remain in residential zoning
- Concern with level of flexibility in PD master planning process
- Consideration of additional land uses for Carter Hill PD
- Request to remove PD diagrams
- Concern about details and implementation of lot retirement and transfer of development rights programs
- Interest in and concern about low-impact camping as a permitted use in the North Wavecrest PD

Private Property Considerations

- Concern with "down-zoning"
- Support for meaningful options for continued economic viability of agriculture, agriculture-related, and horticulture operations
- Concern with implications of managed retreat and shoreline protection policies
- Concern with development potential of parcels located within ESHA or ESHA buffers

Affordable Housing Policies

- Concern with size limit for new single-family residences in PDs
- Overall support for the Priority Housing Overlay, but request for additional details about where and who it applies to
- Concern about affordable housing definitions, diversity, and feasibility of development
- Support for allowing accessory dwelling units in PDs

Infrastructure Constraints

- Support for recycled water facilities
- Need for additional water connections to serve residential development
- Concern with effective implementation of Coastal Act Section 30254: non-priority residential development should not preclude the ability to provide public works services to priority land uses.
- Need for additional incentives to prioritize development in the Town Center

Residential Quality of Life

- Need for more senior housing and "age in place" support
- Need for creation of more local jobs and more housing for the local workforce to reduce traffic problems and support local economy

- Need for a more dedicated community recreation facility
- Support for roundabouts and other traffic calming measures
- Concern about contribution of new large hotel developments to existing traffic problems
- Concern about short-term rental uses and effects on neighborhoods

Boundaries and Sphere of Influence

- Annexation considerations: Moonridge, parcels north of Sam's Chowder House, parcels fronting Highway 92 east of City limits
- Challenges of overlapping service district boundaries and coordination with the San Mateo County Midcoast LCP
- Note that any boundary changes must comply with LAFCo policies and regulations

Natural Resources

- Clarification of "grandfathered" locations where habitat buffer requirements changed
- ESHA map edit requests: Ocean Colony irrigation ponds, Branscomb Farms ESHA and Potential ESHA
- Inclusion of low-impact camping as a "resource-dependent use"

Coastal Commission Staff Input

As discussed at previous study sessions, City staff has been coordinating with Coastal Commission staff throughout the LUP update process to address any Coastal Act conflicts or concerns with the proposed policies early on. The LUP has the difficult charge of protecting coastal resources as mandated by the Coastal Act, while providing sufficient housing units as mandated by State law and other developments or needs prioritized by the community. As this LUP update has developed iteratively over the past several years, the plan has reached a maximum buildout projection that is significantly lower than that allowed under the existing LUP but still identifies major infrastructure constraints. Particularly in the substantially undeveloped PDs, there is tension between the need to avoid development in sensitive habitat or hazardous areas and the desire of property owners to have flexibility with land uses and densities.

One of Coastal Commission staff's primary concerns is the level of specificity and amount of allowed development in PDs where such habitat, hazards, and infrastructure constraints exist. Commission staff has recommended deleting much of the specificity of potentially allowed uses in the undeveloped PDs, and instead having the landowners be subject to the master planning process and a future LUP amendment to flush out the development and resource protection details. While several PD landowners also commented with similar concerns on the LUP update's level of specificity in PD policies, City staff notes that the maximum development estimates provide a way to evaluate the plan's performance over the planning horizon and through maximum theoretical buildout with respect to availability of public works infrastructure. Staff also notes that the Planning Commission concurred with the level of specificity in the draft PD policies at the March 26, 2019 LUP study session after going through an exercise of how the updated PD policies would apply to a substantially undeveloped PD.

Other comments received from Coastal Commission staff are summarized here as follows:

- Need for a clearer vision statement for each of the undeveloped PDs
- Have the PD land use designation only apply to the remaining undeveloped PDs
- Overall truncating of the LUP by deleting or moving background information to appendices – for example, Tables 6-1 and 6-2 can be an appendix
- Simplification of the ESHA types and buffer requirements
- Clarification on the definition and application of "redevelopment" and "existing structure" with respect to hazard setbacks and shoreline protection
- Re-organize Coastal Hazards chapter to clarify what hazards occur at the shoreline and what hazards occur inland
- Update of sea level rise projections in Table 7-2 to reflect most recent Coastal Commission and Ocean Protection Council sea level rise guidance documents
- Enhance provision of lower-cost visitor-serving accommodations
- Ensure consistency with the Coastal Commission's recent tribal consultation and environmental justice policy guidance
- Clarification of terms and definitions for different kinds of visual resources

Staff Responses

Staff is working on preparing responses to all public comment received and anticipates providing these responses based on Planning Commission direction at this study session for the next scheduled meeting on the LUP update. Given the comments received so far and the direction given by the Planning Commission at previous study sessions, staff proposes the following changes be made for the final draft of Chapter 2. Development:

- Keep Dolores and Upper Grandview and Glencree in residential land use
- Delete PD diagrams
- Consider re-designating some of the developed PDs, with re-zoning to follow
    - Casa Mira, Main Street Park, and Pacific Ridge PDs to residential land use
    - Andreotti PD (referred to as the Stone Pine/Cypress Cove PD in the draft update) to residential, general commercial, and light industrial land uses
    - South Wavecrest to visitor-serving commercial land use
- Consider additional land uses for some of the substantially undeveloped PDs
    - Stone Pine Public Works and Conservation Corridor PD: light industrial and agricultural uses
    - Carter Hill PD: hillside-appropriate agriculture uses, such as viticulture
- Provide clarification on the PD master planning process for establishing maximum allowed development
- Include agricultural and agricultural-compatible uses protecting prime soils in the net land area PD policy (Policy 2-87)
- Provide clarification on the Priority Housing Overlay with respect to where and who it applies to, and consider using the overlay where live-work developments can occur such as in Light Industrial land uses

Additional details on these anticipated changes will be provided at the study session. Of note, City staff has been discussing options for applying the Priority Housing Overlay in County-owned Regional Public Recreation land with County Parks staff.

SUMMARY

Next steps include incorporating the Planning Commission's direction on revisions for the 2018-19 draft LUP Update for a final draft document. Progress on the final draft will be brought to the Planning Commission for a joint study session with City Council on October 29, 2019.

Attachments:

Public Comment Letters

ATTACHMENT 1
Public Comment Letters

Public Comment Letter Index

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Brittney Cozzolino

From: Robert McComb <bob@mccomb.com>
Sent: Thursday, September 5, 2019 5:48 PM
To: Brittney Cozzolino; planhmb
Subject: Local Coastal Land Use Plan (LUP), Public Comment

1) NO resort/hotel or RV park development at Dunes Beach to preserve the residential character of the three surrounding neighborhoods. Citing traffic concerns, as once visitors have seen the beach literally everything else they might want to do either in the Harbor area or town requires transportation to and from, which assuredly will be by their own vehicles and not by shuttle, even if that were to be provided. Friday evening arrivals and early morning departures by RV's making left hand turns will be insane during those already over loaded highway one lanes. Sorry this is the WRONG LOCATION for this type of development.

2) Preservation of the residential neighborhoods by creation of a fair policy covering short term rentals such as VRBO/AirB&B. Meaning NO short term rentals of ADU, those are supposed to provide housing shortage relief; Owner must be living in the property to offer short term rentals; and limiting the number of nights per month for short term rentals to discourage home purchases converted to B&B usages.

3) Whenever feasible, utilizing roundabouts instead of traffic lights such as at Roosevelt Ave. and other streets. The installation of the traffic light at Poplar recently has only made matters worse for traffic flow,

4) Grey Whale Cove crossing: A crosswalk with sensors that flash yellow lights when occupied is the sane solution, if there is really a problem there.

5) Prioritize traffic solutions before permitting ANY larger developments to proceed.

Bob McComb
206 Washington Blvd
HMB, CA
415 971 4830

KENMARK
Real Estate Group, Inc.

September 6, 2019

VIA: EMAIL AND US MAIL

Jill Ekas
Community Development Director
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

Brittney Cozzolino
Associate Planner
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

Dear Ms. Ekas and Ms. Cozzolino:

We have the following comments to Chapter 6 Natural Resources of the most recent draft of the updated LCP:

1. Figs. 6-1, Sheet 3 and 6-2, Sheet 3 – There is a man-made stormwater detention pond adjacent to the 10th hole tee of the Old Course incorrectly designated in "aqua" as a "Coastal Freshwater Marsh" (Fig. 6-1) and designated in "blue with dotted yellow lines" as a Riparian Corridor (Fig. 6-2). As with all the other man-made irrigation or stormwater detention ponds on the Old Course that were approved and constructed in 1973 and in continuous operation since that time, this 10th hole pond should be designated "Man-made Impoundments and Ponds". Attached are Figs. 6-1 and 6-2 showing the area and correction.

2. Page 6-51 – In the description of "Potential ESHA" we suggest that a portion of the sentence be changed to "...or special status species but may be either exempt areas or areas that require further definitions or study before a final ESHA designation can be made" (emphasis added). Several "exempt areas" are being designated in the map figures as "Potential ESHA" which do not require further definition or study for ESHA purposes. They are designated "Potential ESHA" instead of "ESHA" because of an exemption, not because they need additional definition or study. This sentence, as written, suggests otherwise.

3. Pages 64-65 – As written, the discussion of the ponds, Ocean Colony development history, riparian corridors and other narratives are all accurate and acceptable to us. However, we note that a November 2018 draft revision of these sections (apparently not incorporated) was inaccurate and we would want to address those revisions should they be incorporated.

2450 South Cabrillo Highway, Suite 200
Half Moon Bay, California 94019
phone 650.560.0055
fax 650.560.9198

KENMARK
Real Estate Group, Inc.

4. Table 6-4 – As you know the definition of ESHA includes many features such as watercourses, riparian corridors and wetlands. We think there is some potential confusion in Table 6-4 over which buffer requirements and exceptions apply to which types of ESHA. While we recognize that a statement at the end of 6-8 (page 6-74) suggests that if riparian corridors or wetlands are designated as an ESHA, the standards applicable to them (not ESHA) shall apply, we do not believe that does the trick. We suggest that under the phrase "ESHA" in Table 6-4, the following be added:

   "(other than watercourses, riparian corridors and wetlands)"

5. Table 6-4 – The new buffer zone areas and requirements are considerably different and more onerous than those in the existing LCP/HMB ordinances and in place since 1993. Existing homeowners, commercial users, agricultural enterprises, recreational businesses, civic/charitable landowners, public entities, (and, yes, developers) may have in good faith relied on those restrictions in acquiring, planning, developing and/or operating their properties. While City land use provisions and restrictions can obviously change and "endless reliance" is not a property right, Table 6-4 and the narrative provisions might do well to include some narrow and carefully crafted "grandparenting" or "transitional" standards. The "established neighborhood" and "existing building site" language may, to the extent they apply, provide some relief in certain situations, but seem too limited. Other concepts such as ownership cut-off periods, existing compatible uses, pending applications, "break-in" periods, and interim rules are often employed in government land use and other "new" law situations to help address the community's reasonable and good faith reliance on the last "26 years of rules".

6. Page 6-20 – In the White-tail Kite paragraph (last line), Miramontes Point in not in Ocean Colony. The sentence should end after "Point".

7. Page 6-21 – In the Loggerhead Shrike paragraph (next to last line) the phrase "...Coastal bluffs between Ocean Colony and Kelly Avenue..." should be corrected to read "...Coastal bluffs between Redondo Beach Road and Kelly Avenue...". There are no documented sightings of Loggerhead Shrike in Ocean Colony.

We appreciate the opportunity to submit these comments for your review and consideration.

Very truly yours,

Bruce J. Russell
Chief Executive Office

2450 South Cabrillo Highway, Suite 200
Half Moon Bay, California 94019
phone 650.560.0055
fax 650.560.9198

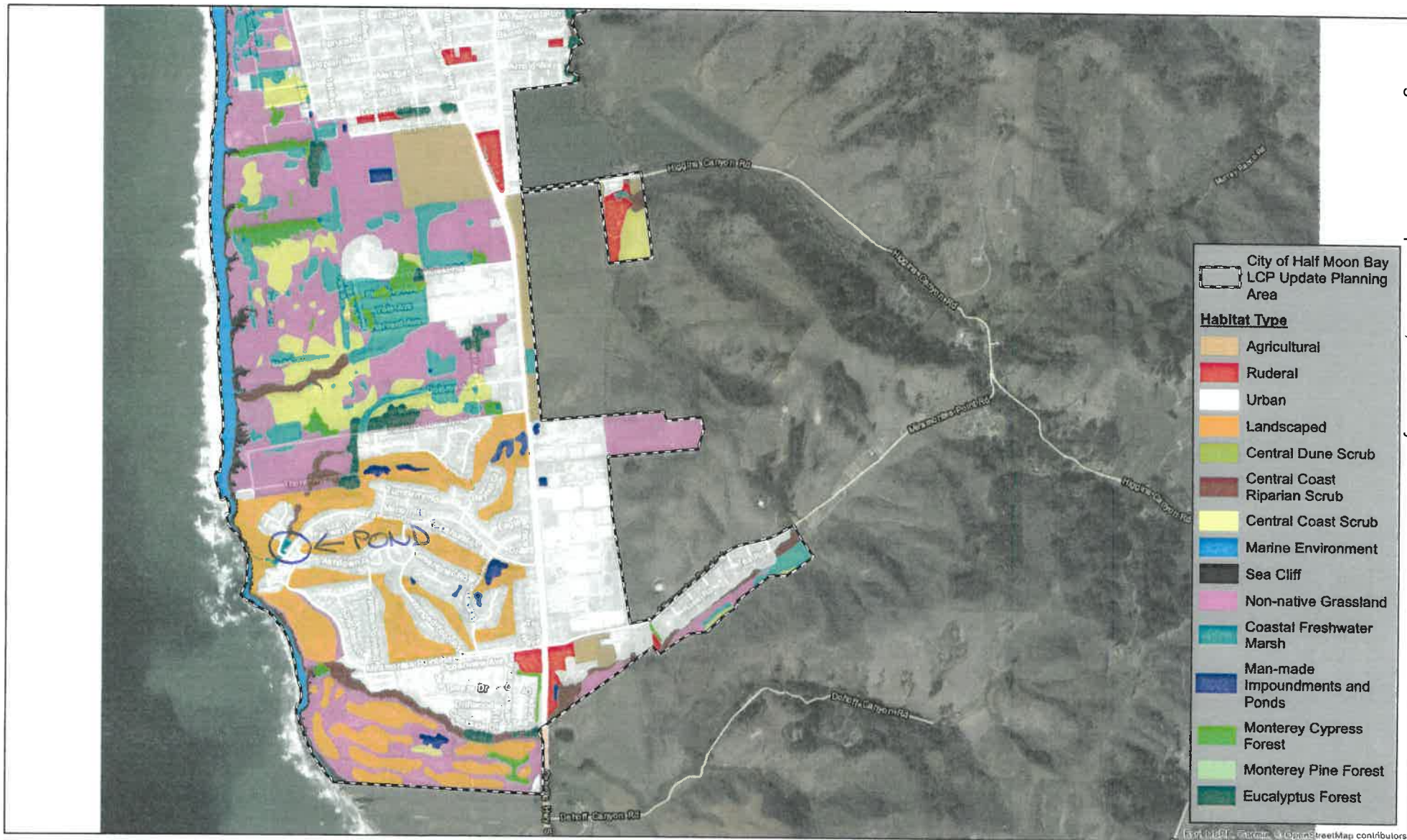

Figure 6-1: Habitat Types in the LCP Planning Area, Sheet 3 of 3

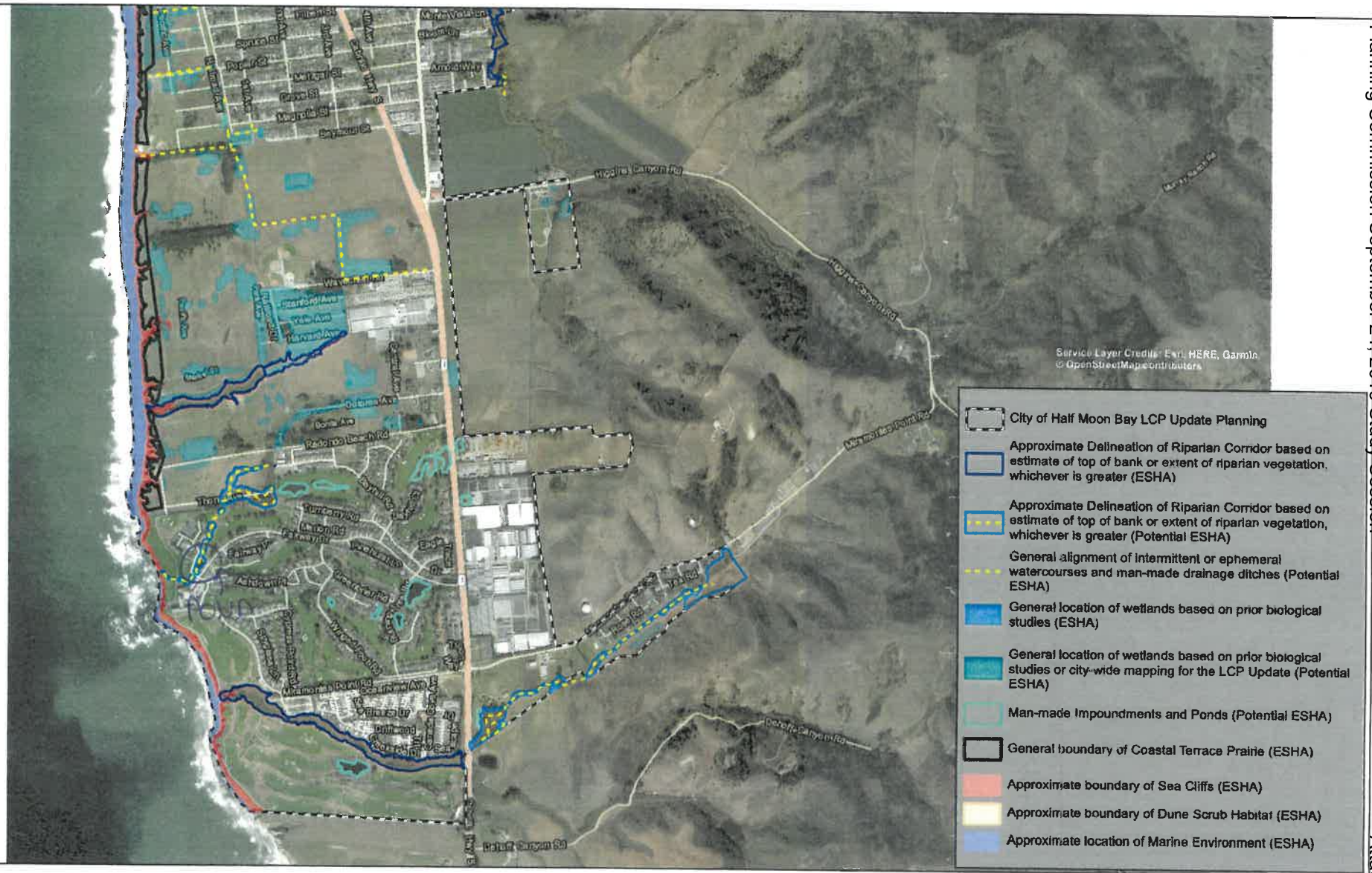

Figure 6-2: Environmentally Sensitive Habitat Areas (Habitat ESHAs), Sheet 3 of 3

Huffman-Broadway Group, Inc.
ENVIRONMENTAL REGULATORY CONSULTANTS

PLANNING COMMISSION DRAFT 10-30-18

Brittney Cozzolino

From: cbwillb@charter.net
Sent: Thursday, September 12, 2019 3:25 PM
To: planhmb
Subject: Revised HMB Plan Public Comment Feedback

With apologies, I'd like to revise one comment that I sent yesterday - a very helpful neighbor has enlightened me about an unintended consequence of the recommendation below listed as #1b. Therefor I would like to modify that section only of my comments from yesterday as follows:

#1b Rev.) Revised 9/12/2019: I was reminded by my neighbor that allowing one way traffic with ingress from Rte 92 would create a pass-through potentially for large volumes of traffic wishing to turn from Rte 92 left on Main St to divert through the property. It could also thus result in more left turns off of Rte 92 for traffic coming from over the hill further disrupting the traffic flow on rte92. Obviously this is not our intent or preference. So, I would modify my recommendation to strongly prefer continuing the current arrangement of ingress and egress from Stone Pine Rd. I would still endorse adding the possibility of right turn only egress onto Rte 92 as noted below.

Thank you, Carole Black

From: cbwillb@charter.net
To: "PlanHMB@hmbcity.com"
Cc:
Sent: Wednesday September 11 2019 9:37:42PM
Subject: HMB Plan Public Comment Feedback

Thank you for the opportunity to provide input. Comments relate to two elements in the Development Chapter and one general observation:

1) Stone Pine Public Facilities and Conservation Corridor:

1a) My concern is with the sub-section titled "Pilarcitos Creek Trail" and specifically the phrase "A public access easement shall be established." I do not understand exactly where along Pilarcitos Creek is being referenced. However, in the event that this is referencing any of the area along Pilarcitos Creek that is adjacent to the Cypress Cove townhome development, I am writing to express extreme opposition to this plan. There is very little space between the Cypress Cove development (buildings, patios) and the Creek protected area - not enough for a public walkway or bike path. In addition, this area is densely wooded. steeply sloped and dark and the establishment of a public access route would present a safety risk.

#1b Rev.) Revised 9/12/2019: I was reminded by my neighbor that allowing one way traffic with ingress from Rte 92 would create a pass-through potentially for large volumes of traffic wishing to turn from Rte 92 left on Main St to divert through the property. It could also thus result in more left turns off of Rte 92 for traffic coming from over the hill further disrupting the traffic flow on rte92. Obviously this is not our intent or preference. So, I would modify my recommendation to strongly prefer continuing the current arrangement of ingress and egress from Stone Pine Rd. I would still endorse adding the possibility of right turn only egress onto Rte 92 as noted below.

#1b Comment originally submitted on 9/11/2019: I much prefer and strongly recommend the option proposed for one way traffic routing through the property - with ingress from rte 92 and egress through Stone Pine. The plan, however, omits the possibility of allowing in addition right turn only egress onto rte 92. This would allow diversion of some exiting traffic directly onto rte 92 eliminating passage through the often busy rte 92/main st intersection for those heading over the hill and should not disrupt traffic on rte 92 unduly.

2) Stone Pine and Cypress Cove (formerly Andreotti) PD Development Conditions:

2a) I note the addition of a new use "Light Industrial" and question the rationale. Cypress Cove is fully residential and this plan proposes additional residential volume for this small area. Neighbors have already questioned where/how the proposed additional residential units could be accommodated given the limited potentially available space. The added industrial use category seems out of place and without apparent siting location given the residential increase also listed (which also seems excessive). I request that you remove this added new use and, in addition, if this is the result of New Policy 2-13, I request that this policy be reworded to exclude this as an new use in residential areas.

3) Overall I notice the use of the word "shall" quite extensively. In my experience this implies that something is intended to be done no matter what. This may be the intent and standard in this type of document. However, since this is a long-term document which will form a framework for decisions over many years during which time circumstances may change, I wonder whether it might be prudent to consider alternative directive, but less definitive, language.

Thank you very much for your consideration,
Carole Black
Owner in Cypress Cove
617-312-8834

E M C

Planning for Success.

February 25, 2019

City of Half Moon Bay Planning Commission
City of Half Moon Bay City Hall
501 Main Street
Half Moon Bay, CA 94109

Re: Concerns Regarding Chapter 2 – Development, Draft Local Coastal Land Use Plan Update

Dear Planning Commissioners:

This letter is being submitted on behalf of Surf Beach Partners. The Partners own approximately 95 percent of the forty-eight acre site identified in the LUP as the Surf Beach/Dunes Beach Planned Development. Surf Beach Partners has been working for many years to assemble a development application for the site. EMC Planning is supporting Surf Beach Partners with the land use planning and development entitlement management process for the site.

We appreciate the work that the Planning Commission, City staff, members of the community, and others have put into the LUP update thus far. We understand this process has been ongoing for several years. That said, significant changes to Development chapter policies which affect the Surf Beach/Dunes Beach site took place as recently as December 2018. The recent changes are a source of significant concern. The recent changes do not correlate with guidance provided to Surf Beach Partners prior to the changes, with the intent of Planned Development designation, or with a number of policies found in other chapters of the draft LUP.

Major Concerns

Major concerns regarding Development chapter content affecting the Surf Beach/Dunes Beach site are summarized as follows:

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM
301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 831-649-8399
www.emcplanning.com

- Overarching concerns:
  - Proscriptive policies and assumptions that conflict with the intent of the master planning process for Planned Development - logical, flexible, and well-informed site planning and development design;
  - Circumvention of the goal of comprehensive planning and design flexibility that best achieves coastal resource protection and development of priority coastal land uses;
  - Cumulative development proscriptions/requirements that do not consider development feasibility;
  - Policy direction specifically for the Surf Beach/Dunes Beach Planned Development that requires revision to eliminate ambiguity;
- Proscriptive definition of land use types and locations;
- Presumption of required setbacks in the absence of site-specific technical analyses regarding natural resources, visual resources, natural hazards, fire hazard, etc., that inform setback requirements;
- Presumption of required performance standards in the absence of site-specific analyses and master planning;
- Quantified presumption of net developable acreage without a site-specific assessment of development constraints required to determine net developable acreage; and
- Presumption about residential densities/capacity and non-residential use type capacity based on net buildable area assumptions and without consideration of residential product type options, costs, financial feasibility and opportunities for creative site and development design that is substantially consistent with all other LUP policies.

These concerns are described below. They are based on policies in the Development chapter. We have included a table at the end of this letter that shows changes to policies that are warranted to rectify the issues raised herein.

Proscriptive Policies that Subvert the Master Planning Process

As stated in the Development chapter, the intent for areas designated Planned Development "is to allow for appropriately sited and scaled development including all associated infrastructure while maintaining community character and protecting the area's environmental attributes, including scenic resources, environmentally sensitive habitat areas, and viable farmland" (page 2-13). "PD provisions require comprehensive planning and allow flexibility for the sake of protecting coastal and visual resources, maximizing coastal access, and avoiding hazards" (page 2-46).

A number of policies in the Development chapter, described in more detail below, directly conflict with the intent of the master planning process. What is the point of master planning if fundamental development variables such as density, development capacity, net acreage, development location, etc., for the Surf Beach/Dunes Beach site are specified in policy before the master planning process for the site has been initiated? These policies subvert the planning process, preclude flexibility, and unduly limit opportunities to deliver a development program that in all other respects would be consistent with other LUP policies and the intent of the Coastal Act.

This issue is most represented in Policy 124, which includes requirements for how the Surf Beach/Dunes Beach site is to be developed without any consideration of the flexibility, outcomes of site-specific technical analyses, and/or sensitive site design approaches that would be considered as part of the master planning process.

Proscriptive Definition of Land Use Types and Locations

The definition of land use types and locations should be determined through the master planning process with an emphasis on priority uses as defined in the Coastal Act. Policy 2-124 proscribes that the specific plan (master plan) for the site "shall incorporate all of the conditions below" as listed in Policy 2-124a through Policy 2-124g. Residential development is proscribed in 2-124a(i) and priority uses are proscribed in 2-124a(ii). This is before a master planning process has begun to comprehensively plan the site.

Similarly, Policies 2-124b, 2-124c, 2-124e, and 2-124g prematurely proscribe conditions that must be met before a master planning process has begun. Policy 2-124g proscribes setbacks from roadways for view protection without the benefit of a site specific view corridor analysis that would identify specific corridors and include corridor protection

standards. Policy 2-124c prematurely mandates the locations of residential development and visitor-serving development in advance of a master planning process that could identify other design options/tradeoffs.

Contrast Policy 124 with Policy 2-86. The latter policy states that *each master plan* shall specify residential and non-residential densities (emphasis added). Yet Policy 124 *mandates* the specific development types, intensities and locations described therein. These policies are internally inconsistent (emphasis added).

These examples demonstrate that the master planning process is effectively being preempted without consideration of options or tradeoffs regarding land use types, development intensities or development locations needed to achieve the many competing goals for the site as expressed in the Development chapter.

The description of land uses and development capacities found on page 2-86 of the Development chapter differs from the description found in Policy 2-124. Neither description is clear in terms of the types, acreage or development capacity. Since Policy 2-124 takes precedence, it must be reworded to eliminate ambiguity.

Presumption of Required Setbacks/Land Capacity Reductions

A range of policies in the Development chapter proscribe development setbacks that are not rooted in site-specific analyses or master planning. These policies have significant implications for development design, intensity, and capacity. Examples include:

- Policy 2-87d: land within 100 feet of a very high fire severity zone or habitat with high fuel load shall not be included in the calculation net developable acreage.

  There is no definition in the LUP of "high fuel load". The Fire Marshall was contacted about this issue; this term is not based on state law. This setback appears to be based on language found on page 2-87, which states that a portion of the site that is encumbered by a "100-foot setback from the eucalyptus vegetation along the southern side of the site". The language does not appear to be supported by evidence in the record.

- Policy 2-87d: land within 300-feet of a coastal bluff may not be included in net developable acreage calculation.

Though the boundary of the Surf Beach/Dunes Beach Planned Development site is outside the 300-foot setback, there is no clear basis in the Development chapter for why 300 feet was selected.

- Policy 124g "generally" (quotes added) requires that structures "shall" (quote added) be setback 100 feet from Highway 1, the western side of the site abutting State Parks Beach lands, and 100 feet from both sides of Young Avenue.

  This policy presumes that these apparently arbitrary setback distances are required to conserve views across the site and/or maintain a view corridor down Young Avenue. Detailed site-specific visual analysis could conclude that other options are available that are equally or better suited for achieving consistency with the visual resources goals of the LUP. Yet such studies have not yet been undertaken as part of the master planning process.

In contrast, a number of policies in other chapters of the LUP specify that site-specific analyses are needed to identify development design parameters and standards. These policies demonstrate that understanding development constraints is prerequisite to the master planning process. A number of site-specific analysis need to be conducted as part of the master planning process for the Surf Beach/Dunes Beach site for this purpose. Representative examples include, but are not limited to:

- Policy 7-14: Require setbacks from blufftops based on the best available science;
- Policy 7-16: require site-specific geologic reports to determine setbacks from coastal bluffs to ensure that structures will not be endangered by erosion;
- Policy 7-17: For development near the beachfront or blufftops, require a site stability evaluation report using a 100-year storm performance standard to establish the expected economic life of the structures and the appropriate setback from the beach or bluff edge;
- Policy 7-65: Require that both new development and redevelopment, including remodeling and additions, adhere to most current Wildland-Urban Interface fire code and minimize risks to life and property from fire hazard through:
  a. Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns, etc;

- Policy 7-86: Require geologic reports in areas vulnerable to sea level rise to include site-specific evaluation of coastal hazards due to the high projection of sea level rise over the full projected life of any proposed development; and
- Policy 9-31: Assess visual resources and provide a visual impact evaluation with any master plan for developed within areas designed Planned Development.

Presumption of Required Development Performance Standards

Proscribed development performance standards are also of concern. Examples are as follows:

- Policies 2-79b and 2-93: These policies require at least five percent of the PD area to be reserved for "green infrastructure systems" for stormwater management. Why five percent? There is no basis to this land capacity constraint described in the Development chapter. This number is being specified in the absence of any detailed, project-specific stormwater planning analyses or design that is required to meet stormwater management regulations. It is common for stormwater detention and treatment to occur in underground structures that do not add to land demand for stormwater management. The land demand requirements for green infrastructure must be left to the master planning process, not quantitatively proscribed.
- Policy 124g: The height restriction is applied to "public views to the ocean from the highway". Narrative on page 2-88 discusses height and bulk of development as relates to "broad ocean views across the site from Highway 1…" In the absence of clearer direction, the policy and narrative set unrealistic expectations that existing public views will be maintained in their entirety. The reality is that the site is designated for development and that development will affect views. Even a height limit of 15 feet could result in views being blocked depending where a building is located. In the absence of detailed, site specific visual analyses that will be part of the master planning process, it is premature to establish a maximum height limit with any assumption that doing so will result in maintaining broad public views in their entirety.

Assumptions Regarding Net Developable Acreage/Land Capacity Reductions

Policy 124 dictates residential development capacity and acreage of non-residential priority uses based on an estimated net buildable site area. Yet, policy 2-79 requires a

Master Plan Site Assessment to determine the net buildable site area; the policies are inconsistent. The master site plan assessment is to be part of a master planning process that has not yet begun.

While the Surf Beach/Dunes Beach summary table in the Development chapter (p. 2-86) states that the net buildable area calculation of 34.5 acres is "estimated", it is actually being assumed as conclusive because Policy 124 specifies mandatory limits on development potential based on the estimated buildable area calculation. The policy states that the specific plan for the project "...shall incorporate all of the conditions below..." and "The specific plan shall incorporate all of the following requirements:" The referenced conditions and requirements specify development type, density, capacity, and location as well as other site specific development setbacks and regulations. This inappropriately creates misplaced development capacity limitations.

While premature proscribed setback requirements and land demand requirements described previously unduly limit the net buildable area available for priority use development, other assumptions in the Development chapter do the same. For example, though not embedded in policy as a setback, the presumption on page 2-87 that a two-acre area in the northwest corner of the site is unbuildable due to tsunami hazard is premature. It appears to be based on generalized data about tsunami hazard along the County coastline. This may be the best available current data, but it is not site specific and must not be assumed as fact in assessing net developable acreage. Site specific analysis of this hazard is needed to determine if and to what extent the hazard exists.

Presumption about Residential Densities/Capacity, Non-Residential Use Type Capacity and Financial Feasibility

The 1993 LUP identifies a target residential development capacity of two dwelling units per acre for PDs located outside of the Town Center. This same language is carried over to the current Development chapter. Yet development condition (c) on page 152 of the existing LUP allows a maximum of 150 residential units on the Surf Beach/Dunes Beach site. This maximum is conditioned on analysis to be conducted through a specific plan and accompanying environmental documentation. The Planning Commission is given discretion to specify the ultimate number and type of residential units. There appears to be no specific justification in the Development chapter for now limiting residential development to two units per acre in the absence of a master planning process and

environmental documentation on which a determination of appropriate residential density and capacity should be based.

Development chapter text (p. 2-87) states that buildout for Surf Beach/Dunes Beach is substantially reduced from the 1993 to reflect "realistic carrying capacity of the site…" It is assumed the definition of "realistic" is in significant part based on the premature constraints placed on the site and on development design as described in the prior sections of this letter. Other factors such as traffic generation and water availability may play a role. Even so, the limits on development density and capacity appear arbitrary in the absence of a master planning and an environmental review process that could provide the evidence for establishing appropriate density and development capacity.

The guidance presented in the Development chapter does not consider the financial feasibility of development. Substantial constraints are being placed on development options without clear understanding of how they limit the ability to design a project that substantially meets the City's many competing expectations for the site. If the City is to achieve its obligation to meet Coastal Act goals for the site, it must rely on the master planning process in which these considerations are identified and used to craft a sound development design approach.

Development Chapter Policy Changes

Changes to policies in the Development chapter are needed and justified to address the concerns presented above. The changes are identified in the table below. For informational purposes, the table also includes policies from other LUP chapters that are referenced in this letter. The changes will achieve a more balanced and successful outcome to development planning for the Surf Beach/Dunes Beach site.

Thank you for your objective consideration of this information.

Sincerely,

Michael J. Groves
President

Cc: Jill Ekas, City of Half Moon Bay
Steven Weed, Surf Beach Partners

Requested Changes to Chapter 2, Development

I. Changes to Surf Beach/Dunes Beach Planned Development Policies

LUP Update – 2018 Public Draft	Suggested Refinements
Site Conditions	
Approximately 48 acres gross; 34.5 acres net	Approximately 48 acres gross; ~~estimated 34.5 acres~~ net acreage to be assessed as part of the Master Site Planning process
Development Policies	
Policy 2-124. Surf Beach/Dunes Beach Master Plan. Require that a specific plan be prepared for the entire area to establish a new neighborhood. The specific plan shall incorporate all of the conditions below and conform to all other policies of the Land Use Plan. The specific plan must show the locations of infrastructure and structures, and indicate the location, amount, and type of public and private recreation facilities and open space. The specific plan will be subject to Environmental Review pursuant to the California Environmental Quality Act and City CEQA Guidelines. The specific plan shall incorporate all of the following requirements: a. Development Type and Estimated Maximum Buildout. Development may include: i. Residential. 49 residential units (17 additional units with affordable housing density bonus); or in-lieu of ten acres of commercial recreational uses south of Young Avenue, 69 units (24 additional units with affordable housing density bonus). Additional buildout restrictions apply as follows: 1. Residential units shall consist of a mix of unit types including single-family detached, single-family attached, cottages, or duplexes. 2. Maximum and average home sizes established in the specific plan shall be consistent with the Land Use Plan's provisions for housing affordability in Policy 2-91. 3. Accessory dwelling units associated with a primary unit shall not be counted toward the total buildout. ii. Priority Uses. A minimum of 10 acres of agriculture or outdoor visitor-serving recreation with the following additional provisions: 1. Agriculture. Field agriculture is a principally permitted use for the entire PD; and/or	**Policy 2-124**. Surf Beach/Dunes Beach Master Plan. Require that a specific plan be prepared for the entire area to establish a new neighborhood. The specific plan shall consider ~~incorporate all of~~ the guidance ~~conditions~~ below and conform to all other policies of the Land Use Plan. The specific plan must show the locations of infrastructure and structures, and indicate the location, amount, and type of land uses ~~public and private recreation facilities and open space~~. The specific plan will be subject to Environmental Review pursuant to the California Environmental Quality Act and City CEQA Guidelines. ~~The specific plan shall incorporate all of the following requirements:~~ a. ~~Development Type and Estimated Maximum Buildout.~~ Development may include: i. Residential uses with the following characteristics:. ~~49 residential units (17 additional units with affordable housing density bonus); or in-lieu of ten acres of commercial recreational uses south of Young Avenue, 69 units (24 additional units with affordable housing density bonus). Additional buildout restrictions apply as follows:~~ 1. Residential units should ~~shall~~ consist of a mix of unit types including single-family detached, single-family attached, cottages, or duplexes to the extent feasible. 2. Maximum and average home sizes established in the specific plan shall be consistent with the Land Use Plan's provisions for housing affordability in Policy 2-91. 3. Accessory dwelling units associated with a primary unit shall not be counted toward the total buildout. 4. Assisted living and senior housing uses are considered residential uses.

LUP Update – 2018 Public Draft	Suggested Refinements
2. Lower-cost visitor-serving overnight accommodations. Up to ten acres of RV or and/or tent campgrounds; and 3. Commercial recreation. Up to ten acres of outdoor commercial recreation including equestrian uses; and 4. Ancillary uses. Up to 5,000 square feet for a hostel and/or retail businesses offering recreational goods and supplies related to the primary use of the site.	ii. Priority Uses with the following characteristics: ~~A minimum of 10 acres of agriculture or outdoor visitor-serving recreation with the following additional provisions:~~ 1. Agriculture. Field agriculture is a principally permitted use for the entire PD; and/or 2. Lower-cost visitor-serving overnight accommodations~~.~~ including, but not limited to ~~such as Up to ten acres of~~ RV and/or tent campgrounds; ~~and~~ 3 Visitor-serving accommodation; ~~3.~~4 Commercial recreation; ~~Up to ten acres of outdoor commercial recreation including equestrian uses; and~~ ~~4.~~5 Ancillary uses~~.~~ such as ~~Up to 5,000 square feet for~~ a hostel and/or retail businesses offering recreational goods and supplies related to the primary use of the site~~.~~; and/or 6. Commercial uses deemed to be compatible with existing adjacent uses and other uses proposed for the site.
2-124 b. The PD may be developed in up to four phases including up to two phases for the residential development; and two phases for the lower-cost visitor-serving overnight accommodations and commercial recreation. The ancillary commercial uses may be established concurrently or subsequent to the primary related uses.	**2-124 b.** The PD may be developed in ~~up to four~~ phases. Phasing shall be identified in a master plan based on use types and locations, infrastructure requirements, and need to ensure priority coastal land uses are developed in a timely manner. ~~including up to two phases for the residential development; and two phases for the lower-cost visitor-serving overnight accommodations and commercial recreation. The ancillary commercial uses may be established concurrently or subsequent to the primary related uses.~~
2-124 c. Residential development shall be sited north of Young Avenue, outside the tsunami inundation area; visitor-serving commercial development and its ancillary use shall be located south of Young Avenue; open field agricultural uses may be located anywhere within the PD.	~~Residential development shall be sited north of Young Avenue, outside the tsunami inundation area; visitor-serving commercial, visitor-serving recreation, low-cost overnight accommodation, and open field agricultural~~ Uuses identified Policy 124 a. may be located anywhere within the PD provided they are designed to be compatible with adjacent land uses as demonstrated in a master plan.
2-124 d. Require suitable landscaping, fencing, and other means to ensure that direct pedestrian access to the State Beach property is controlled and limited from the new development and that an adequate buffer is provided between the Young Avenue right-of-way and residential use.	**Policy 2-124 d.** Require suitable landscaping, fencing, and other means to ensure that direct pedestrian access to the State Beach property is controlled and limited from the new development and that an adequate buffer is provided between the Young Avenue right-of-way and ~~residential~~ adjacent uses.

LUP Update – 2018 Public Draft	Suggested Refinements
2-124 e. Primary access shall be provided from Young Avenue. A round-about or other improvements shall be incorporated into the access plan consistent with the Town Boulevard concept to maintain circulation safety and service levels. Up to two right-in/right-out access points (one north and the other south of Young Avenue) shall be provided to ensure adequate emergency access and to distribute traffic associated with development away from coastal access traffic. Access and egress to the development shall be subject to review and approval by the City and Caltrans, and shall be designed in such a manner as to be safe, convenient, and not conflict with any existing or future development permitted in the area.	**2-124 e.** Primary access shall be provided from Young Avenue. A round-about or other improvements shall be incorporated into the access plan consistent with the Town Boulevard concept to maintain circulation safety and service levels. Up to two right-in/right-out access points (one north and the other south of Young Avenue) may be provided to ensure adequate emergency access and to distribute traffic associated with development away from coastal access traffic. Ingress and egress to the development shall be subject to review and approval by the City and Caltrans, and shall be designed in such a manner as to be safe, convenient, and minimize conflicts with any existing or future development permitted in the area.
2-124 g. Structures shall be clustered, maintained low in height, or constructed at low elevations to the maximum extent feasible and specific view corridors shall be established (including the Young Avenue right-of-way) and protected by easements so as to maintain views of the ocean from Highway 1. Specific requirements include: **i. Height.** Structures shall have a maximum height of 15 feet unless an increase in height would not obstruct public views to the ocean from the highway or would facilitate clustering of development so as to result in greater view protection; **ii. Setbacks.** Generally, structures shall be setback 100 feet from Highway 1, the western side of the site abutting State Parks Beach lands, and 100 feet from both sides of Young Avenue. **iii. Neighborhood Park**. Concurrently with the first phase of residential development, a neighborhood park available for public use of at least 1 acre in size shall be provided. **iv. Sweetwood Group Camp Considerations.** Noise, lighting, and other visual and use impacts shall be considered in the specific plan to maintain the remote and quiet character of the Sweetwood Group Camp southwest of the PD.	**2-124 g.** Specific existing view corridors from Highway 1 to the ocean to be protected by easements shall be identified through the master planning process. Structures shall be clustered, maintained ~~low in~~ at appropriate height, and/or constructed at low elevations to the maximum extent feasible to maintain the designated corridors. ~~and specific view corridors shall be established (including the Young Avenue right-of-way) and protected by easements so as to maintain views of the ocean from Highway 1.~~ Specific requirements include: **i. Height.** Structures shall be of a height ~~have a maximum~~ height ~~of 15 feet unless an increase in height~~ that would not obstruct existing ~~public~~ views to the ocean from the highway that are to be protected by easement, ~~or would facilitate~~ with clustering of taller structures encouraged outside of protected view corridors. ~~development so as to result in provide greater view protection;~~ **ii. Setbacks.** Setbacks ~~Generally, structures shall be setback 100 feet~~ from Highway 1~~,~~ ~~and~~ the western side of the site abutting State Parks Beach lands~~,~~ and/or placement of improvements/structures of lower height along these site boundaries shall be defined in the master plan to soften views of new development. ~~and 100 feet from both sides of Young Avenue.~~ **Neighborhood Park**. Provide expanded public park use consistent with standards provided in Policy 2-95.. **iv. Sweetwood Group Camp Considerations.** Noise, lighting, and other visual and use impacts shall be considered in the specific plan to maintain the remote and quiet character of the Sweetwood Group Camp southwest of the PD.

II. Changes to General Planned Development Policies

New 2018 Development Policy	Suggested Refinements
2-79. Master Plan Site Assessment. Require a comprehensive site assessment of the entire PD area as an initial submittal for master plans. The assessment shall determine the net site area as the basis for determining residential and commercial buildout and shall consider the PD area in the context of the city as whole. A preliminary assessment shall include at least the following evaluations and identify: *Natural Resources.* ESHA, required buffers, potential ESHA that may require future study, and identification of predevelopment that may have impacted or removed ESHA. If wetlands are found to be present, delineation is a requirement for a complete application. *Access.* New access points along Highways 1 and 92, primary interconnectivity routes within the PD and to other neighborhoods; and conceptual level plans for all primary modes of transportation including bicycle, pedestrian, and transit. *Recreation and Open Space.* Locations for meeting the 20 percent open space requirement, and the City's Parkland Standard in the case of residential development. *Agriculture.* Existing agricultural uses and approaches to retain such uses especially in cases of prime soils and locations for agricultural buffers within the PD site plan design as applicable. *Hazards.* Preliminary assessment and mapping of hazards including but not limited to site contamination, flood, erosion (blufftop and banks of watercourses), sedimentation, fire, seismic and geotechnical conditions such as steep slopes and areas subject to landslide. In the case of bluff erosion, it must be established that development will not be subject to risk of loss from bluff erosion for its economic life. *Visual Resources.* Designated scenic corridors and view sheds and the 160-foot contour if present. *Cultural Resources.* Potential for archaeological and historic resources so that preservation can be addressed in the PD master plan. *Stormwater Management.* Potential locations to accommodate green infrastructure systems comprising at least 5 percent of the PD area for stormwater management. *Neighborhood Compatibility.* Potential land use conflicts such as noise and lighting; and of how new development can enhance, support, and/or connect to other	**2-79. Master Plan Site Assessment.** Require a comprehensive site assessment of the entire PD area as an initial submittal for master plans. The assessment shall determine the net site area as the basis for determining residential and commercial buildout. A preliminary assessment shall include at least the following evaluations and identify: *Natural Resources.* ESHA, required buffers, potential ESHA that may require future study, and identification of predevelopment that may have impacted or removed ESHA. If wetlands are found to be present, delineation is a requirement for a complete application. *Access.* New access points along Highways 1 and 92, primary interconnectivity routes within the PD and to other neighborhoods; and conceptual level plans for all primary modes of transportation including bicycle, pedestrian, and transit. *Recreation and Open Space.* Locations for meeting the 20 percent open space requirement, and the City's Parkland Standard in the case of residential development. *Agriculture.* Existing agricultural uses and approaches to retain such uses especially in cases of prime soils and locations for agricultural buffers within the PD site plan design as applicable. *Hazards.* Preliminary assessment and mapping of hazards including but not limited to site contamination, flood, tsunami (seismic sea wave) runup and storm wave hazard, erosion (blufftop and banks of watercourses), sedimentation, fire, seismic and geotechnical conditions such as steep slopes and areas subject to landslide. In the case of bluff erosion, it must be established that development will not be subject to risk of loss from bluff erosion for its economic life. *Visual Resources.* ~~Designated scenic~~ Site-specific view corridors to be protected by easement ~~and view sheds~~ and the 160-foot contour if present. *Cultural Resources.* Potential for archaeological and historic resources so that preservation can be addressed in the PD master plan. *Stormwater Management.* Potential locations and mechanisms to accommodate green infrastructure systems for stormwater management. *Neighborhood Compatibility.* Potential land use conflicts, such as noise and lighting; and how new development can enhance, support, and/or connect to other neighborhoods.

New 2018 Development Policy	Suggested Refinements
neighborhoods.	
2-82. Performance Standards. Master plans shall include performance standards including setbacks, buffers and other impact thresholds to protect viewsheds and address impacts associated with vehicle trip generation, VMT, greenhouse gas emissions, air quality, noise, vibration, lighting, and other appropriate sustainability measures.	**2-82. Performance Standards.** Master plans shall include performance standards, including setbacks, buffers and other impact thresholds to protect view corridors identified in specifc plans ~~viewsheds~~ and address impacts associated with vehicle trip generation, greenhouse gas emissions, air quality, noise, vibration, lighting, and other appropriate sustainability measures.
2-87. Planned Development Net Land Area. Net land area for the purposes of determining base residential density and non-residential intensity for the PD master plan shall include only the potentially developable portion of a given site. Net land area shall not include lands subject to the following conditions: *ESHA:* Areas designated as sensitive habitat or buffers to sensitive habitat including but not limited to dunes, riparian corridors, coastal terrace prairie and wetlands; *Accessways:* Public streets including paper streets and other required public accessways such as trails whether acquired in fee, easement, or otherwise; *Watercourses:* Any portion of a site within the bounds of any watercourse or drainage easement and its associated buffers, as well as any wetlands and buffers that are not otherwise designated ESHA; *Hazards:* Areas with steep slopes over 30 percent, within 300-feet of a coastal bluff face, within 100 feet of a very high fire severity zone or habitat determined to have a high fuel load, subject to flooding from a 100-year storm event, subject to inundation from tsunami, and/or subject to geologic instability such as landslide; *Visual Resources:* Areas above the 160-foot contour; and *Parcels with Development Restrictions:* Those parcels whose development rights have been retired, where development is prohibited by deed restriction, or are in public or land trust ownership for the purposes of establishing open space.	**2-87. Planned Development Net Land Area.** Net land area shall be defined for the purposes of determining the locations of the potentially developable portions of a given site. Net land area shall not include lands subject to the following conditions: *ESHA:* Areas designated as sensitive habitat or buffers to sensitive habitat, including but not limited to, dunes, riparian corridors, coastal terrace prairie and wetlands; *Accessways:* Public streets, including paper streets and other required public accessways, such as trails whether acquired in fee, easement, or otherwise; *Watercourses:* Any portion of a site within the bounds of any jurisdictional watercourse or drainage easement and its associated buffers, as well as jurisdictional wetlands and buffers that are not otherwise designated ESHA; *Hazards:* Areas with steep slopes over 30 percent, ~~within 300-feet of a~~ subject to hazards from coastal bluff erosion or instability ~~face~~, adjacent to a ~~within 100 feet of a~~ Very High Fire Severity zone, ~~or habitat determined to have a high fuel load,~~ subject to flooding from a 100-year storm event, subject to tsunami runup and storm wave hazard, and/or subject to geologic instability such as landslide; *Visual Resources:* Areas above the 160-foot contour; and *Parcels with Development Restrictions:* Those parcels whose development rights have been retired, where development is prohibited by deed restriction, or are in public or land trust ownership for the purposes of establishing open space.
2-91. Provisions for Housing Affordability. New residential development in substantially undeveloped PDs shall be comprised of lower-cost development types with smaller units. Lower-cost development types include medium-density small single-family homes, cottages, attached townhomes, live-work units, duplexes, triplexes, and garden apartments; and high-density multi-family and mixed-use development. Generally, single-family homes shall be no more than 2,000 square feet. For PDs with more than 10 residential units, at least 20 percent of the residential units shall be restricted and made affordable to lower income households.	**2-91. Provisions for Housing Affordability.** New residential development in substantially undeveloped PDs should include ~~be comprised of~~ lower-cost development types with smaller units to the extent feasible. Lower-cost development types include medium-density small single-family homes, cottages, attached townhomes, live-work units, duplexes, triplexes, and garden apartments; and high-density multi-family and mixed-use development. ~~Generally, single-family homes shall be no more than 2,000 square feet.~~ For PDs with more than 10 residential units, at least 20 percent of the residential units shall be restricted and made affordable to lower income households.

New 2018 Development Policy	Suggested Refinements
2-92. Natural Resource Conservation. ESHA and wetlands, including required buffers, identified during master plan site assessment and subsequent environmental review shall be delineated and protected through the dedication of these areas and their buffers for permanent open space. Appropriate measures for natural resource protection, preservation, and enhancement, where feasible, shall be incorporated into the master plan.	**2-92. Natural Resource Conservation.** ESHA and jurisdictional wetlands, including required buffers identified during master plan site assessment and subsequent environmental review shall be delineated and protected through the dedication of these areas and their buffers for permanent open space. Appropriate measures for natural resource protection, preservation, and enhancement, where feasible, shall be incorporated into the master plan.
2-94. Hazard Avoidance. Most types of development, including but not limited to residential, mixed-use, and commercial, shall be sited away from significant hazards, including those subject to flooding from 100-year storm events, within tsunami or dam inundation hazard areas, within 100-feet of a Very High Fire Severity Zone, with steep slopes greater than 30 percent, within 300 feet of coastal bluffs, as well as other hazards identified during master plan site assessment and subsequent environmental review. Appropriate measures for hazard avoidance including, but not limited to setbacks and special construction techniques materials, shall be incorporated into the master plan.	. Most types of development, including but not limited to residential, mixed-use, and commercial, shall be sited away from significant hazards and/or incorporate design or other measures to substantially reduce hazards in~~, including~~ areas with steep slopes over 30 percent, ~~within 300 feet of a~~ subject to hazards from coastal bluff erosion or instability ~~face~~, adjacent to a ~~within 100 feet of a~~ Very High Fire Severity zone or habitat determined to have a high fuel load, subject to flooding from a 100-year storm event, subject to tsunami runup and storm wave hazard, and/or subject to geologic instability such as landslide. Appropriate measures for hazard avoidance including, but not limited to setbacks, ~~and~~ special construction techniques and materials, site design, etc., ~~materials,~~ shall be incorporated into the master plan.

III. Other Draft Land Use Plan Policies Referenced in the Comment Letter – No Changes Proposed

Chapter 7. Coastal Hazards
7-14. Development near Blufftops. Permit development near blufftops only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 100 years) without reliance on shoreline protective devices, and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute to erosion, geologic instability of the site or surrounding area, or otherwise harm coastal resources. Lateral trails near blufftops shall be set back a sufficient distance from the bluff edge to avoid impacts from erosion and sea level rise, at least 50 feet. Prohibit development on bluff faces except for stairways for public access to the beach. Development near blufftops is defined as development within 300 feet landward of a bluff line or edge, pursuant to California Code of Regulations Section 13577(h); however, for this policy, the setback shall be established utilizing best available science, such as that developed by USGS, the National Academy of Science, the National Academy of Engineering, the California Geological Survey, or the California Coastal Commission. Setbacks may also be needed based on the presence of ESHA and in such a case, the most conservative setback (greater) requirement applies. Setbacks shall also include room for buffers from hazards and/or ESHAs as applicable. Economic life is defined as the period over which a development is expected to be usable, with normal repairs and maintenance, for the purpose for which it was designed, and may range from a minimum of 100 years to perhaps 150 years for critical infrastructure.
7-16. Beach and Bluff Setbacks. Ensure that structures are set back far enough inland from the beach or bluff edge such that they will not be endangered by erosion (including sea level rise induced erosion) over the economic life of the structure plus an added geologic stability factors of safety of 1.5 for the static condition and 1.1 for the seismic condition, without the use of a shoreline protective device. Require geological reports to include a detailed, site-specific stability evaluation to determine the size of the setback, taking into consideration the

highest projection of sea level rise and potential bluff and shoreline retreat based on best available science, over the economic life of the structure (at least 100 years).

7-17. Site Stability Evaluation near Beachfront or Blufftops.

Require, for development near the beachfront or blufftops, the submittal of a site stability evaluation report using a 100-year storm performance standard to establish the expected economic life of the structure (at least 100 years for residential or commercial, 150 years for critical facilities) and the appropriate setback from the beach or bluff edge. The analysis shall demonstrate a factor of safety greater than or equal to 1.5 for static conditions and greater than or equal to 1.1 for seismic conditions. The report shall be prepared by a soils engineer or a certified engineering geologist based on an on-site evaluation, and shall consider:

a. Historic and projected rates of erosion, including potential erosion taking into account future sea level rise, and possible changes in shore configuration and sand transport. Sources to be investigated include recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and transport;

b. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site and the proposed development;

c. Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features such as bedding, joints, and faults;

d. Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity;

e. Wave and tidal action, including effects of marine erosion on bluffs;

f. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of irrigation water to the groundwater system; alterations in surface drainage);

g. Potential effects of seismic forces resulting from a maximum credible earthquake;

h. Effects of the proposed development including siting and design of structures, landscaping, drainage, grading, and impacts of construction activity on the stability of the site and adjacent area;

i. Any other factors that may affect slope stability; and

j. Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design).

7-65. Fire Hazard Avoidance for Development. Require that both new development and redevelopment, including remodeling and additions, adhere to most current Wildland-Urban Interface fire code and minimize risks to life and property from fire hazard through:

a. Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns etc.;

b. Siting and designing development to avoid hazardous locations, including siting to avoid the need for fuel modification within sensitive coastal resources and their buffer zones;

c. Providing adequate ingress and egress for fire equipment access;

d. Incorporation of fuel modification and brush clearance techniques for the development site and adjacent private or public roads in accordance with applicable fire safety requirements and carried out in a manner which avoids impacts to environmentally sensitive habitat and their buffer areas unless necessary to abate a public health and safety concern;

e. Use of appropriate building materials and design features to ensure the minimum amount of required fuel modification;

f. Use of fire-retardant, native plant species in landscaping, and removal of fire-prone, non-native and invasive species such as Cape ivy and Blue gum eucalyptus to reduce fuel load where appropriate, avoiding adverse impacts to sensitive species that use such habitats.

7-86. Site-Specific Hazard Evaluation. Require, as part of geological report requirements in areas vulnerable to sea level rise impacts, site-specific evaluation of coastal hazards due to the high projection of sea level rise over the full projected life of any proposed development. Analyses should be conducted by a certified Civil Engineer or Engineering Geologist with

expertise in coastal processes and shall be based on best available science.
Chapter 9. Scenic and Visual Resources
9-31. Planned Developments and Viewsheds. Require Planned Development areas that provide viewsheds over largely undeveloped areas, towards the ocean (e.g. Surf Beach/Dunes Beach, Venice Beach, and North Wavecrest), or the hillsides (e.g. L. C. Smith Estate and Podesta), to assess visual resources and provide a visual impact evaluation with any master plan for developing the Planned Development. Planned Developments shall be planned to minimize adverse impacts on viewsheds, and shall utilize the siting and design standards of Policies 9-24 and 9-25.

Planning for Success.

March 20, 2019

City of Half Moon Bay Planning Commission
City of Half Moon Bay City Hall
501 Main Street
Half Moon Bay, CA 94109

Re: Concerns Regarding Chapters 4 through 9, Draft Local Coastal Land Use Plan Update

Dear Planning Commissioners:

This letter is being submitted on behalf of Surf Beach Partners. The Partners own approximately 95 percent of the 48-acre site designated in the Local Coastal Land Use Plan (LUP) as the Surf Beach/Dunes Beach Planned Development. This letter is a follow-up to our prior letter dated February 25, 2019, which included a summary of our concerns and recommended changes to Chapter 2, Development. This current letter addresses our concerns regarding Chapters 4-9, particularly the policies contained therein, and includes recommended changes to specific policies. Once Chapter 3 is available for public review, we anticipate providing comments on that chapter as well.

Again, we appreciate the effort being made by City staff and the Planning Commission to update the LUP. Our intention is to assist with that process across issues we feel are germane to the Surf Beach/Dunes Beach site.

Concerns

Our concerns regarding Chapters 4-9 content that directly or may indirectly affect the Surf Beach/Dunes Beach site are summarized below.

Chapter 4, Agriculture

Per the proposed LUP, the Surf Beach/Dunes Beach site is identified as containing soils classified as prime. Yet the site is designated for development with urban uses as specified in Policy 2-124. It is also designated for urban development in the existing

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM
301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 83[illegible]99
www.emcplanning.com

LUP. Policy 4-2, Town Center Boundary in the proposed LUP, which specifies the City's support for preserving prime agricultural lands anywhere outside the Town Center, is contrary to Policy 124. It is worth noting that the California Department of Conservation Farmland Mapping and Monitoring Program does not classify the site as Prime Farmland or Farmland of Statewide Importance.

Chapter 5, Coastal Access

Our main concern is with Policy 5-21, Public Access. The language is ambiguous. Therefore, its feasibility is in question. Conditioning (requiring) all development types proposed today to anticipate an effect that may never occur or affect a particular project site appears unworkable. We have suggested language to address this concern.

We have recommended changes to other policies in this chapter for clarification and balance.

Chapter 6, Natural Resources

We have no comments on this chapter.

Chapter 7, Coastal Hazards

Policy 7-97 and Policy 7-100 address managed retreat of development in high coastal hazard areas. The policy requires action ("Ensure that foundation designs…") based on a premise that managed retreat "…might be appropriate at some point in the future". (emphasis added). While we understand the intent of the policies, we question their implementation feasibility. For example, how would new development "ensure foundation design or other aspects of the development will not preclude future incremental relocation or managed retreat" or that "foundation design allows for incremental removal as foundation elements become exposed"? From a foundation engineering and safety perspective, this may not be technically or financially feasible for many types of structures. Further, it appears that the coastal hazard setback requirements identified in other proposed LUP policies are intended to minimize or avoid the need for managed retreat. We recommend that Policy 7-97 and Policy 7-100 be deleted or substantially revised.

An LUP section containing term definitions is needed, including a definition of "managed retreat" and its relationship to managing hazards to development through hazards setbacks as already required in other LUP policies.

Chapter 8, Cultural Resources

We have no comments on this chapter

Chapter 9, Visual Resources

Our overarching concern with this chapter is about a lack of precision with regards to visual resource management-related definitions and the related open-ended nature of visual resources policies. These issues could readily lead to policy implementation challenges. In particular, the lack of precision could imply that any type of development activity in any portion of the coastal zone could be constrained by visual resource policy consistency concerns. This concern applies to several policies, with Policy 9-3, Scenic Resources, being highly representative. How does the City "Ensure the long-term enjoyment of publicly accessible scenic view corridors, viewsheds, vista points, and unique or characteristic visual resources"? Implementing this policy is especially problematic given that the terms used in the policy, as described below, are not defined or comprehensively or accurately mapped.

The Coastal Act calls for balance between the use and conservation of natural resources and social and economic needs. Open-ended visual resource conservation policies that are not precise have the potential to lead to imbalances between these needs.

Policy Terminology that is Vague or Undefined

There are several terms used in the policies that need to be defined to fully understand the policy intent and how the policies might be used during the development review process for individual projects. These terms include:

- "unique" or "characteristic" visual resources (Policy 9-3);
- "public viewing areas" (Policy 9-7 and Policy 9-26);
- "vista point" (Policy 9-3 and Policy 9-7);
- "highly scenic coastal areas" (Policy 9-7);
- "viewshed" (Policies 9-3, 9-15, 9-16, and 9-31); and
- "view corridor" (Policy 9-3 and Policy 9-31).

If there was precision to these terms and accurate graphic representation of these visual resource protection attributes, clearer understanding of how the policies would be implemented would be possible.

Graphic Representation of Visual Resource Features/View Attributes

Visual resources policies make reference to a number of visual resource attributes. As noted above, these attributes need to be visually represented so that a reader can correlate how and where they are relevant and apply to future development review processes for individual projects.

- **Resources and terms identified on Figure 9-1, Scenic & Visual Resources, need to be defined.** There are several terms and resources identified on Figure 9-1that are not defined, including "vista point," "community gateway," and "viewshed."

- **Unclear symbology used on Figure 9-1, Scenic & Visual Resources.** The symbology used for "viewshed east" and "viewshed west" is confusing, especially as it appears to apply to the Dunes Beach/Surf Beach site. In addition, the symbol used for vista points does not indicate the direction of the vista available from the point. Is it 360 degrees or a narrower view?

- **Chapter 9 Scenic and Visual Resource policies that do not correlate with Figure 9-1, Scenic & Visual Resources.** Several visual resources terms used in the policies do not correlate with resources identified on Figure 9-1. For example, Policy 9-6 refers to "coastline, foothills, ESHA, open spaces, and other largely undeveloped areas as highly scenic coastal areas". These areas are not identified on Figure 9-1. Further, it is unclear how open space and ESHA can categorically be considered highly scenic coastal areas. Policy 9-7 refers to "viewing areas" and "vista points" but, only vista points are shown on Figure 9-1. These features and locational terms should be referenced on Figure 9-1 to the extent possible so a reader can understand where and how the policies apply. Otherwise, the purpose and function of Figure 9-1 seems to be unclear and incomplete.

- **Accuracy of Figure 9-1, Scenic & Visual Resources**. The entire Surf Beach/Dunes Beach Planned Development site is identified as "viewshed". A significant portion of the site is blocked from view from Highway 1 by vegetation and other barriers. We will demonstrate this through a specific site

analysis. Which part of the site is considered a viewshed east versus a viewshed west? On what factual basis are these assumptions made?

We suggest that the figure be revised to say "potential" where some uncertainty exists as to the validity or extent of the resource (i.e. *potential* view corridors and *potential* viewsheds). If development is proposed on sites that contain potential viewsheds or view corridors, a site specific visual analysis should be required.

Chapter 4-9 Policy Changes

Changes to policies in the chapters 4-9 are needed and justified to address the concerns presented above. The changes are identified in the table below. The changes will achieve a more balanced and successful outcome to development planning for the Surf Beach/Dunes Beach site.

Thank you for your consideration of our comments and recommendations.

Sincerely,

Michael J. Groves
President

Cc: Jill Ekas, City of Half Moon Bay
Steven Weed, Surf Beach Partner

CITY OF HALF MOON BAY LOCAL COASTAL LAND USE PLAN UPDATE
CHAPTER 4 THROUGH CHAPTER 9 SUGGESTED CHANGES

Origin	Land Use Plan Update – 2018 Public Draft	Suggested Changes
Chapter 4 - Agriculture		
Original LUP Policy 8-12: The Urban/Rural Boundary shall be the City Limit boundary of the City of Half Moon Bay.	**4-2. Town Center Boundary.** The Town Center is the designated location for concentration of development; outside the Town Center the City shall support on-going agricultural operations and preservation of prime and non-prime agricultural lands.	**4-2. Town Center and PD Boundary Areas.** The Town Center is the designated location for concentration of development and Planned Development areas are designated for other urban development; outside of these areas, ~~Town Center~~ the City shall support on-going agricultural operations and preservation of prime and non-prime agricultural lands.
Chapter 5 Coastal Access and Recreation		
2016 First Public Draft Policy, Sea Level Rise Vulnerability Assessment	**5-21. Public Access.** Provide for the preservation of public access and recreation areas by planning for and conditioning approved development on the eventual loss and replacement of access and recreation areas vulnerable to coastal bluff erosion or sea level rise.	**5-21. Public Access.** On substantially undeveloped sites which currently include coastal public access and/or recreation areas, work with site developers to explore reserving areas for future public access and recreation in anticipation of losing the existing amenities due to coastal bluff erosion or sea level rise. ~~Provide for the preservation of public access and recreation areas by planning for and conditioning approved development on the eventual loss and replacement of access and recreation areas vulnerable to coastal bluff erosion or sea level rise.~~
New 2018 Planning Commission Public Draft Policy	**5-106. New Overnight Accommodations.** Consider the carrying capacity of the coast, visitor demand over a range of affordability levels for various accommodation types, and consistency with all applicable LCP and General Plan policies before approving any new overnight accommodation development proposals. Prioritize lower-cost visitor-serving accommodations over higher-cost lodging.	**5-106. New Overnight Accommodations.** Consider the carrying capacity of the coast, visitor demand over a range of affordability levels for various accommodation types, and consistency with all applicable LCP and General Plan policies before approving any new overnight accommodation development proposals~~.~~ including ~~Prioritize~~ lower-cost visitor-serving accommodations and ~~over~~ higher-cost lodging.
New 2018 Planning Commission Public Draft Policy	**5-107. Inclusion of Lower-Cost Accommodations.** Require new development of higher-cost accommodations to provide for a component of lower-cost accommodations (e.g. a lower-cost bank of rooms in a hotel, a hostel, campground, RV park, etc.). The lower-cost accommodations may be provided on-	**5-107. Inclusion of Lower-Cost Accommodations.** Require new development of higher-cost accommodations to provide for a component of lower-cost accommodations (e.g. a lower-cost bank of rooms in a hotel, a hostel, campground, RV park, etc.). The lower-cost accommodations may be provided on-

Origin	Land Use Plan Update – 2018 Public Draft	Suggested Changes
	site, off-site, or through payment of an in-lieu fee fund to support establishment of new lower-cost accommodations. The provision of lower-cost accommodations shall be at least 15 percent of the number of approved high-cost accommodations.	site, off-site, or through payment of an in-lieu fee fund to support establishment of new lower-cost accommodations. The equivalent of at least 15 percent of the approved high-cost accommodation unit number or visitor capacity shall be provided in the form of ~~The provision of~~ lower-cost accommodations ~~shall be at least 15 percent of the number of approved high-cost accommodations~~.
Original LUP Policy 2-29: Generally locate new visitor-serving commercial development facilities that provide lodging, food, and automobile services within the downtown commercial core, within and near Ocean Colony/Half Moon Bay Golf Links, at Pillar Point Harbor (near Dunes Beach), and in the Wavecrest area as designated in the Wavecrest Conservancy Project.	**5-108. Location of Visitor-Serving Commercial Development.** Generally locate new visitor-serving commercial development including facilities that provide lodging, food and automobile services within the Town Center area, within and near Ocean Colony/Half Moon Bay Golf Links, near Pillar Point Harbor, near Dunes Beach, and in locations along Highway 1 as designated for Commercial Visitor-Serving on the Land Use Diagram.	**5-108. Location of Visitor-Serving Commercial Development.** Generally locate new visitor-serving commercial development including facilities that provide lodging, food and automobile services within the Town Center area, within and near Ocean Colony/Half Moon Bay Golf Links, near Pillar Point Harbor, within Planned Developments near Dunes Beach, and in locations along Highway 1 as designated for Commercial Visitor-Serving on the Land Use Diagram.
Chapter 6 Natural Resources		
No Suggested Changes		
Chapter 7 Coastal Hazards		
2016 First Public Draft Policy, Sea Level Rise Vulnerability Assessment	**7-97. Options for Removal.** For new development in high hazard areas or resource-constrained areas where managed retreat might be an appropriate option at some time in the future, ensure that foundation designs or other aspects of the development will not preclude future incremental relocation or managed retreat. Alternative design options should be considered and employed if site conditions allow.	~~**Policy 7-97. Options for Removal.** For new development in high hazard areas or resource-constrained areas where managed retreat might be an appropriate option at some time in the future, ensure that foundation designs or other aspects of the development will not preclude future incremental relocation or managed retreat. Alternative design options should be considered and employed if site conditions allow.~~
2016 First Public Draft Policy, Sea Level Rise Vulnerability Assessment	**7-100. Foundation and Structure Removal.** If no less damaging foundation alternatives are possible, ensure that foundation design allows for incremental removal as foundation elements become exposed, and develop pre-established triggers for incremental or complete removal that will avoid future resource impacts.	~~**7-100. Foundation and Structure Removal.** If no less damaging foundation alternatives are possible, ensure that foundation design allows for incremental removal as foundation elements become exposed, and develop pre-established triggers for incremental or complete removal that will avoid future resource impacts.~~
Chapter 8 Cultural Resources		
No Suggested Changes		

Chapter 9 Scenic and Visual Resources		
2016 First Public Draft Policy	**9-3. Scenic Resources.** Ensure the long-term enjoyment of publicly accessible scenic view corridors, viewsheds, vista points, and unique or characteristic visual resources.	~~**9-3. Scenic Resources.** Ensure the long-term enjoyment of publicly accessible scenic view corridors, viewsheds, vista points, and unique or characteristic visual resources.~~
2016 First Public Draft Policy	**9-6. Highly Scenic Coastal Areas.** Designate the beach and ocean, coastline, foothills, ESHA, open spaces, and other largely undeveloped areas as highly scenic coastal areas.	**9-6. Highly Scenic Coastal Areas.** Designate certain areas of the beach and ocean, ~~coastline,~~ foothills, ~~ESHA~~ land designated Open Space on Figure 2-1, Land Use Map, ~~open spaces~~, and other largely undeveloped areas not designated for urban development, as highly scenic coastal areas.
2016 First Public Draft Policy	**9-7. Viewing Areas and Vista Points.** Designate public places including the California Coastal Trail, other trails, beaches, parks, other areas with public access that offer broad views of highly scenic coastal areas as public viewing areas and vista points.	**9-7. Viewing Areas and Vista Points.** Designate publicly accessible places including certain locations along the California Coastal Trail and other trails, beaches, and parks~~,~~ ~~other areas with public access~~ that offer broad views of highly scenic coastal areas as public viewing areas and vista points.
Original LUP Policy 7-2: Blufftop structures shall be set-back from the bluff edge sufficiently far to ensure that the structure does not infringe on views from the beach and along the blufftop parallel to the bluff edge except in areas where existing structures on both sides of the proposed structure already impact public views from the beach or along the blufftop. In such case, new structures shall be located no closer to the bluff edge than adjacent structures.	**9-11. Bluff Setback.** Require development near blufftops to incorporate a setback from the edge of the bluff that avoids visual impacts from scenic public areas including trails and lookouts on the blufftops, and from the beach and ocean below. The blufftop setback necessary to protect visual resources may be in excess of the setback necessary to ensure that risk from geologic hazards are minimized for the life of the structure, as detailed in the Coastal Hazards chapter of the LUP.	**9-11. Bluff Setback.** Review new development projects proposed ~~Require development~~ near blufftops for the need to incorporate a setback from the edge of the bluff ~~that avoids~~ to reduce visual impacts from ~~scenic~~ public ~~areas including~~ trails and lookouts on the blufftops, and from the beach and ocean below. Require visual impacts to be assessed on a site specific basis. The blufftop setback necessary to ~~protect~~ reduce identified visual resources impacts may be in excess of the setback necessary to ensure that risk from geologic hazards are minimized for the life of ~~the~~ proposed structureal improvements, as detailed in the Coastal Hazards chapter of the LUP.
2016 First Public Draft Policy	**9-12. Bluff Dedication.** Require Planned Developments on the west side of Highway 1 to dedicate, or preserve as open space, the coastal bluff face and an area inland from the edge of the bluff adequate to minimize visual impacts while also providing safe public access, avoiding hazards, and accommodating bluff erosion.	**9-12. Bluff Dedication.** Require Planned Developments proposed on properties on the west side of Highway 1 that include coastal bluffs, to dedicate, or preserve as open space, the coastal bluff face and an area inland from the edge of the bluff adequate to minimize visual impacts while also providing safe public access, avoiding hazards, and accommodating bluff erosion.

2016 First Public Draft Policy		
	9-15. Highway Viewsheds. Ensure that viewsheds from Highways 1 and 92 are preserved and enhanced. Coordinate with Caltrans to ensure that future improvements and changes to the highways, including implementation of the Town Boulevard concept, will preserve or enhance the visual experience of traveling through a coastal community with small town character.	**9-15. Highway Viewsheds.** ~~Ensure that viewsheds from Highways 1 and 92 are preserved and enhanced.~~ Coordinate with Caltrans to ~~ensure that~~ promote future improvements and changes to the highways, including implementation of the Town Boulevard concept, that consider and conserve ~~will preserve or enhance~~ the visual experience of traveling through a coastal community with small town character.
Original LUP Policy 7-6: Parking facilities and recreational structures, including campers, located in public regional recreational areas, private recreational areas, visitor-serving commercial areas and other developments shall be designated to minimize visibility from the beach.	**9-16. California Coastal Trail Viewsheds.** Ensure that views of the ocean, bluffs, hillsides, and ridgelines from the California Coastal Trail are protected, particularly in areas adjacent to Planned Developments including Surf/Dunes Beach, Venice Beach, West of Railroad, and North Wavecrest. Provide sufficient setbacks and height limits for any development permitted near the trail to avoid impacts to visual resource. Ensure visual resource protection is maintained in any sea level rise adaptation strategies for the trail, including planned retreat.	**9-16. California Coastal Trail Viewsheds.** Ensure that views of the ocean, bluffs, hillsides, and ridgelines from the California Coastal Trail are evaluated on a site-specific basis in locations planned for development ~~protected~~, particularly in areas adjacent to Planned Developments including Surf/Dunes Beach, Venice Beach, West of Railroad, and North Wavecrest. Require ~~Provide~~ sufficient setbacks and height limits for any development permitted near the trail to ~~avoid~~ reduce impacts to ~~visual resource~~ high quality views identified in site specific visual analyses. ~~Ensure~~ Visual resource protection shall be prioritized ~~is maintained~~ in any sea level rise adaptation strategies for the trail, including planned retreat.
Original LUP Policy 7-11: New development along primary access routes from Highway 1 to the beach, as designated on the Land Use Plan Map, shall be designed and sited so as to maintain and enhance the scenic quality of such routes, including building setbacks, maintenance of low height of structures, and landscaping which establishes a scenic gateway and corridor. **Original LUP Policy 7-12:** In areas affording broad views of the ocean from Highway 1 as indicated on the Visual Resources Overlay Map, all new development shall be reviewed by the Planning Commission to ensure conformance with the following criteria: (a) Structures shall be sited and designed to preserve unobstructed broad views of the ocean and shall be clustered to the maximum extent feasible. (b) A landscaping plan shall be included in the development plans for approval and shall provide for landscaping which, when mature, will not	**9-26. Site Planning and Design for New Development.** Require new development to be sited and designed to minimize adverse impacts on scenic areas visible from public roadways, public trails, and accessways, or other public viewing areas and to be visually compatible with the character of the surrounding area. Measures to reduce visual impacts include, but are not limited to the following: a. Siting development in the least visible portion of the site; b. Breaking up the mass of new structures; c. Designing structures to blend into the surrounding natural landscape; d. Restricting building maximum size and height; e. Clustering development; and f. Incorporating landscape elements, and screening.	**9-26. Site Planning and Design for New Development.** Require new development to be sited and designed to minimize adverse impacts on scenic areas visible from public roadways, public trails, and accessways, ~~or other public viewing areas~~ and to be visually compatible with the character of the surrounding area. Measures to reduce visual impacts include, but are not limited to the following: a. Siting development in the least visible portion of the site; b. Breaking up the mass of new structures; c. Designing structures to blend into the surrounding natural landscape; d. ~~Restricting~~ Modifying building ~~maximum~~ size and height; e. Clustering development; and f. Incorporating landscape elements, and screening.

impede public views of the ocean. (c) Building height shall not exceed one story or 15 feet, unless an increase in height would not obstruct public views to the ocean from the Highway or would facilitate clustering of development so as to result in greater view protection.		
New 2018 Planning Commission Public Draft Policy	**9-31. Planned Developments and Viewsheds.** Require Planned Development areas that provide viewsheds over largely undeveloped areas, towards the ocean (e.g. Surf Beach/Dunes Beach, Venice Beach, and North Wavecrest), or the hillsides (e.g. L. C. Smith Estate and Podesta), to assess visual resources and provide a visual impact evaluation with any master plan for developing the Planned Development. Planned Developments shall be planned to minimize adverse impacts on viewsheds, and shall utilize the siting and design standards of Policies 9-24 and 9-25.	**9-31. Planned Developments and Viewsheds.** Require that projects proposed within areas designated as Planned Development ~~areas~~ through and over which views ~~provide viewsheds over largely undeveloped areas,~~ towards the ocean are available (e.g. Surf Beach/Dunes Beach, Venice Beach, and North Wavecrest), or the hillsides (e.g. L. C. Smith Estate and Podesta), ~~to~~ assess visual resources, identify view corridors to be protected, and provide a visual impact evaluation ~~with any~~ as part of the master plan ~~for developing the Planned Development~~ process. Planned Developments shall be planned to ~~minimize adverse impacts on~~ protect identified view corridors ~~viewsheds~~, and shall utilize the siting and design standards of Policies 9-24 and 9-25.

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 17, 2019 10:34 AM
To: Brittney Cozzolino
Subject: LUP Update Feedback re Lower-Cost Coastal Accommodations

From: Yang, Fanny@SCC <Fanny.Yang@scc.ca.gov>
Sent: Friday, September 13, 2019 11:49 AM
To: Brittney Cozzolino <BCozzolino@hmbcity.com>
Cc: Jill Ekas <JEkas@hmbcity.com>; Duff, Tim@SCC <Tim.Duff@scc.ca.gov>
Subject: RE: LUP Update Feedback re Lower-Cost Coastal Accommodations

Hi Brittney,

The only comment we have for your LUP update is to designate camping and other lower cost overnight accommodations as a resource dependent use.
Thanks for your continued work on this!

Best,
Fanny

Fanny Yang
Central Coast Project Development Analyst
State Coastal Conservancy
1515 Clay Street, 10th Floor
Oakland, CA 94612-1401
(510) 286-2238
fanny.yang@scc.ca.gov

Brittney Cozzolino

From: Jill Ekas
Sent: Monday, September 16, 2019 12:29 PM
To: Brittney Cozzolino
Cc: planhmb
Subject: FW: comments for the 2019 HMB LCP

From: Gina Zari <gina@samcar.org>
Sent: Monday, September 16, 2019 11:51 AM
To: Jill Ekas <JEkas@hmbcity.com>
Cc: Judy Taylor (jt@judytaylor.com) <jt@judytaylor.com>; Alane Gilbrech <alane@samcar.org>
Subject: comments for the 2019 HMB LCP

Good Morning, Jill:

Please see our comments for the 2019 LCP Update:

We appreciate the opportunity to comment on the Land Use component of the City of Half Moon Bay's Local Coastal Program.
There are several provisions that are referenced multiple times in the document. In those cases, such as affordable housing and priority designations, coordination with other agencies, PD ownership, our comments have not been systematically repeated. Those issues are generally addressed once with the understanding that they apply to all references to the issue, not just around the specific referenced provision.
As a general comment, our members were looking forward to a more proactive stance around aggressively cultivating the climate for affordable housing and for local job creation. The impact fees, lot retirement, fantasy about TDRs, and other provisions give us little hope that there will be significant development of affordable housing in the 2040 planning period. High-paying, local jobs, would address a number of our challenges, traffic, sales tax leakage, to mention two. This document accepts that business as usual will be the order of the day. We challenge that position. If locals can stop development with the vigor demonstrated over the past four decades, surely they can create affordable homes for our workforce. If other cities can attract business investment and development, surely Half Moon Bay can!

Introduction and framework
Page 1-3, end of Para.2: "Comprehensive updates" do not seem to have included bringing the R-1 zoning district minimum lot sizes and widths into conformity with the underlying subdivisions. This perpetuates a very vexatious situation for property owners and an unnecessary burden on staff resources. Most of Arleta Park requires 60' of frontage when the lots are combos of 28' lots. Miramar is the same with 40' and 50' lots. Second, the lot legality process, when adjacent lots are NOT in common ownership, have proven to be an unnecessary expense and burden on staff resources. At a minimum, the chain of title costs $400-1,000, and the city requires a deposit of $2,857. That adds $3,000 minimum to the cost of each project with NO community benefit. If the lots are in contiguous ownership, then a lot legality process may be justified. In most cases, it is not. There should be a way to eliminate this process for most lots. We strongly urge the city to address this in the update.
Page 1-16, Other Regulatory Agencies: We urge the systemic coordination with those agencies in order to not create unnecessary bureaucratic processing. Create checklists for the agencies involved in individual projects.
Page 1-23, italicized, bold, inset: Replatting of private lots, in non-contiguous ownership, with reduced densities, will require Orwellian regulations, requiring disparate owners to become real estate development partners or forego

development rights. Similar language is used throughout the document with no acknowledgement that many of these property owners will be denied development rights. We are opposed to the infringement upon those rights.
Page 1-24, Section 30254: Please adopt language that will not result in another 15-20 year process to obtain the permits to open the next Johnston House. There needs to be flexibility for unique projects, particularly for public projects.
Page 1-25, 9.4 c.2. density bonuses: This is the first of many references to density bonuses. Density bonuses will have no value unless there is a modification to parking requirements. TDRs will have no value until and unless the local community embraces density rather than resisting it.
Page 1-32 Lot Retirement: We have raised the issue many times. Lot retirements add to the cost of development, pushing the project cost up, pushing the price up, pushing the comps up community wide. Do not be naïve that this is "free". It is far from free.
Page 1-34, Regional Planning Context: Please adopt strong language to encourage and support the creation of high-paying local jobs for locals. Half Moon Bay and the unincorporated Coastside have undeveloped property in zoning districts that would support small operations. As they develop, there needs to be an effort by the city, the county, the chamber and other organizations to develop those sites for local employees, not reverse commuters, and for high wage jobs.
Page 1-44 Affordable Housing: The CCC needs to approve affordable housing as a priority land use. In addition to affordable projects, the City should encourage and support CCWD in freeing capacity from recycled water and from conservation to provide additional non-priority connections at a cost less than that of the private transfer market. Our members would happily help in that endeavor.

Development
Page2-2, Section 30240 and 30010: One says ESHAs shall be protected and the other that government shall not take. The County is dealing with a group of property owners with the conflict. There are small lots in the city that are ESHAs and in private ownership. Please clarify how the City will resolve this conflict.
Page 2-4 Coastal Zone Priority Uses: The priority uses are primarily tourist in the City. That industry requires lots of employees at lower wages. The city should vigorously assert the right to use all tools available to provide housing for those workers.
Page 2-12 Horticultural Business: Our concern is that property owners have the full use of their property. Since the drafting and release of the document, another established nursery has closed. Horticulture is struggling. The language in the LCP should not be so restrictive that these property owners are denied a reasonable use of their property.
Page 2-18 Heritage Tree Ordinance: Before European settlers, there was no "town forest." There were willows and oaks along the waterways and grasslands everywhere else. Many of the tress that were planted are reaching the end of their life expectancy.
Page 2-21 Complete Policy Compliance: Only allowing flexibility when the LUP provides for an exception will cause unintended consequences. As we move forward with trying to address the shortage of housing, SLR, transportation and other challenges, the LUP needs to support and encourage innovative ideas, projects and processes. This cannot be overly stressed.
Page 2-21 Master Plan Certification: We had expected that the LCP update would simplify the process for the PDs. Requiring CCC approval before local approval will add time and costs to these projects. In addition, we oppose allowing a state agency to determine what a project will be before the local community. This update should give clarity and a path to approval to those property owners. Without it, the City may be in effect rezoning those PDs as permanent open space.
Page 2-23/2-13.a. Non-Residential Growth Management: The Coastside has not developed local, high-paying jobs. The prioritizing of commercial growth in the Town Center should not in any way be used to discourage or impede that job creation in other parts of the city.
Page 2-25/2-29.b. Town Forest: The city's tree canopy should also be compared to historic, pre-European settlement to determine what was native.
Page 2-33, General Policies: The creation of high-paying , local jobs, needs to be a high priority to reduce traffic, retain sales tax leakage, and improve the common weal.
Page 2-45, Development Review in Established Neighborhoods: We strongly support expanding the areas where permitting can be simplified and streamlined, both for the property owners and for staff resources.

Page 2-45/2-70 b. Design Standards: A proportionality ordinance for non-conforming lots was on the books for many years. It was eliminated because it did not have the desired result. Why go back?
Page 2-53/2-91 Provisions for housing affordability: We object to a limitation of 2,000 square feet for single family homes and a requirement that PDs include multiple types of housing. Developers need the flexibility to create a project that will make economic sense and fit in with the City. These requirements at the outset are not in the public interest.
Page 2-73/2-113 Pacific Ridge ADUs: We support allowing ADUs in Pacific Ridge.
Page 2-127/2-133 Dolores Master Plan: A very cursory perusal of the ownership records for the PD, there are more than 60 distinct owners. The update calls for 40 residences, 14 more with density bonuses. We understand the desire of the City to have cohesive plans for these areas. To ignore the rights of the individual property owners in that pursuit, to require they forgo their rights in favor of the larger owners or to forgo their rights entirely, is anathema those who advocate for private property rights. Adoption of this provision will virtually guarantee that this property will not be developed.
Page 2-130/23-135 Development Sequence: At what percentage are each classification at now?
Page 2-131/2-139.a. Agricultural Preservation: Ensure continued viability "shall include" the housing needs of farmworkers.
Page 2-137/2-160 Horticultural Business Protection: We support horticulture but recognizes it is an industry that is threatened. The property owner MUST be allowed an economic return and must be allowed flexibility in their land use.

Public Works
Page 3-1 Tier 3) Non-Priority Uses: Creating jobs is essential to reducing traffic and improving the quality of life. While the language may prioritize other uses generally, any project that will hire locals and/or remove daily car trips must be given priority.
Page 3-3 California Coastal Commission Environmental Justice Policy: We appreciate the irony of the CCC, in 2019, recognizing that "Coastal development should be inclusive for all who work, live and recreate on California's coast", while ignoring its policies have had a large hand in the creation of many of those exclusions. Housing for those who work on the coast and jobs for those who live on the coast are essential and must be supported in the LCP update.
Page 3-8 Town Center: The language calls for increased density in the Town Center. Again, no proposal will be approved without revising the parking ordinances and community sentiment.
Page 3-14 mid-page: The document only foresees and additional net increase of 674 jobs in the next 21 years? The city, county, chamber of commerce, SAMCAR and all other stakeholders should make creation of more local, high-paying jobs for locals a priority.
Page 3-17 Water Supply Allocation: The City should work with CCWD to obtain approval for additional non-priority water connections. Through conservation and reclamation, the capacity is available but constrained due to regulations.
Page 3-21 New Sources: We strongly supports the development of a water recycling facility.
Page 3-22 Recycled Water: We urge the city, CCWD and SAM to develop a recycled water master plan ASAP. The delay in developing such a plan and the current litigation gives impetus to encouraging the city to explore utility consolidation.
Page 3-23 Water Connections; We support the evaluation of water connection requirements.
Page 3-29 Sewer System Performance: We wishe to commend the city for its comprehensive inspection program for I/I detection.
Page 3-35 Converting from Gray to Green Infrastructure: We also commend the city for preparing its first green infrastructure plan. It is unfortunate that it did not happen in 1989. We also hope that the CCC will not declare bioswales as protected habitats as it threatened to do when they were proposed several years ago.
Page 3-42 Communications: Our local members were severely disadvantaged with the recent outages. While the individual brokerages might have gotten credit on their bills, there is no way to compensate for the individual agent's lost productivity. Reliable connectivity is essential to the businesses of Half Moon Bay and the wellbeing of its residents.

Agriculture
Page 4-10 Forestry: We encourages the city to work with RCD and other agencies to ensure the health of our trees. Many are diseased and dying. The proximity increases fire hazards. The native biome was not forested. The city's tree and forest policies should be based on science and sustainability.
Page 4-12/4-6. Farmworker Housing: We support this policy. Those who grow our food should have safe and secure shelter.

Page 4-12/4-9. Economic Feasibility Evaluation: We support the economic feasibility to be a component of ALL land use decisions.
Page 4-13/4-18. Right-to-Farm: If the city is to develop a right-to-farm ordinance, we would like to be involved.
Page 4-14/4-19. Mandatory Disclosure: In ANY arena the city will be adopting mandatory disclosure ordinances, SAMCAR must be involved in the process of developing those disclosures.

Coastal Access and Recreation
General Statement: The CCC mandates that the Coastside be made accessible and attractive to all Californians. At the same time, right or wrong, it limits our road capacity. The two main sources of car trips are tourists and residents. While we can't do much to get visitors and their cars off our highways and streets, reducing the need for our workforce to commute would. The retention of workers in the community would reduce the burden on 1 and 92 and would improve the quality of life for everyone. The city needs to make that a priority.
Page 5-21/5-26. Town Boulevard: We support the idea but only with case studies of similarly constrained communities. Too many good ideas prove to be unworkable or undesirable in real life.
Page 5-22 Bicycle and Pedestrian Coastal Access: We urge the city to work with the county, CUSD and the private schools, to aggressively support and expand safe passage programs. It is striking to note the difference in Hwy 1 travel times when school is in session and not.
Page 5-25 Railroad Right-of-Way Trail: We urge balance in situations such as the extension from Grove to Wavecrest Rd and Smith Field. While there is an ESHA, what are the environmental and social costs of not have a direct access from those two points? Do kids create their own trail that causes more damage? Do younger kids have fewer Smith Field options because they do not have neighborhood access? What is the GHG cost of extra car trips? It may be that no trail is the best option but then, it might be the best option if a wider lens were used in the evaluation. It's a chronic problem with CEQA and ESHAs. Again, flexibility will likely lead to a better result than bans and prohibitions.
Page 5-36 Parking, Transit and Alternate Modes Policies: We encourage a comprehensive and systemic analysis of both downtown and neighborhood parking policies.
Page 5-47/5-83: Recreation is another place where consolidation would make sense and we would support efforts to put all of the Coastside's public recreation under one umbrella. B&G, CUSD and state parks do not recognize the dividing line between the city and the county. Most residents who recreate on the Coastside do it without recognizing the boundary. Efficiency and synergy would increase with the removal of multiple bureaucracies and fiefdoms.
Page 6-77/6-22 ESHA Buffer Zones: Again, we do not support any regulation that will result in a takings. There are still many individually owned properties in Half Moon Bay that are not outside an ESHA buffer. For the sake of those property owners and to minimize future litigation and appeals costs, identify those properties and minimize the impact on those property owners.
Page 6-82/6-40 Pre-Existing Building Sites: What if the property is damaged and cannot meet a 20' setback? What if the property is fine but the owner wants to remodel or add on?
Page 6-89/6-83 Fuel Modification: We ask that the city ensure there is no conflict between this policy and landscape plans, tree replacement and other city regulations.
Page 6-91/6-92 Mitigation: Does the city currently have an offsite mitigation program?
Page 6-91/6-93.e. Trees reduce groundwater recharging and block sun and it's active and passive energy. We urge the city to consult with native plant specialists and local landscapers to develop a list of alternatives that will provide the most benefits while not wasting passive solar energy.
Page 6-93/6-106. Sea Level Rise and ESHA: We strongly urge the City to seek out demonstration projects that have been effective at reducing erosion and other impacts of SLR and then through public and private efforts, implement them on the Coastside. Ocean Colony did such a project several years ago and it has been very successful. Other similar projects should be found and copied.

Coastal Hazards
Page 7-3 "Existing Structures": We take exception to this provision. It will, most likely, be yet another CCC defeat at the hands of PLF. Since Day 1 of the CCC, the policy was that if they permitted it, it had rights. Then, 40+ years it, the CCC decides that it has changed its mind and wants to claw back what it perceives to have lost. As protectors and defenders of private property rights, No. Government does not get to play those kinds of games. Half Moon Bay's LCP was not certified until 1996, 20 years after the Coastal Act. That means that the CCC directly permitted all building in Half Moon

Bay between January 1, 1973 and the date the LCP was certified. Now, it wants to say that those folks only got limited permission? No. We realize this is a state issue and not to be determined by the city but does want the city on notice that this issue will be fought and fought hard.

Page 7-6/7-2. Climate Change Agency Coordination: It has taken nearly 30 years to obtain all of the permissions for the mouth of Pescadero Creek to be opened. It has taken nearly 20 years for everyone to get on board for the harbor to begin dredging. Now, there are issues with eelgrass and a few other hiccups. A non-native mammal is disrupting the Farralons and the preferred removal has very broad negative consequences. We support improving the coordination between these agencies so that paralysis and incompetence does not plague our future. Systems, protocols and strategies need to be developed so that when an issue arises, it can be dealt with promptly.

Page 7-17 Shoreline Protection: We recognize that "managed retreat" is the policy-of-the-day. Our experience with CCC staff in general and with specific LCP updates is that CCC interpretation is, "Retreat as soon as it can be legally managed." Private property rights advocates interpret it as, "Manage until retreat is necessary." This is new territory for government and the citizenry because, for the first time, property owners will be put on notice that they will lose their property, they will not be compensated, and they will be required to pay for its removal. We urge the city to continue to educate the community as to the risks but also to listen to the community when it comes to how these hazards will be addressed. We also urges the city to be stalwart in pushing back against CCC staff when the CCC positions are too restrictive or onerous.

Page 7-22/7-23.e. Shoreline Management Plans emergencies: We urge current and future staff to not assume that violations are meant to thwart city or CCC policies. SAMCAR members have horror stories of adjacent property owners cutting down trees, digging trenches, on their own and nearby properties, and a host of other actions during emergencies and then facing legal penalties. Most had no intention (a few have been opportunists for sure) other than protecting themselves or their property. Many people who have been very conversant in land use regulations have had difficulty wending through the regs. If violations occur, use SAMCAR to help mediate.

Page 7-22/7-25. Protection for Critical Facilities: An issue SAMCAR has had with the CCC and the Residential Adaptation Policy Guidance (RAPG) is that it has developed guidelines for residential property and proposed adopting those prior to the commercial and the public works. This policy allows shoreline protection for the SAM plant. Presumably those protections would extend beyond the 400-500' of shoreline the plant sits on. What does this policy mean to the property owners on Pilarcitos? If one of them wanted to do an addition that needed protection and the protection was going to be developed down the road for the plant, would they be allowed to do the addition?

Page 7-22/7-26. Protection for Existing Structures: Again, to reinforce, the CCC is reneging on decades of policy. We have the strongest opposition possible to this wholesale revocation of property rights. In addition, as the unknown impacts of climate change and SLR become known, creative, new, innovative approaches to solving the resulting problems need to have as free a path as possible. Regulations need to be flexible enough that the next great idea doesn't get quashed before having a chance to save the world.

Page 7-23/7-28. Again, SAMCAR, in the strongest possible language, opposes waiving all rights.

Page 7-26 Green Infrastructure: We support the Green Infrastructure Plan being developed on a fast track.

Page 7-32/7-48 Flood Hazard Policies Real Estate Disclosure: When any new real estate disclosure will be required, SAMCAR would like to be involved in the development.

Page 7-33/7-52. Citywide Drainage Master Plan: We support the plan and encourages coordination with the county to do the same for the unincorporated area.

Page 7-44/7-77: We encourage and support agencies clarifying and eliminating competing and conflicting regulations.

Page 7-55/7-89 and 7-90: We recognizes property owners will be assuming risks and that disclosures will be required. We request the opportunity to be involved in the development of both.

Page 7-55/7-91: Remove the reference to pre-Coastal Act.

Page 7-55/7-92: Eliminate the word prohibit and replace with a provision for limiting or denying on a case by case basis. A building may have a 20 year life expectancy. If the property owner is willing to forego the ability to access public insurance, to engineer so that the hazard is not increased, and holds harmless, what interest does the state have in not allowing 20 years use of that improvement on her/his property?

Page 7-56/7-94 Redevelopment Standards: This language would seem to be overly restrictive when the impacts of SLR and climate change are yet unknown. Again, case by case.

Page 7-56/7-96. Managed Retreat: This provision will require policies and protocols to insure that individual's property rights are not unnecessarily proscribed. SAMCAR's interest is in protecting the private property rights for a s long as is possible.
Page 7-57/7-103. Acquisition and Buyout Programs: Who will decide that Property Owner A must remove her building at her cost while Property Owner B is bought out?

Scenic and Visual Resources
Page 9-27/9-26 Site Planning and Design for New Development: We strongly urge that solar, passive and active, be a primary measure. Garages should NEVER be on the south or west side of the property, usually the warmest and brightest part of the structure. 2020 all new construction will need to be solar. Making where the sun is a part of the design of the structure will have far more benefit, both to the resident and the community by way of reduced energy costs, than almost any other design requirement. It is shocking in 2019 that the requirement has been absent.
Page 9-28/9-34 Historic Jail and San Mateo County Garage: To codify that there will be a view corridor across property owned by the city, on a major corner, seems to hamstring future generations. There may be an option to use that "view" in a way that is more relevant, desirable or necessary to future residents.

Gina Zari
GOVERNMENT AFFAIRS DIRECTOR
(650) 696-8209 | gina@samcar.org
850 Woodside Way, San Mateo, California 94401
www.samcar.org | www.facebook.com/samcar.fans

SAMCAR SAN MATEO COUNTY ASSOCIATION of REALTORS®

Comments re: Half Moon Bay Coastal Hazards Chapter
By: Helen Wolter, Committee for Green Foothills
February 12, 2019

General Comments: The overall tone of the narrative concerning climate change seems to minimize the potential impact. With the USGS's report citing "Up to 2/3 of beaches [will be] completely eroded by 2100 (SLR and urbanized coast effects) • Cliffs will erode up to 3 times faster than present" (http://asbpa.org/wpv2/wp-content/uploads/2018/11/1.Hoover_Dan.pdf) CGF recommends stronger language be incorporated into the narrative to give readers a better sense of the potential hazards from climate change.

Additionally, we recommend some sort of discussion concerning the public's potential liability in the face of climate change. In *Jordan v. St. Johns County*, (*Jordan*, 63, So. 3rd at 838) a Florida court explained that after establishing and undertaking to maintain roads dedicated to public use, a local government must provide a reasonable level of maintenance that afford meaningful access to adjacent property. Failure to reasonably maintain the road thereby cutting off meaningful access to real property constituted an inverse condemnation.

While it is not clear the amount of property that would be impacted in Half Moon Bay, some sort of mention around potential liability may be useful in future conversations around allowable development.

Specific Comments:
Page 7-6 and page 7-44
Again, the conversation around sea level rise is very general. The current draft's language and criteria are not clear about the sea level rise baseline, and projected amounts of erosion. Respectfully CGF suggests that the criteria utilized be clearly stated. For example – this is the criteria that is utilized in the San Mateo County Sea Level Rise Vulnerability Assessment:

BASELINE SCENARIO	1% annual chance flood (present-day extreme flood also known as 100 year flood)
MID-LEVEL SCENARIO	1% annual chance flood + 3.3 feet of sea level rise
HIGH-END SCENARIO	1% annual chance flood + 6.6 feet of sea level rise
COASTAL EROSION	The projected extent of coastal erosion expected with 4.6 feet of sea level rise

We recommend similar criteria be used and stated in the sea level rise section.

Page 7-44
Projections
As I mentioned in my public comments at the December Planning Commission study session, Table 2-1 Sea Level Rise Projections is outdated. CGF recommends using the State of California Sea Level Rise Guidance 2018 version for projected levels of sea level rise. The draft projections are much lower than current projections.

Page 7-44/45
Impacts
As erosion is known to be erratic, we recommend clarifying the possible amount of erosion that could be seen – and explaining the process of erosion and its uncertainty. As erosion is unpredictable, as is sea level rise, the combination of the two make for challenging planning. Under the Erosion section on page 7-51, the draft's language explains the issues around erosion, and the challenges around trying to predict erosion amounts. We believe that a similar discussion under Impacts would make that section stronger.

We are mentioning this as it is our understanding that the erosion seen in Pacifica was two times the projected amount – by explaining the ambiguity up front, it will assist with future planning.

Page 7-49
Figure 7-9
Sea Level Rise Erosion Impacts
We are concerned by this map, as this map's large scale does not fully tell the story of the potential erosion. CGF suggest smaller scale maps so that the amount of erosion can be more fully understood by the public. Some of the maps from the HMB Sea Level Rise Vulnerability Assessment would be useful to incorporate into the LCP Hazards chapter so that the issue is better illustrated.

Brittney Cozzolino

From: planhmb
Sent: Monday, September 9, 2019 11:52 AM
To: Brittney Cozzolino
Subject: FW: Land Use Plan question

-----Original Message-----
From: Janice Solimeno <jasolimeno@darwingardens.com>
Sent: Thursday, September 5, 2019 5:35 PM
To: planhmb <planhmb@hmbcity.com>
Subject: Land Use Plan question

Hello -
Is there a summary document, or better still a map/image, illustrating the changes? I scanned the 45 page document but just found lots of descriptive text of what is, not what changes are proposed. If there is a summary section of proposed changes I would love to be pointed to it

Also, what document or commission or committee would I deliver feedback regarding feedback about the maximum allowed number of stories for buildings in the downtown area? For example, as far as I've noticed in the last 29 years, there is only one small clump of 3-story buildings tucked down a side street that doesn't really impact any view corridors or affect the feel of the downtown area (some of the Senior housing)...although one could argue the new library - beautiful by the way - is equivalent to a 3-story building). I am VERY concerned about the proposed hotel for the entrance to our historic town at the south end, across from the fire station. 3-stories is completely out of character for the area, there is an apartment complex right there with lots of little kids and I'm concerned out of town visitor behavior will be even less considerate than what already happens, there's also a large student program at the theater across the street I'd hate to see impacted by a large hotel across the street, and finally - the design is ugly. I looked at many many of the proposed brand of the hotel current buildings and it confirms the designs I've seen would have an ugly design completely out of place for out town. I would like to make sure this input gets to the correct people so if you could advise on that I would appreciate it.

Thank you,
Janice Solimeno
HMB Resident

San Mateo Land Exchange
Post Office Box 764
Kentfield, California 94914-0764

CITY OF HALF MOON BAY
SEP 13 2019
RECEIVED

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

September 11, 2019

Comments - Local Coastal Land Use Plan – Draft Comments

Dear Ms. Ekas,

Thank you for the opportunity to comment on this document. You, your staff, the Planning Commission and City Council have put a lot of effort and resources into the updating of the General Plan and Local Coastal Land Use Plan. As a concerned landowner I have attended a majority of the General Plan update meetings over the past 5 years and voiced support for a comprehensive plan that provides appropriate uses for private properties and protection of coastal resources within Half Moon Bay.

Two specific areas of the proposed plan impact our significant landholdings: Wavecrest North PUD policies and changes in ESHA requirements. These policies will have a direct impact on our property located adjacent to Redondo Beach Road. Our family has owned property in this area for decades. My father was very active in proposing suitable and desirable land uses for this area prior to the adoption of the original Half Moon Bay Local Coastal Plan. Our continued interest is in developing the property for commercial recreation purposes to provide coastal experiences for visitors to our area or residential uses if that is more acceptable to the City.

The questions and comments below have the page or policy reference.

Chapter 1: Introduction and Framework

Page 1-9

How are the General Plan policies referenced in the LCLUP? Doesn't the General Plan prevail and the LCLUP must be consistent with that document? Doesn't the Coastal Commission need to approve the General Plan update first prior to adoption on the LCLUP? The diagram on page 1-13 still doesn't explain what and where the updated General Plan is unless it is only the Housing Element?

Will the City undertake any Planned Development Master Plans in the Implementation Plan phase to answer questions regarding how development can proceed in those areas?

What happens if State General Plan laws change? Will Half Moon Bay have to amend the LCLUP document? Does that put the City and landowners in jeopardy of lawsuits if LCLUP and General Plan found inconsistent?

Page 1-32 Lot Retirement

Lot retirement for residential developments that are consistent with all the development and density standards is not the appropriate method to reduce traffic impacts. This is and should be done in a separate condition of approval. This makes creation of non-subsidized affordable housing impossible.

Chapter 2: Development

We have a general concern regarding the treatment of Planned Development in the document. It seems like this level of effort to update the General Plan and Local Coastal Plan would have resulted in more definitive answers for landowners. It is difficult to know the exact impact of the policies and the type of permits required since that will not be addressed until the Implementation Plan (page 2-16).

Page 2-21 / Policy 2.2 Complete Policy Compliance

This policy seems overly restrictive since all Land Use Plans are in need of updating and refinement. There could be public projects that are necessary but not totally compliant and this policy could add years and high costs to public projects.

Page 2-21 / Policy 2.7 Master Plan Certification

This policy puts a large burden on the individual landowner or group of landowners with property within a PD. Going before the California Coastal Commission for approval of a Master Plan is very time consuming and costly. It is unfortunate that a future certified plan policy would not allow appropriate development consistent with an approved Local Coastal Plan to proceed without having to obtain additional Coastal Commission approval.

Page 2-23 / Policy 2-16 Development Intensity Reductions

This policy, while well intended, does not provide any assurance that any specific property could be developed for the proposed use under the LCLUP. It is difficult as a landowner to pay taxes and insurance on property and not have a clear understanding of the amount or type of use that will be allowed under this updated LCLUP.

Page 2-24 / Policy 2-18 Transfer of Development Rights

Would TDRs be allowed to transfer density from PUD to downtown area? Has the environmental document for the LCLUP anticipated the potential additional density in the downtown area?

Page 2-24 / Policy 2-23 Fiscally Sustainable Development

Does this mean that individual projects may have to fund sewer plant upgrades or major road improvements?

Page 2-27 / Policy 2-38 Diversity of Commercial Land Uses

Our property adjacent to Redondo Beach Road could provide additional, diverse commercial recreational opportunities to the community and visitors and would be consistent with this policy.

Page 2-27 Town Center

A vibrant downtown is a strong goal for the City, however additional points of interest especially coastal related land uses should be considered.

Page 2-48 PD Planning Approach

Please spell out exactly how the two – step application process would work for PD properties?

Page 2-50 / Policy 2-78 Comprehensive Master Planning

This policy 2-78.c continues to put an undue burden on individual property owners to have prepared a Master Plan for the entire area since the City has yet to prepare them for the PDs. There are issues of equity for individual landowners given the differences of specific parcel(s) within any given PD. The City and this LCLUP should have a roadmap of how individual landowners retain use and value for their property in the Master Plan process.

Page 2-53 / Policy 2-87 Planned Development Net Land Area

How will ESHA designate properties with a PD be valued? How will landowners With ESHA designated properties be compensated?

Page 2-53 / Policy 2-89 Planned Development Base Commercial Intensity

How will any landowner understand the level of development allowed until the Master Plan is completed? What will the commercial development intensity be for North Wavecrest?

Page 2-53 / Policy 2-91 Provisions for Affordable Housing

The Planned Development Net Land Area policy can substantially reduce the amount of usable area in any PD. The additional requirement for affordable housing could be unobtainable since there needs to be a reasonable incentive and return for any private development project.

Page 2-54 / Policy 2-95 Open Space in Planned Development

Is there an additional open space for public neighborhood park requirement for commercial recreational projects?

Page 2-122 / Policy 2-132 North Wavecrest Master Plan

Will any commercial recreational use be allowed adjacent to Redondo Beach Road? This policy is short sighted not to provide for visitors to the beach in this area. What land uses are allowed for properties west of Park Avenue?

Page 2-123 / Policy 2-132 North Wavecrest Master Plan

How is the setback requirement from 100 foot setback from Redondo Beach Road not a taking? Most lots are approximately 100' deep. How will landowners be compensated for providing the view setback?

Chapter 5. Coastal Access and Recreation

I appreciate that the City has listened to too numerous comments regarding the retention of Redondo Beach Road as a Coastal Assess Route. (Figure 5-1). This has been historically used as an access point to the beach and should continue to be open to public. Our vision for our family property is to enhance the coastal opportunities and related services adjacent to Redondo Beach Road and hope that the proposed new policies will not thwart that aim

Page 5-7 North Wavecrest

We are supportive of a plan for a new vertical access point and upgrades to Redondo Beach Road for coastal access and other approved uses.

Page 5-50 / Policy 5-104 No-Cost and Lower-Cost Visitor-Serving Commercial Uses

How can a private landowner provide No-Cost or Lower-Cost Visitor- Serving Commercial uses? Shouldn't there be a percentage of market rate use that can support the sub-market cost goal similar to affordable housing provisions?

Page 5-50 / Policy 5-112 Location of Commercial Recreation

Additional commercial land uses should be allowed on Redondo Beach Road. This policy is in conflict with the objectives stated in the North Wavecrest table on Page 2-117.

Chapter 6: Natural Resources

Per Figure 6-1, the bulk of the habitat type for our property is Non-native grassland. Table 6-3 indicates that Non-native Annual Grassland could be considered ESHA. Who makes that final decision? Can a landowner submit a biological resource assessment of their property prior to that determination? Will there be any amendments to the ESHA maps before submittal to the Coastal Commission? What will be the development setback from a Costal Freshwater Marsh?

Page 6-64 CRLT Upland Habitat

What portion of North Wavecrest has been identified as CRLT Upland Habitat?

Page 6-69 Conservation and Restoration

How will landowners be compensated for lot retirement in North Wavecrest?

Page 6-72 Land Use Plan Framework

Sensitive species and habitats life requirements change all the time. It seems unreasonable and unwise to include the ESHA maps in the LCLUP since any changes to the ESHA maps require a LCLUP amendment. Please consider an alternative that would require studies of vacant land and allow landowners to obtain site specific information on the status of any ESHA on their individual parcels.

Page 6-75 / Policy 6-11 ESHA Mapping

What is the annual budgeting cost of the updating ESHA mapping policy?

Page 6-81 / Policy 6-38 Riparian Corridor Buffers

Can you please identify the location of the Wavecrest Arroyo?

Page 6-85 / Policy 6-59 Performance Standards in Sea Cliff/Bluff Areas

Is the Sea Bluff area considered 300' from the bluff? Will any uses other than public trails be allowed? How will private landowners be compensated for no use of their property?

Page 6-93 / Policy 6-101 and 6-103

We are supportive of programs and organizations that can acquire private land for conservation to meet the goals of the LCLUP. It is only fair that property owners be compensated for lands that have been identified for protection and that will have no other utility for the landowner(s).

Chapter 7: Coastal Hazards

Page 7-19 / Policy 7-14 Development near Beachfront

Is the life expectancy for development 100 years or 150 years? It is important to know what standard will apply for the analysis.

Page 7-20 / Policy 7-17 Site Stability Evaluation

Is the life expectancy for development 100 years or 150 years? It is important to know what standard will apply for the analysis.

Chapter 9: Scenic and Visual Resources

Page 9-6 Recreational Areas

Parking lots are a necessary site feature to access the public beaches.

Appendix B

Page B-3 / Table B-1 Residential Buildout Potential

How will the City equitably divide the 141 – 192 residential units for North Wavecrest? How will the landowners without any land uses allowed on their parcels be compensated? How can affordable housing be created in the North Wavecrest area when this proposed plan reduces the allowed housing numbers by 708 homes?

Page B-7 / Table B-5 General Commercial & Visitor Serving

This table indicates only 15,000 square feet of potential additional General Commercial and/ or Visitor-Serving Commercial. This is woefully deficient to address the needs of the public and to allow utilization of property adjacent to Redondo Beach Road. How was a maximum commercial square footage determined for this area when neither the Master Plan nor an analysis of the potential benefits from new development has been completed? This policy forces landowners in North Wavecrest to propose residential development on the west side of Highway One which is not always viewed in favor by the Coastal Commission.

Very truly yours,

John T. Callan, President
San Mateo Land Exchange

Brittney Cozzolino

From: Juliette Applewhite <jbapplewhite@gmail.com>
Sent: Thursday, September 5, 2019 4:58 PM
To: planhmb; Brittney Cozzolino
Subject: draft land use

Hello, I live in a neighborhood with at least 3 airbnb's. I understand that this may be an easy way for home owners to make some money, but the effects to our neighborhood is 9/10 unfortunate. We need guidelines and quite frankly monitoring, which I don't see HMB being able to maintain. I think short term rentals are a HUGE mistake ! Whatever regulations you decide, you need to be able to oversee the actions of the owners as well as their tenants. I think a 30 day minimum is a REALLY good start !

All the best, Juliette Applewhite
400 Roosevelt Blvd.
HMB

PC 11/27/2018

Branscomb Farm, LLC
PO Box 908
Half Moon Bay, CA 94019
650-560-9650

MEMORANDUM

November 27, 2018

TO: **Planning Director Jill Ekas and Planning Commission and City Council, City of Half Moon Bay**

FROM: **K.C. Branscomb, Owner, Branscomb Farm**

RE: **Detailed Comments on Proposed LCP 6 (Natural Resources)**

Dear representatives of our community:

I own five adjacent properties representing just over 74 acres in the Urban Reserve Zone within the current urban boundary of the city of Half Moon Bay (38 A,B,C, 600, 700, 780, and 800 Frenchmans Creek Road). These properties contain the barns, shelters, fields, arenas, and six residential units associated with my business Branscomb Farm LLC which operates as an equine breeding and young horse training center for the region as well as a field clinical breeding facility for the VMTH of UC Davis. We provide a variety of equine-related services including breeding, embryo harvesting, stallion freezing, foaling, pasture raising, young horse training, and broodmare retirement services. I am writing to express both my sincere appreciation and my deep concerns with respect to the draft materials for revising the current LCP presented at the October public hearing of the PC which I attended and for which one chapter is the subject for tonight. Thank you for allowing me to review the documents in detail as offered at that meeting.

General Observations (not specific to only to this section):

- The characterization of the economic viability of agricultural uses of HMB land "remained substantially unchanged" since 1985 is, in my opinion, inaccurate and misleading. I am convinced the majority of larger parcels within the town which had historically provided basic living income as open field agricultural operations, now rely almost exclusively on a combination of retail distribution of outside originated produce, visitor-serving recreation, and distribution operations. This could be confirmed by a simple survey of irrigated and non-irrigated acre lease rates and/or Cal state Ag Survey returns for larger rural use properties within Urban Reserve (eg. Podesta, Fiorina/Santos, Acevedo, Andriotti, Branscomb). With respect to my own Urban Reserve 74 acres, the loss of economic viability of open field agriculture was not only recognized back in 1983 when the town encouraged my predecessor the EW McLellan & Company to remove the land from the protection of the Williamson Act in anticipation of urban development within 20 years (it takes 10 years to leave Williamson), it is a demonstrable fact. The type of struggle I experienced in gaining a use permit for

a related low density open-field related use in horse breeding, veterinary services, and equestrian services is testimony to a conflicted set of interests that leave the larger rural parcels and long time family farm owners caught in the squeeze. The requirements for biological reporting and monitoring, fire safety regulations, urban/rural boundary concerns, limitations on water use and access to available utilities as well as what I believe is an excessively expensive and time consuming permitting process heavily depleted my financial resources and have been a challenge to the sustainability of my fragile business.

- While well intended, the Natural Resources policies in general fail, in my opinion to adequately recognize the realities of soil, vegetation, and animal life management on larger commercial agriculture and agriculture-related open field properties. You can not legislate "open space" simply by hoping that an actively managed grass paddock, or cultivated field for well over 3 decades can be designated a riparian habitat, ESHA, or possible ESHA thereby entangling the property owner with a host of additional regulatory restrictions and expense associated with its use. I am all for being a responsible custodian of land AND I believe that the last decade or more I have largely demonstrated that. A balanced and just LCP should require that prior to any designation or mapping of either riparian or ESHA related restrictions, the land-owner should be offered a) prior notice; b) evidence by way of a physical site assessment by a qualified city biologist that the endangered species or plant is present or has been seen in the past 5 years; and c) an appropriate appeals process by which additional or counter-dicting biological evidence can be provided. The idea that the only way to have your property remapped from an and inappropriate and unsubstantiated ESHA designation is to amend the LCP and have that new LCP certified by the Coastal Commission is grossly unfair and frankly misleading as to the even the remote possibility of that for a regular citizen of normal financial means.
- The Urban Reserve land use category and zone has been the albatross around the neck of city planning and the town of HMB for more than 33 years. It was a bad idea then. It is still a bad idea and as one but only one Urban Reserve zone property owner, I am fully supportive of some resolution and recasting of the purpose and use of my lands away from any entitlement towards dense urban residential development which is exactly what the Zone was unquestionably created for and owners promised back in 1983-5. The current LCP description of the purpose of the Zone is and the density of future residential development that would be allowable there is spelled out in Chapter 9 and detailed in Table 9.1 in the current LCP. That is an undeniable fact. And there are numerous letters, hearing notes, and testimonies in and around the creation of the Sea Haven subdivision and the 1983/5 LCP that demonstrate the city's interest to delay but not deny comparable development on the surrounding lands. Indeed both streets, curbs, utilities of the time, and recommendations regarding Williamson withdrawal also point to that intent. I do recognize that that was then ,and this is now and the world has changed. I have no interest beyond continuing to support my clients, pay my employees, and operate the farm within a rural land use character that respects the natural resources of the land and derives from it a level of income that adequately maintains the property, covers my taxes, and allows for modest ongoing economic growth; but this plan doesn't appear to afford that. To keep these larger properties in largely open rural uses, you have to allow us the flexibility to adapt our businesses to changing conditions and times. We need the ability to make a living if we work hard and take care of our employees. This plan, well intended though it might be, seems to me to be embarking on a slippery slope to down-zoning and driving already economically fragile rural land use and open field ag-related business under water. The 180

requirements? Frenchmans Creek road itself appears to be in the riparian corridor under this definition in several sections – would we be restricted from improving and maintaining this road?

- Table 6-4 (page 6-68) Does my 7.5 acre ft impoundment qualify under Man-made agricultural impoundments or not? If not, why not?

Page 6-73 through 6-95 BIOLOGICAL RESOURCES POLICIES

POLICY 6-

2. Please clarify "resource-dependent uses"

4. Is there a statute of limitations or time period before which land uses within a currently designated ESHA area are grandfathered in? For example, the proposed ESHA area on my own property against the hills was regularly cleared, cultivated, planted, and harvested for decades long before I purchase it 15 years ago. There are photographs of the entire area cleared back in the 70's and there is a long-standing perimeter road that I am told has been there since the late 1920's. I'm I to be held liable for the actions of others long dead?

11. It is unclear if the process of appealing and/or ultimately removing an ESHA designation as provide for in 6-14 and 6-17 is actually made impossible by the following language " Revisions to ESHA maps shall be treated as LCP amendments and certified by the Coastal Commission". If we haven't been able to amend our LCP since 1985, what's the likelihood anyone could have their property undesignated or boundaries redrawn regardless of the reason or justice of it. The last sentence in that policy is not understandable by me. What is the implication of that statement?

38. This policy might need to reference 39 and 40 or explicitly state an exception for pre-existing permitted development as well as long time grandfathered commercial uses (eg. Grazing or cultivation) within the riparian corridor or buffer zone.

72. I would strongly encourage the PC to establish a livestock or equestrian committee within the town to address minimum stabling, manure management, pasture management, and trail safety rather than try to legislate a specific solution absent knowledgeable input. San Mateo County Horsemens Association or Woodside Horse Owners Association are examples of effective, self-regulating bodies that make sure horses and the environment are mutually beneficial.

83. The issue of wildfire fuel in so-called ESHA for low density developed larger properties is a serious problem and one that creates conflict between two opposing legitimate public interests. This policy 83 is a classic example of writing a "cake and eat it too" expression that leaves the property owner confused and caught in an impossible situation – for a home in an supposed ESHA area, how can anyone comply with the fire safety requirements to clear brush, branches, and dry wood within 100 feet of a WUI residence or building and at the same time, not impact visual resources, and cut any trees or clear any possible wood or brush? What is there that is actually in between and WHO makes the decision between CalFire and the Town over what is and isn't needed. I have been in the middle of that and it is like whack a mole – trying to find common ground.

91. Can you clarify if this means that for five years, someone is actually going to come see if the seeded pasture around the home is still growing? Does it mean that after complying with CalFire we

have to replant the very bushes and scrub they asked to be removed? And will the city provide the water to irrigate it if they aren't sure it is growing fast enough? This policy is confusing at best.

94. Who pays for this five years of monitoring? The property owner or the city? Have you considered the economic impact on the farm owner?

102. Please clarify the specific intent and resources available. Basically, if you want someone's private land –to look at and enjoy as open space or a park, I respectfully submit that the usual way is to just raise some public money and go buy it. This policy reads like an explicit license to "take" property rights with a "whatever works" approach. Is that really what you intended? Do you have the money from POST or city funds to pay even modest compensation to the landowner whose lands you are taking for such public use?

Thank you for taking the time to read this set of comments on your proposed new LCP sections 6. I hope you will afford me at least the time and thought that I have afforded you in really trying to engage constructively in your process. Recognize that unlike staff, I have no compensation for this work and the biological and soils studies and analyses that will be required to respond appropriately to your maps and designations will tax my already diminished personal resources. You are running a set of hearings during the holiday season and on what appears to be a pretty fast schedule. For something that has not been revised for 30+ years, I'm not sure why the rush to push something through so quickly at this point. I would hope some compassion and common sense would prevail and a reasonable set of redrafts would be offered prior to going back to planning commission or moving onto council.

KC Branscomb

Kc Branscomb, Owner

Branscomb Farm LLC

780 Frenchmans Creek Road

Half Moon Bay, CA 94019

650-560-9650 (office)

Branscomb Farm, LLC
PO Box 908 Half Moon Bay, CA 94019
650-560-9650

MEMORANDUM

September 12, 2019

TO: **Planning Director Jill Ekas and Planning Commission, City of Half Moon Bay**

FROM: **K.C. Branscomb, Owner, Branscomb Farms LLC (5 parcels, 74.5 acres in Urban Reserve Zone)**

RE: **Summary Comments on Proposed LCP Draft**

Dear representatives of our community:

Thank you for allowing me to review the documents offered to members of the public and, in advance, for your thoughtful and compassionate consideration of my input.

High level summary (most important) comments: Fairness and implicit "taking" of the Urban Reserve private lands without due process or proper accommodation for the reduction in use/value:

Having followed this process (and its predecessor in 2005-7) as carefully as a busy proprietor of a local ag-related business can, I am impressed with the quality and diligence of the staff in trying to blend the various competing interests and perspectives within the town to come up with a fair plan to serve all. I know that Jill Ekas in particular has made every effort to build a bridge to the farm owners in the Urban Reserve within the town and agribusiness interests generally and that many of the Planning Commissioners appear to be open to understanding the needs and rights of these small handful of property owners who in a large part give the town what remains of its rural character. I am particularly thrilled to discover the clarification of permitted uses in the Urban Reserve in Chapter 2 – 141 through 144.

And if that was all you were doing to the Urban Reserve I would be happy. But as good as the LCP is otherwise, I believe the plan as it stands still remains specifically unfair to the unfortunate small group of owners of properties zoned Urban Reserve. I'd like to make the case that what you are proposing to do by eliminating any reference to the numerical allotments of future residential density potential (as defined in Table 9.1 of the current LUP/LCP and its precedents dating back to the 1983 LCP) that the city is effectively engaging in downzoning without appropriate due process or an exchange of commensurate value or opportunity for economically viable land use. I may be misunderstanding but In numerical terms, if I read it correctly (ref. p. 186 of Ch 9 Table 9.1 of current plan) this Zone has gone from a maximum stated potential of 2,650 units(upon creation of the Zone with the 1983 SCP) to 1,077 (1996 amendment) to 3? (Appendix B representation of potential buildout for the entire Zone?). Has any other Zone within the city seen such a dramatic targeted decline in potential? For my parcels ("lands surrounding Sea Haven") the current LCP Tabl2 9.1 indicates a potential capacity of 650 units. Would I have 0 now?

In my understanding, the history of the Urban Reserve is that as the economics of open field agriculture deteriorated and more and more farmland was converted to subdivisions (like Sea Haven or Frenchmans Creek both directly adjacent to me) a group of land holders were specifically encouraged to take their properties out of Williamson Act in anticipation of future residential development. They were asked to maintain their properties in agricultural or open field uses as long as possible in return for the codified expectation that in "phased" development they would be rewarded with priority residential development units documented in Table 9.1 in a roughly 20 year planning horizon. WIliamson Act contracts were cancelled in anticipation of the towns support for subdivision or PUD down the road. Property owners were effectively encouraged to forego other potential construction and investment in alternative land uses (greenhouses for example) in anticipation of future residential development to keep their property values in line with the increase in value of neighboring acreage. That is the legacy explained to me by my predecessors in ownership, EW McLellan and Company and is consistent with the LUP in place today.

I do understand that that was then and this is now. I understand that population patterns and city services make the timeframe for conversion further out than was originally anticipated. But at least, (and this is really what I am after), make MEANINGFUL adjustments to the land use and construction and environmental regulatory constraints on our ability in Urban Reserve to make our businesses successful on these properties in the absence of residential development potential. Allow the uses in 2-141 and facilities in 142 to be given fast track regulatory permission by exempting from CDP's the permits for barns, visitor serving or ag-related education facilities, on-farm employee housing, temporary trailer or mobile home parking and allow us to upgrade or maintain or expand our existing non-conforming agriculture related uses in scenic corridors or existing riparian buffer zones without challenge. And allow us the land and water management practices (including replacing existing ag wells when needed) we need for these businesses to survive and grow reasonably. To completely take away the stated and intended carrot of potential residential development in some kind of priority status <u>OR</u> to force property owners to "volunteer" to place their properties in <u>permanent</u> conservation easements or Williamson Act covenants (if even eligible anymore) in order to avail themselves of what modest agricultural support policies are envisioned in the new draft plan seems unfair. Is the intent that we could only undertake the uses in 2-141-144 IF we accept the permanent easement or WA declaration. I'm still confused about that?

With the documented disappearance of traditional open field agriculture due to farm labor shortages, constraints on local water supply, foreign competition, and incompatibility with adjacent urban land uses, economic viability of rural/agriculture type commercial uses and preservation of prime soils consistent with the towns desires should not require property owners to accept permanent conservation easements or taking off the table entirely the opportunity for future value realization through residential development. The town has been planning for and promising these properties a path out of "reserve" for 40 years.

If it is your intent to forcing "agriculture or agriculture-related" business owners in Urban Reserve to accept losing their stated residential development potential and a "permanent conservation easement or Williamson Act covenant" is more than just going back on a promise – it's really changing the rules on the very community of property owners who, if history is looked at honestly, made significant sacrifices to try to support orderly growth in the town. At a minimum I would think you would at least offer an exchange of TDR credits for reducing the total residential potential by such a large amount.

Please reconsider this and come to a more meaningful accommodation within the current Urban Reserve Zone if you plan to make such a drastic downsizing of the potential residential development value of these properties. Or at least make the Urban Reserve uses clarifications in 141-144 not contingent on any permanent easement and allow the Agriculture land use designation and benefits to accrue to the Urban Reserve Zone (without requiring a change in Zoning or a permanent covenant of any kind) It should be determined by the business operations being legitimate ag or ag-related uses.

Otherwise these are my comments – best as I could do in the time-with the specific policies.

CHAPTER 2 DEVELOPMENT:

Policy 2 – X

3. Add "grazing operations, horse breeding, and on-farm labor housing (different than affordable housing) to Priority uses

8. including development of structures required for agriculture inclusive of horse breeding, livestock grazing operations, and recreational uses within the Urban Reserve

13. Sub para (a) should include " except for agriculture, Horticulture, or uses ancillary to agriculture...."

18. And as a positive incentive for Urban Reserve parcels to voluntarily redesignate as Agriculture or enter Williamson Act contracts where feasible. Urban Reserve parcels would be provided TDR's equal to 50% of the current designated maximum residential density in Table 9.1 of the 1996 LUP.

19. Establish a positive incentive (TDR's for example) for contiguous parcels in Urban Reserve to be combined to create larger viable parcels to support agriculture and related uses.

27. Can you really legislate that a property owner should keep their property as "open space" indefinately? Maybe say something about encourage public non-profits or public resources to purchase conservation easements or buy land to preserve "Heritage" open-space...

76. Does UR Residential Overlay units adjacent to existing neighborhoods needs to be included here to allow temporary housing for riding interns or University students taking education programs at the Farm be allowed to stay there? Could UR housing be included in the meantime -

135. Doesn't requiring a Land Use Plan amendment (hasn't happened in the last 20+ years) for Urban Reserve to be able to apply for PD Designation represent a "taking"? Is that actually legal? (I really don't know)

136. So does this leave open the door for Urban Reserve owners to accept Agriculture land use designation and NOT have to make a permanent conservation covenant or Williamson declaration?

138. So that makes all my lots but one instantly non-conforming? Is that fair?

139 (b) Can we have some language that encompasses barns, equestrian operations, grazing operations, and uses associated with?

141. Actually this works pretty well for me. THANK YOU! It would help if in (d) you could replace "research" with "clinical" – same concept but more accurate. Clinical encompasses veterinary procedures requiring laboratory equipment or sterile conditions but does not necessarily produce new science. Just to be clear.

142. Can you include "temporary stabling" and "veterinary clinics or laboratories"

143. YEAH!!!j

144. Can we identify the 1 acre before the plan is approved? I would also be happy if for contiguous parcels if the 1 acre could be expanded by the amount of a fraction of 50 acres the remaining parcels represented if the owner was willing to do a parcel consolidation (ie. make one 75 acre parcel for 1.5 acres and 15 units) instead of keeping the parcels separate and having 1 10 unit acre. Also, Any chance (in case there is no suitable location that isn't either a visual, prime soil, ESHA, or other restricted area) that you could put similar language like in 162 for Horticulture land use designation that absent an overlay the maximum residential build out is 1 house per 5 acres or something like that? That would go a long way to making me feel comfortable.... Also, can you clarify if this overlay is STILL available if the conservation easement or Williamson Act covenant is NOT entered into?

CHAPTER 3 PUBLIC WORKS:

BY Policy 3 – x

4. Make Agriculture or uses ancillary to agriculture at Tier 1 or 2 use explicitly including Farm labor housing.

6. Retain the existing language "except for parcel designated Urban Reserve".... From LUP Policy 9-4. Your Policy 3-8 already limits provision of services to anything except agriculture and recreation...

8. "and uses anciliary to agriculture" or include grazing operations and horse breeding in the definitions

14. Include in "affordable housing" Tier 2 on-farm employee housing. (not required to be available to the public)

21. Either explicitly include field grazing operations OR include them in the definition of Horticulture

35. Is in conflict with 32 which allows existing septic systems to be maintained. There are existing operating septic systems located in riparian corridors that should be exempted from Policy 35 or delete the word "existing" from the first sentence. G. is unacceptable if that is the only source of waste treatment for an existing home and there are no alternative locations for the septic field.

CHAPTER 4 AGRICULTURE:

I believe the majority of larger open field parcels in agriculture or agriculture related uses now rely almost exclusively on a combination of retail distribution of non-HMB originated produce, visitor-serving recreation (including equestrian services), and supplemental uses (tours, education services, parking, events, etc.) for income. I would like to see the Urban Reserve lands specifically identified for these activities by right along with uses ancillary to agriculture (horse breeding, veterinary and animal training

services, and farm labor housing)with regulatory relief (CDP exemptions available over the counter) for development supporting those uses and maintenance of existing farm structures.

POLICY by POLICY – Specific comments:

3. What incentives specifically to volunteer? How about giving Urban Reserve some TDR credits if they convert?

4. Is agricultural land use designation only available to those who are able (Williamson has restrictions on what size of operation they will accept) and willing put their properties under Williamson Act or accept permanent conservation easements? Do you know if any of the properties in Urban Reserve are actually eligible for Williamson Act protection? – I'm doubtful.

6. Include specific reference to Urban Reserve for the availability of siting on-farm employee housing.

7. For properties designated as majority prime ag soils regardless of historical use, I suggest adding the phrase "unless no other location on the parcel is available" to the last sentence. There also, for fairness, needs to be an appeals process for owners to request that the NRCS classifications of Class I or Class II soils within the city limits be updated to reflect current conditions and changes in use since the last LCP (1985) since soils use and character can change over time.

8. In the errata sheet, the definition of Horticulture could also include grazing operations OR limit supplemental uses to agriculture to be limited to the 20% of parcel size but NOT require that there be an equal amount of "Horticulture" – that is forcing grazing operations or horse breeding to enter businesses and land uses we know nothing about and maybe be incompatible with our existing operations. I maybe misunderstanding the intent of this policy so it might just be a clarification.

15: Exemptions should be expanded to include open barns or shelters, hay storage, fencing, irrigation improvements, equipment storage facilities, and farm roads.

16: HMB has parcels currently involved in rural or agricultural businesses that are not greenhouses that are on parcels less than 25 acres and in some cases less than 10 acres. What is the minimum parcel size you are proposing? What happens to the other parcels that don't qualify?

17. How do you declare a buffer area between a land use like mine and the homes of Sea Haven except by further taking of my lands away from my operation? Are you thinking to ask for conservation easements on the back yards of the Sea Haven residents that share my fenceline? Where would the city be imposing a "buffer zone"? Have you considered the impacts on the grazing operations of allowing second story structures and people removing protective screens from existing fences or is all the burden of the urban/rural boundary falling on the shoulders of the ag operations owners? Just doesn't seem fair,.

20. While most owner operators do engage in many if not all of these practices voluntarily, by legislating them into a plan and requiring a regulatory framework of enforcement, you effectively strangle and only add a nail to the coffin of viable open field economic uses within the town.

Policies 4-21& 22: Could grazing operations be included in the definition of "Horticulture" (errata sheet)

23. It is sad but revealing that not a single interagency partner listed represents the interests of actual open field agricultural use – what about including Farm Bureau, San Mateo County HOrsemans Association, California Farmers Association, etc. ....

26-27: Is irrigation of pasture for grazing operations and farm labor housing "priority use" or not? What exactly do you mean by "promote use of alternative water sources"? Is there a specific idea?

CHAPTER 5:

Policy 5-113: Equestrian Facilities: This would be a great place to acknowledge the local recreational, visitor serving, and visual resource benefits of horse breeding and open grazing/field boarding operations as well as equestrian events and education programs. I still strongly encourage the town to consider creating an equestrian board or committee to self-regulate the manure management and animal safety and health standards within the horse-related businesses and facilities in town. Or simply defer to San Mateo County Horseman's Associations recommendations for stabling, fencing, manure management, and water quality etc.

CHAPTER 6 NATURAL RESOURCES:

- I am formally contesting the representation of the eastern upper portion of my 48-310-080 and 48-310-110 parcels as an ESHA. They consist of a duly permitted Indoor Arena, fenced pasture, and a 3 bedroom home with associated landscaping and farm roads.
- I am formally contesting the representation of my 7.5 acre foot SWRCB licensed water storage pond (in use continually since 1946) facility as a "potential ESHA"
- Similarly I believe that use of this facility for its intended use requires that it be exempt from any riparian habitat assessment and a 0 buffer zone. It is essential to the viability of the use of the surrounding lands and our business.
- We have several long pre-existing legal but non-conforming structures (including farm employee residences, barns, fences, and vehicle parking) that are within the recommended buffer zone for Frenchmans Creek –many of them there for 40 years or more. It is essential that we be allowed to continue to repair and/or replace these structures and uses without being subject to riparian buffers beyond what has been historically in place.
- Improvements permitted under CDFW 1602 permits should be exempt from town review or riparian buffers as well as ag wells that replace duly permitted ag wells that are removed from service or fail.
- The definition of "undeveloped lands such as in Urban Reserve" needs to be clarified with respect to recognizing that just because a piece of land is not covered with houses does not mean it is not "developed" and legitimately employed in commerce or supporting necessary economic activity.
  - Policy 38 -This policy might need to reference 39 and 40 or explicitly state an exception for pre-existing permitted development as well as long time grandfathered commercial uses (eg. Grazing or cultivation) within the riparian corridor or buffer zone.
  - Policy 72. I would strongly encourage the PC to establish a livestock or equestrian committee within the town to address minimum stabling, manure management, pasture management, and trail safety rather than try to legislate a specific solution absent knowledgeable input. San Mateo County Horsemens Association or Woodside Horse Owners Association are examples of effective, self-regulating bodies that make sure horses and the environment are mutually beneficial.

- Policy 83. Needs to be clear that CalFire and the WUI requirements for reducing brush and dry wood fuel for wildfires clearly supercede environmental or "visual resource" restraints on tree maintenance and brush clearing. A specific exemption for brush clearing and tree maintenance on properties larger than 10 acres should be included
- Policy 102. This policy reads like an explicit license to "take" property rights with a "whatever works" approach. I recommend rewriting it to be clear about what the real intent is.

CHAPTER 7: Hazards

Policy 54: What specifically is meant by "require on-going maintenance to minimize risk of flood ... and protect ESHA's" If impoundments are licensed SWRCB water impoundments associated

Policy 55: I would not exempt established neighborhoods. Continued development or expansion of houses in Sea Haven increases the risk of dam failure and flooding from pre-existing (before Sea Haven) SWRCB licensed McLellan impoundment (the water impoundment on my property just above them) or maybe at least have the property owners provide a specific release of liability to the town and to Branscomb Farms for increasing development down water from this earthen dam.

Policy 65. Clarify (f) – are we supposed to cut down all the Blue Gum Eucalyptus? But not impact any habitat?

CHAPTER 9: SCENIC RESOURCES

Figure 9.1: I don't believe Frenchmans Creek Road should be considered a view corridor for the entire extent shown on this map given that it is only briefly visible as people are driving on Highway 1 at normal highway speeds for the most part. Perhaps a shorter span

Policy 9-X

KC Branscomb

Kc Branscomb, Owner

Branscomb Farm LLC

780 Frenchmans Creek Road

Half Moon Bay, CA 94019

650-560-9650 (office)

Comments re: Half Moon Bay Land Use Plan Development Chapter
By: Lennie Roberts, Committee for Green Foothills.
January 22, 2019

1. Parcel Legality. The LUP should require demonstration of Parcel Legality (aka Legal Lot of Record) for any proposed development requiring a Coastal Development Permit, CDP Exemption, and/or other associated permits/entitlements. Applicants should be required to provide a Chain of Title to demonstrate Parcel Legality for lots that were not created pursuant to the State Subdivision Map Act. San Mateo County's regulations state that no permit for development (including CDP, building permit) shall be issued for any parcel which is not a legal parcel. (this is not applicable to non-structural uses of property, including roads, fences, or water wells). Also, San Mateo County LCP Policies 1.28, 1,29, 1.30 and 1.31 are relevant to this issue.
2. Coastal Act Priority Land Uses: Coastal Act Section 30222 prioritizes use of private lands as: (1) agriculture, (2) coastal-dependent industry, (3) visitor-serving commercial recreation, and (4) residential. Housing is the lowest priority.
3. Affordable Housing was included in the Coastal Act from 1976 until 1981 which provided: "...housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided." In 1981, the State Legislature repealed the Commission's statutory authority to protect and provide affordable housing. Since 1981, all housing element requirements for the rest of the state have been deemed inapplicable to areas within the Coastal Zone. CGF recommends that any references to the Housing Element (pages 2-8 and 2-21 for example) should be deleted.
4. Housing-Jobs Imbalance. In Half Moon Bay and Mid-Coast communities of Montara, Moss Beach, El Granada and Princeton, there is a surplus of housing relative to local workforce employment. Any new housing, unless adequately restricted to serve local workforce needs for persons of low or moderate income, will almost certainly increase the area's commuter-dependent pattern of growth, with unacceptable impacts on Highways 92 and 1. This is especially concerning because the Coastal Act requires that new residential development must not overburden these essential highways that provide access to the coast for visitors.

5. Priority Residential Overlay zone, proposed in the LCP (page 2-11 and throughout the Development Chapter), can provide needed workforce affordable housing, which would NOT exacerbate the traffic on Highways 92 and 1 if it is effectively limited. CGF recommends this Overlay be renamed Priority Local Coastal Workforce Residential Overlay, with the following requirements to ensure it will serve the identified needs:
    a. The priority local coastal workforce housing must be located on a parcel that includes the specific priority land use that it supports,
    b. Subdivision of land to accommodate this housing should not be permitted,
    c. For open field agriculture or horticultural business, the workforce housing must be located in the area of the parcel that is most protective of (least harmful to) agricultural operations. No more than 10% of the parcel, or 2 acres, whichever is smaller, should be devoted to workforce housing,
    d. All workforce housing must be rental, and must be permanently restricted as to worker eligibility and income,
    e. All workforce housing must also comply with other LCP requirements including avoidance of hazard areas, ESHA, etc.
6. Priority Local Coastal Workforce Housing for Hotel and other Visitor Serving Workers: CGF recommends that consideration be given to adding a new category for the Priority Local Coastal Workforce Residential Overlay that would meet the need for low or moderate income workers employed by new and existing visitor-serving hotels, motels, conference centers, and associated commercial recreational facilities (i.e., golf courses). Many low and moderate income workers must travel great distances from home to their workplace, which is both a social justice and environmental justice issue. In Half Moon Bay, it may not be possible to locate the workforce housing on the same parcel as the visitor serving use, in which case, off-site housing should be considered, as well as provision for shuttle service to the work site(s).
7. The Cumulative Traffic Impacts of Residential Development in the entire Midcoast urban area (including Half Moon Bay) on roads and highways, is under study by San Mateo County. The resulting Comprehensive Transportation Management Plan is expected to recommend policies to mitigate for new residential development's significant adverse cumulative impacts on Highways 92 and 1. Priority Local Workforce

Residential Housing, appropriately conditioned and enforced, could be an effective mitigation for these adverse cumulative impacts.

Specific comments:

Page 2-5: Discussion of San Mateo County General Plan. Acknowledgement should be made of the incorporation of the San Mateo Local Coastal Program into into its General Plan.

Page 2-8: The referenced State-mandated density bonuses for below market or senior housing may not be applicable in the Coastal Zone.

Page 2-9, Figure 2-1 Land Use Map: On the Legend, change "Half Moon Bay General Plan" to "Half Moon Bay Local Coastal Program", and change "San Mateo County General Plan" to "San Mateo County Local Coastal Program". Also include the Urban-Rural Boundary on this Map.

Page 2-11: Discussion of Commercial – General: Residential uses are "restricted to upper stories along Main Street" – suggest that this text should specify that upper stories should be set back to protect scenic views to the coastal hills from historic Main Street.

Page 2-12: Discussion of Agriculture: "Equestrian uses are considered compatible with agricultural uses". This is fine, but the Agriculture Chapter needs to create a category of "compatible uses" and include equestrian uses there.

Page 2-13: Suggest referencing Policy 2-135 on page 2-130.

Page 2-17: Historic Resource Protection: Should Archaeological/Cultural Resources be included here?

Page 2-21: Policy 2-2: Suggest using the Coastal Act definition of Development here. Policy 2-4: Housing Element Conformance: Suggest this Policy should be deleted; the Housing Element does not trump the LCP.

Page 2-24: Policy 2-18: Transfer of Development Rights: CGF recommends that the city think long and hard about establishing a TDR program. The complexities and challenges of TDR are likely beyond the city's capacity to

successfully implement a TDR program over time. Policy 2-19 Lot Mergers: Due to the Witt and Abernathy court decision, contiguous substandard lots under common ownership are already deemed to be one "legal" parcel.

Page 2-27: Policy 2-40: Sphere of Influence: CGF would NOT support a Sphere of Influence change to include the greenhouse uses along the south side of Highway 92, east of the city corporate limits, as there is no need to include this area in the city's SOI, and in fact it would result in an illogical jurisdictional boundary. While there may be some logic for including the Moonridge farm labor housing site and the greenhouse uses on the southeast end of town, such change to the city's SOI would need further study.

Page 2-34: Policy 2-58: Heritage Downtown Height Limit: second and third stories should be set back to protect views from Main Street to the hills that provide the scenic backdrop for the city.

Page 2-43 last paragraph: "City has been working on regulations to allow development of small homes...yet providing for more diverse and affordable housing stock..." If substandard or severely substandard lots are allowed to be developed, under the banner of "more affordable" housing, then the homes should be restricted as to price in order to ensure they are truly affordable.

Page 2-46: Small Infill Lots: See comments above.

Page 2-61: Stone Pine/Cypress Cove: Hazards should also include the identified Dam Failure Inundation Area.

Pages 2-69 through 2-80: Established Planned Development: It would be appreciated if this section included Maps of Casa Mira, Pacific Ridge, Matteucci, Ocean Colony, and South Wavecrest with salient features, i.e., for Pacific Ridge, the Habitat Conservation Areas "A" and "B".

Page 2-25: Matteucci Specific Plan Amendment: CGF appreciates the acknowledgment of the Matteucci Agreement that incorporates the western lots which are to be maintained as a buffer between residential uses and the active agricultural fields to the west. CGF suggests that the Pilarcitos Creek Trail could be located within this buffer area in order to preserve the maximum amount of productive agricultural land immediately to the west,

especially since it is unlikely that the trail would be activated on the Andreotti property during the life of this Land Use Plan.

Page 2-80: Substantially Undeveloped Planned Developments: Discussion of this issue should include recognition that many parcels within the antiquated paper subdivisions are held in common ownership (and were never transferred separately), therefore they are not separate "legal" parcels, per the "Witt" and "Abernathy" court decisions.

Page 2-81: Implementation: CGF notes that the city is obligated to implement the Lot Retirement Program, which already is funded with millions of dollars that have been paid into this fund as mitigation from the impacts of traffic created by the subdivision of lands at Pacific Ridge, Carnoustie, etc.

Page 2-82: Nurserymen's Exchange: Access to this PD is proposed from Alto Avenue, which is a substandard road, only half of which is under the city's jurisdiction.

Page 2-86: Upland Trail Linkage: The proposed trailhead and trail easement could also provide for a Vista Trail concept, inasmuch as the proposed location of a Vista Trail at Pacific Ridge may not be possible due to habitat protection requirements.

Page 2-87: Surf Beach/Dunes Beach: CGF requests that the discussion of this PD should acknowledge the high level of interest by Half Moon Bay residents and visitors for ensuring this area remains in agricultural and equestrian use as evidenced by the gathering of 4680 signatures in just six weeks; 1887 of which were from residents of Half Moon Bay. Please also include reference to the presence of nesting Western Snowy Plover at the south end of Roosevelt Beach, adjacent to the Surf Beach/Dunes Beach PD, which has been documented by State Parks personnel.

Page 2-89: Surf Beach/Dunes Beach: The discussion notes that the site has been identified as having poor drainage – which is often indicative of the presence of wetlands.

Page 2-107: Stone Pine Public Facilities and Conservation Corridor: On the chart, Coastal Access indicate "the site can provide for a span of the future

Pilarcitos Creek Trail". CGF suggests that "span" be changed to "segment". Hazards should include Dam Failure Inundation Area.

Page 2-111: Stone Pine Public Works and Conservation Corridor Policies: (n.b., for consistency, suggest renaming "Public Works" to "Public Facilities") Subsection "e" states that vehicular access shall be designed to traverse the habitat conservation area on low bridges or other means so as to not harm habitat". Since access currently crosses through the cited habitat, CGF suggests that appropriate measures to protect the habitat either be implemented immediately, or access be changed to Highway 92. Subsection "f" includes reference to an alignment for a "span" of the Pilarcitos Creek Trail, CGF suggests that "span" be changed to "segment".

Page 2-131: Policy 2-138: Minimum Lot Size: CGF does not believe that there are any parcels 50 acres or larger in the Agriculture, Urban Reserve, and Open Space Reserve land use designations. The following sentence that would allow subdivision into parcels smaller than 50 acres if it would not lead to decreased agricultural production seems to defeat the purpose of the minimum lot size.

Page 2-131: Policy 2-141: Urban Reserve Permitted Uses: Subsection "c" should include limits on maximum size of temporary events, and limits on allowable number of events per year. Subsection "d" should be more specific as to what kind of "research" uses would be allowed, for example, would laboratory research on animals for medical products or cosmetics, be allowed?

Page 2-132: Policy 2-144: CGF does not support applying the Priority Local Coastal Workforce Residential Overlay to the one-acre parcel on the SW corner of Frontage Road and Bev Cunha's Country Road unless such housing served the demonstrated needs of adjacent farmlands.

Comments re: Half Moon Bay Agriculture Chapter
By: Lennie Roberts, Committee for Green Foothills.
January 22, 2019

General Comments: There is very strong community support for maintaining Half Moon Bay's open space and compatible uses, including agricultural uses, as expressed in the General Plan and LCP Update Guiding Principles: (a) maintaining Half Moon Bay's small-town character and quality of life, and (b) enhancing the city's scenic visual quality and coastal landscape setting, of which ongoing open field agricultural uses and equestrian uses are key elements. Most importantly, agriculture is the highest priority land use under Coastal Act Section 30222.

CGF commends the city for prioritizing the preservation of agricultural land uses within the city including policies protecting and supporting the long-term viability of Half Moon Bay's agricultural resources. These agricultural resources are not only an important part of the city's history, but today there is increasing public interest in locally grown, fresh, vegetables, fruit, and other agricultural products. There are many cooperative efforts to increase the public's appreciation of and support for the coastside's agricultural bounty, including the San Mateo County Food Systems Alliance, school-based programs like the HEAL project, and Half Moon Bay's popular Farmer's Market.

Specific Comments on the Agriculture Component and Errata Sheet (Attachment 7) of the January 22, 2019 Planning Commission Staff Report:

Page 4-3, Agricultural Land Classification uses the Coastal Act definition of Prime Agricultural Land. CGF suggests that in addition to the NRCS definition of all land which qualifies for rating as Class I or II, the definition should also include: " Class III lands capable of growing artichokes and Brussels sprouts". San Mateo County 's LCP includes this additional category, which is also applicable to Half Moon Bay due to similar soils and climate.

Page 4-4, Table 4-1: Planning Area – Prime and Non-Prime Agricultural Land: It is inaccurate and confusing to include acreage figures for land located outside the City Limits, outside the Urban-Rural Boundary, and outside the city's Sphere of Influence in this Table, since the city has no planning, zoning

jurisdiction or permitting jurisdiction over these areas. Please revise this Table to include only lands within the city.

Figure 4-1, Map of Prime and Non-Prime Agricultural Land: the Map includes a double cross-hatched area between Kelly Avenue and Pilarcitos Creek, west of Highway One. However, the Legend does not include a double cross-hatch, so the reader cannot determine its meaning. CGF concurs with the Errata Sheet recommendation #3 to include a Legend category for "No Soil Data" to clarify areas where data was not available from the NRCS. Errata Sheet recommendation #4 to revise the Urban-Rural Boundary as a Legend category should cross-reference the discussion on page 4-9 under Urban-Rural Boundary and vice-versa.

Page 4-7 Agricultural Land Use Definition: This definition should not include horse breeding operations, as commercial equestrian breeding use is not included as an agricultural use under the Williamson Act or Coastal Act. Commercial horse breeding operations would more appropriately belong under the definition of Compatible Use, as recreational equestrian uses (which are also by nature a commercial use) are included in this definition. CGF recommends that Compatible Use determination could be made by the Community Development Director, subject to Planning Commission concurrence.

Page 4-7, CGF recommends adding two additional Agricultural Land Use Definitions:

(1) Non-Residential Development Customarily Considered Accessory to Agricultural Uses: Barns, storage/equipment sheds, stables for farm animals, fences, agricultural water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purposes, and other similar uses determined to be appropriate by the Community Development Director, subject to concurrence by the Planning Commission, and

(2) Uses Ancillary to Agriculture: Agricultural grading, equipment supplies, agricultural rental supplies, agriculturally related topsoil stockpiling, and other similar uses determined to be appropriate by the Community Development Director, subject to concurrence by the Planning Commission.

Page 4-8, second paragraph, there is a discussion of a need for supplemental agricultural and non-agricultural uses within the Urban Reserve Designation to support the economic viability and longevity of agricultural operations; such uses could include "expanded housing options, farm stands, and farm-to-table events, agri-tourism, and small bed-and-breakfast operations." This discussion should specify that expanded housing options would be limited to affordable housing for farm workers, consistent with proposed LUP Policy 4-7 (as modified, see comments below) and the proposed Priority Local Workforce Residential Overlay, (per CGF's suggested modification to the "Priority Residential Overlay" described in the Development Chapter, beginning on page 2-11, and referenced throughout the Development Chapter).

Page 4-10, Forestry: The narrative should acknowledge that the Monterey pine, Monterey cypress, and Blue Gum (Eucalyptus globulus) stands in Half Moon Bay are not considered commercial species under the California State Forest Practices Act.

Page 4-11, Policy 4-3: Incentives for Continued Agricultural Use: The Errata sheet recommends addition of "at the landowner's discretion"; the proposed addition of "voluntary" before "agricultural easements" is redundant.

Page 4-12, Policy 4-7 Supplemental Uses, and Policy 4-8 Maximum Allowances for Supplemental Uses: CGF concurs that there should be limits on the location, extent, and intensity of Supplemental Uses. However, the language of Policy 4-8 allows an equal percentage of the parcel area to be devoted to agricultural and supplemental uses, which could easily overwhelm existing and potential agricultural uses. CGF suggests that in order for supplemental uses to be economically supportive of the agricultural use(s), without becoming the primary use(s), they should be limited to a maximum of 10% of the parcel area, not to exceed 2 acres. (note: CGF suggests 2 acres instead of 5, since the parcel sizes of agricultural land in Half Moon Bay are generally 20 acres or less). For agri-tourism activities and events, which have generated controversy in other jurisdictions where weddings and business conferences as well as seasonal, non-agriculturally relevant activities have been considered "agri-tourism", CGF recommends that additional limits as to size, location, number per month, etc. should be specified, in order to prevent the "agri-tourism" use become the only use of the parcel.

Page 4-12, Policy 4-9 Economic Feasibility Evaluation, The Errata sheet proposes deletion of this entire policy. CGF recommends alternative language: "Applicant shall demonstrate that supplemental uses will not diminish the viability of existing agricultural uses."

Page 4-13, Policy 4-18 Right to Farm and page 4-14, Policy 4-19: Mandatory Disclosure: San Mateo County includes this disclosure on all property tax bills for land within the rural coastal zone that is designated as Agriculture or adjacent to such lands. Perhaps similar disclosure could be devised for land adjacent to active agricultural or horticultural operations within Half Moon Bay.

Page 4-14, Policy 4.22 Performance Standards for Floricultural Uses: The Errata sheet recommends deletion of Subsection (a) performance standard that allows expanded horticultural structures to expand on existing parcel or adjacent parcels if they maintain basic setback requirements of 30 feet from the right-of-way of any street and 20 feet from the lot lines of the parcel on which the greenhouse is located. CGF disagrees with the proposed deletion of this policy, as such setbacks, particularly from streets, provide an important setback safety zone and help mitigate the size and mass of the greenhouse structure(s). In Subsection (j) of the same policy, alternative energy sources are encouraged. CGF suggests adding energy derived from methane gas recovery at the Ox Mountain landfill as an additional acceptable source.

Page 4-15 Policy 4-23 Interagency Consultation for Agricultural Preservation: CGF suggests adding the San Mateo County Food Systems Alliance and the Half Moon Bay Farmers market to the list of agencies and organizations in this Policy.

COMMITTEE FOR
GREEN FOOTHILLS

April 9, 2019

Jill Ekas, Community Development Director
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

Re: Implementation of SB 743 – VMT vs LOS

Dear Jill,

Today the San Mateo County Planning Commission was given a presentation by planning staff on the County's implementation of updated CEQA Guidelines. Among the changes is the use of VMT instead of LOS regarding Transportation Impacts.

I am concerned that while VMT may well be a more useful metric for urban areas, particularly in cities or unincorporated areas that have "high quality transit corridors" (i.e., El Camino Real), the coastside is distinctly different, including requirements to comply with the Coastal Act.

At the March 25, 2019 meeting of the Congestion Management Environmental Quality Committee of C/CAG, of which I'm a member, staff gave a Power Point presentation regarding VMT (attached). City Council member representatives on the CMEQ posed questions to the staff about how VMT would be applied. Interestingly, the staff could not answer their questions. This may be because the staff making the presentation was not familiar enough with the complex issues, but more likely, it's because implementation is still quite murky. It is notable that it took five years for OPR to develop guidelines for implementation of SB 743.

OPR's guidelines call for a phase-in period, with mandatory switch to VMT by July 1, 2020. Meanwhile, local agencies, including cities and the county, may continue to apply LOS in policies, codes, conditions of approval, etc. (see Slides #3 and 4 of the CMEQ power point presentation).

I'm concerned that members of the public who experience worsening congestion and delays on our highways every day will not appreciate replacement of LOS with inexplicable formulas dictated by obscure Municipal Planning Organizations such as MTC. I am hoping that Half Moon Bay will continue to use LOS, where appropriate, so that the public will not feel that someone is hiding the biggest elephant in the county — traffic congestion — under the proverbial rug.

San Mateo County Planning staff indicated they will indeed continue to use LOS where appropriate in unincorporated areas – at least for the next year, and may well use both in the coastal zone. I strongly recommend that Half Moon Bay do the same thing.

Thank you for consideration of these comments.

Lennie Roberts

COMMITTEE FOR
GREEN FOOTHILLS

3921 E. Bayshore Road
Palo Alto, CA 94303

650.968.7243 PHONE
650.968.8431 FAX

info@GreenFoothills.org
www.GreenFoothills.org

CGF Comments on HMB LCP Chapter 3 Public Works 9-5-19

General Comments:

The Public Works Chapter is a crucial component of the LCP, particularly as relates to the projected growth of the city, for both the 2040 "Plan Horizon" and the "Maximum Theoretical Buildout" (year unspecified) allowed by the Land Use Plan.

Coastal Act Section 30254 requires (in relevant part): "New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division." Additionally: "...Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development". (emphasis added). Housing is not a priority use under the Coastal Act. If the total cumulative impact of new development allowed by the Land Use Plan, including residential development, cannot be accommodated by existing or planned public works, particularly water, sewer, and highway capacities, then the LCP must include policies addressing potential reduction of new residential development to mitigate for any significant adverse cumulative impacts on public access to the beaches of Half Moon Bay and the Midcoast area.

Water Supply Infrastructure, Supply and Demand

Water Supply and Infrastructure (page 3-14), the first paragraph discusses the CCWD service area, which includes unincorporated Miramar, El Granada and Pillar Point Harbor/Princeton areas in addition to Half Moon Bay. Yet much of the Draft LCP analysis is based on the entire CCWD service area, including the unincorporated urban area. Since Half Moon Bay only has decision-making authority over lands within the City Limits, specific information as to the City's portion of CCWD's supply and demand is necessary. How many CCWD existing water service connections are within Half Moon Bay, and how many are in the unincorporated area? How many of the 2200 connections that were sold in order to finance the Crystal Springs Pipeline remain? How can the City address the unfortunate escalation of costs of a water connection in the "gray market" – that was initially $7,000 and is now reportedly at $100,000 per connection? (see also comments regarding Water Supply Allocation, page 3-17). What is the breakdown as to existing and projected (2040 and Buildout) Residential, Commercial, Industrial, Commercial and Public Recreation, Floricultural, and Essential Public Service water uses within Half Moon Bay?

Table 3-7 Future Water Demand for CCWD Service Area (page 3-20) uses daily per capita demand times projected population as the key metric.

Table 3-7 Total Annual Water Demand is expressed in Million Gallons per Year (MGY) with an estimated water demand of 823 MGY at 2020 and 1040 MGY at Buildout. This table raises questions as to terminology. The use of MGY is almost meaningless for most people; a better metric would be Total Annual Average Daily Water Demand in Million Gallons per Day (MGD).

MGD is also used in the San Mateo County LCP. For example, the SMC LCP Table 2.10 Updated Water Consumption Estimate (2006) for Coastside County Water District concludes: "Taking into account 9.5% of system losses, the total annual average water supply capacity needed for the CCWD to serve combined residential and non-residential buildout is at least 1.36 MGD." And "The total peak day water supply capacity needed for the Coastside County Water District to serve combined residential and non-residential buildout is 2.44 MGD". It is important that the two Mid-Coast Area documents use consistent terminology for shared utility systems.

Regarding private drinking water wells (page 3-15): The Draft LUP notes (in relevant part): "In the past, private wells have been allowed for residential development in areas that were considered to be inadequately served by the municipal water system. In many cases, private well water is potable, or safe for drinking." CGF notes that in many cases, private well water is NOT potable (see below for more discussion), or may simply have unacceptable qualities (smell, staining, etc.) for residential customers. This section should include a discussion regarding the inadvisability of allowing private drinking water wells to serve residential uses in an urban area, where 5,000 – 10,000 square foot lots as well as setback requirements from adjacent wells, septic systems and/or sewer lines make such individual wells problematic. During the 1980's, prior to construction of the Crystal Springs Pipeline, hundreds of private individual drinking water wells were installed within the CCWD service area. In a memo to the California Coastal Commission dated January 26, 1989, District Director Ed Brown and Planner Diane Landry noted that ***"over the last few years, +_ 619 private wells have been granted permits in the City of Half Moon Bay and in the unincorporated urban mid-coast"*** The memo further notes that while most of these wells serve single family residences, some serve multi-family projects (2 – 148 units) and commercial uses (warehouses, offices). (See January 26, 1989 Memo to California Coastal Commission from Ed Brown and Diane Landry). In 1989, the City passed an Urgency Ordinance requiring new private wells to obtain a permit from the City. Is this Ordinance still in effect? How many private wells are still in use in the City? What is the expectation as to their long term viability? Failed wells should be provided for in the LCP.

While some of the terrace aquifers in Half Moon Bay may have sufficient water for individual private drinking water wells, there are significant water quality problems from local wells, due to the presence of high Iron and Manganese. Additionally, it does not make fiscal sense to allow some properties within a community water service area to avoid the shared cost of these essential services, that increase the financial burden to the rest of its customers. This is especially important for the CCWD since the District also provides water for fire protection. New or expanded private drinking water wells should only be allowed for agriculture, public recreation, commercial recreation, or habitat restoration and only if well production and water quality standards are met and if long-term reliability of the groundwater basin is demonstrated

by a comprehensive study, including adequate supply and performance during extended drought periods.

Groundwater Sources: CCWD, in a letter dated August 28, 2018 to the State Department of Water Resources, requested that the Half Moon Bay Terrace Basin remain a low or very low priority under the Sustainable Groundwater Management Act Basin Prioritization process. See: http://www.coastsidewater.org/agendas/091118/7A.pdf. The Department of Water Resources has subsequently reclassified the Half Moon Bay Terrace Basin as "very low priority".

Nonetheless, there may be enough groundwater in the Half Moon Bay Terrace Aquifer or the Pillar Point Marsh Aquifer, where CCWD has existing wells, to consider a program of groundwater recharge and management in order to meet the needs of CCWD customers, if its current allocation from the SFPUC Hetch Hetchy System is reduced or other sources prove inadequate in the future. CGF recommends that Policy 3.18 be revised to address New or Increased Public (Community) Wells. More comprehensive language is needed regarding Policies 3-18.c. and d. regarding long term safe yield and pumping restrictions to ensure that there are no adverse impacts on wetlands, riparian areas, stream flow in adjacent creek(s), and/or from salt water intrusion. Demonstration of no adverse Impacts to other wells, particularly agricultural and private recreation must also be required.

Figure 3-1: Water Service Providers (page 3-16): This Map should be revised to show CCWD's Urban and Rural Service Zones, required to be adopted by San Mateo County LCP Policy 2.31: Service Area Boundaries. Within the rural zone, only floricultural and agricultural uses and museum related uses at the Johnston House historic site are permitted to have new water connections.

Reliability of Water Supply: CGF is particularly concerned about the conclusion in the Draft LUP that "water supply is expected to serve water demand for the 2040 projected buildout as well as maximum theoretical buildout." (pages 3-20 and 3-21). This conclusion appears to rely on overly optimistic assumptions used in the CCWD's 2015 Urban Water Management Plan (UWMP). These assumptions are likely to change over time, in light of extended, severe droughts. For example, in December 2018, the State Water Board adopted higher unimpaired flows on the Tuolumne and other rivers of the Central Sierra that are tributary to the San Joaquin and Delta. These new instream flow requirements have yet to be implemented, but the San Francisco PUC has asserted that implementation would result in significant water supply shortages during single dry and multiple dry years. The PUC forecasted shortages are much greater than those projected in the 2015 UWMP. While droughts have historically been a recurring feature in California's Mediterranean climate, global warming and associated longer and more severe droughts make long term reliance on Sierra snowpack less and less reliable. CGF recommends that the Water Supply Assumptions in the LUP be updated and revised to require the most up-to-date available information and also provide for revisions to LUP Policies to address new State or other requirements in the future.

Water Supply Allocation (page 3-17): The discussion of the history of the Crystal Springs Pipeline project states that the CCWD sold all of the non-priority water connections to fund the project. It should be noted that the total sold at that time was 2200 connections, of which approximately 1300 connections remain as previously stated. Of the 840 "non-priority" connections, does CCWD have any way of tracking the current holders of these gray market connections? Is there any way to require buy-back of these unused connections at a "fair" price so they can be re-allocated?

New Sources (page 3-21): "Recycled water" is included as a potential new source. A more appropriate term is "Reclaimed Water" in this context. CGF strongly supports the use of reclaimed water for golf courses, landscaping, roadsides, and cemeteries. A key issue is that reclaimed water must be available to potential customers at a price that is affordable and must be of sufficient quality for the intended use. See specific suggested changes to Policy 3-22.

Notably, in 2005 the voters of Half Moon Bay overwhelmingly (84% yes vote) supported the Sewer Authority Midcoastside (SAM) pursuit of reclaimed wastewater. Yet to date, despite the strong support of the voters, reclaimed wastewater has not been achieved, for a variety of reasons. CGF remains hopeful that within the next 22 years, reclaimed water will be part of a more robust and resilient water supply system.

Sewer System Facilities and Capacity

Sanitary Sewer System (page 3-24) discusses the SAM sewer system, of which Half Moon Bay is a member agency. The SAM wastewater treatment plant was initially built as a 2.0 mgd facility in the early 1980's and has been expanded to a 4.0 mgd facility, with other features added from time to time. The discussion of the system should include the existing condition and life expectancy of the of the various WTTP system components. If major upgrades and/or replacements are going to be necessary during the next 20 years, an important issue for SAM and this Local Coastal Program is whether the existing WTTP should be upgraded/expanded in the existing location, or whether it should be relocated, inasmuch as it is within the mapped Tsunami Inundation and Dam Failure Inundation Hazard zones (page 7-28) and will be increasingly vulnerable to flooding due to Sea Level Rise increasing these hazards.

CGF Suggested Changes to Half Moon Bay Draft LCP Public Works Policies 9-5-19

3-1 Infrastructure Capacity (page 3-43) The first sentence of this policy refers to "the goals of the Coastal Act". A more precise reference should be "the Chapter 3 requirements of the Coastal Act." The last phrase of this policy calls for sizing of public infrastructure "with safety margins so as to be resilient during periods of high demand or emergency, but not as capacity that would support additional development." This provision is vague, contradictory, and could well be used to justify inappropriate oversizing of water and sewer systems as well as highways in order to accommodate an "emergency". For example, an assertion could be made that in an emergency it would be necessary to evacuate all residents at the same time by vehicle, and therefore the capacity of Highways 92 and 1 would need to accommodate this scenario. It would be inappropriate to size new or expanded Public Works facilities to such a degree and funding to accommodate emergency use would be exorbitant.

3-2 LCP and General Plan Conformance. The Local Coastal Program, once certified, is part of the General Plan, so reference to General Plan is unnecessary. A more appropriate requirement would be to also require conformity with the Zoning Regulations.

3-4 Coastal Act and Local Priority Land Uses. This policy references adequacy of public works capacities to accommodate growth only to the 2040 "planning horizon". The LCP should also determine whether planned growth, including growth within the Mid-Coast Urban area that shares public works facilities with the City, can be accommodated at Buildout.

3.6 New Development Requirements and Findings (page 3-44) This policy references "all new urban development". Urban development is not defined. In the Agriculture Chapter, the City is divided into urban or rural zones. This further confuses what is meant by "urban development".

3.7 System Improvements. While some of the suggested system improvements may be simple in-kind replacement of system components, "improving system capacity to prevent sewage overflows" would actually be considered growth inducing, therefore the last phrase is contradictory.

3.8 Substantially Undeveloped Areas. The term "substantially undeveloped" should be further defined.

3.9 Timing for New or Expanded Public Works Facilities. Subsection a. of this policy refers to the "carrying capacity of the Planning Area and public works capacities as a whole". Reference to the "Planning Area" is misleading and inapplicable as it includes lands outside the City Urban-Rural Boundary, and within the designated San Mateo County Rural Coastal Zone, that are subject to Measure A protections. Measure A does not allow extension of municipal utilities outside the Urban-Rural Boundary, with one notable exception. Both the San Mateo County LCP and Measure A allow extension of both sewer and water services to the Moonridge Farm Labor Housing site. Otherwise the City "Planning Area" lands are also outside the LAFCo designated Sphere of Influence for the City. The appropriate "Planning Area" in this context is the Urban Mid-Coast (that is also within the LAFCo Sphere of Influence for Half Moon Bay). The City and the Urban Mid-Coast area share SAM sewer and Highways 92 and 1 public works infrastructure and partly share CCWD municipal water supply infrastructure. We suggest revising this policy to state:

The amount of new or expanded capacity shall be determined by:

(a) Estimating the capacity needed to serve the land use plan for the City and the urban Mid-Coast area at buildout,
(b) Considering the availability of related public to establish whether capacity increases would overburden the existing and probably future capacity of other public works;
(c) Considering the availability of funds;
(d) Considering available information from the Comprehensive Transportation Management Plan required by San Mateo County LCP Policy 2.53 (as certified by the Coastal Commission), and
(e) Coordinating with the County of San Mateo to take into consideration all relevant policies of its certified Local Coastal Program.

Water System Polices:

Policy 3-11 Phased Development of Water Supply Facilities (page 3-46): Listed water supply facilities (line 2) include only pumping stations and water treatment facilities. Other water supply facilities that should be specified are: expanded pipelines, community groundwater wells and reclaimed water.

Policy 3-13 Emergency Water Supply and Capacity: in the title and third line of this policy, suggest adding "storage' before "capacity".

Policy 3-17 New Water Connections: This policy states "if CCWD obtains a CDP or permit amendment..." This policy should be revised to reflect that most of the CCWD infrastructure as well as some potential new sources of water are located within the City. In these instances, the City would be the permitting agency for a CDP. The City could therefore require as a condition of approval that CCWD sell connections according to Policy 3-15. In other instances, the City should support implementation of this policy, not only through CCWD, but also by San Mateo County Planning and/or the Coastal Commission.

Policy 3.18 New Public Wells CGF recommends that the title be changed to "New Municipal Wells". Subsection (c) should also include streams as sensitive habitats that must not be impacted through establishing a safe yield. Subsection (d) should be revised to require that studies to determine safe yield and pumping restrictions should be based on a qualified professional with experience in groundwater management agreed upon by the City and CCWD. In subsection (2), the suggested term of only one year to determine whether the preliminary safe yield is adequate, particularly if the first year happens to be an unusually high rainfall year. CGF suggests at least a three-year period for annual monitoring, reporting, and evaluation of the preliminary safe yield. An additional requirement for new municipal wells should be annual reports on well production and monitoring to the City.

Policy 3-19 New Private Wells, (page 3-47) CGF recommends the title be changed to: New Private Drinking Water Wells and revised to prohibit new or expanded private drinking water wells for all uses except agricultural, floricultural, public recreation, and commercial recreation, or habitat restoration. CGF does not support allowing of new private wells to replace failed

wells in the urban areas of the City where CCWD already has municipal water service available for the reasons stated in our general comments on the Public Works Chapter. (n.b., CGF does not suggest including coastal dependent uses as eligible for private drinking water wells since this land use requires a location on, or adjacent to the sea in order to be able to function at all, and therefore would presumably depend upon sea water in the unlikely event that a coastal dependent land use is proposed in the City).

Policy 3-22 Recycled Water supports the establishment of a sustainable reclaimed water supply system. CGF recommends that Policy 3-22 title be changed to "Reclaimed Water" and policy revised to specify that reclaimed water must not only meet or exceed water quality standards for use by local agriculture and floriculture, but also must be consistent with Coastal Act Policy 30241 (e) that requires (in relevant part) that public facility expansions do not impair agricultural viability through increased assessment costs or degraded water quality. (n.b.), without additional treatment to remove residual pathogens, salts, or nutrients, it is highly unlikely that indoor floriculture will be willing to use reclaimed water.

Sewer Facilities:

The titles of Policies 3-32, 3-34, and 3-35 ("Septic Systems") and 3-33 ("Private Sewer Systems") are inconsistent.

3-24 Sewer Treatment Plant Facilities Expansions (page 3-47) this policy should revise the term for "recycled water" to "reclaimed water", see comment on Policy 2-33 above.

3-17 Treatment Plant Vulnerability (page 3-48) The existing SAM plant is located within the mapped Tsunami Inundation Area as well as the Dam Failure Inundation Area (from failure of Pilarcitos Dam on upper Pilarcitos Creek) per Figure 7-5 Flood Hazards (page 7-28). Additionally, Sea Level Rise will increase these vulnerabilities over time as a higher sea level will also increase flood hazards to development in vulnerable areas. Coastal Hazards Policy 7-105 Critical Facilites (page 7-57) requires, among other measures, to develop strategies for the managed retreat of infrastructure and public facilities at risk of damage from sea level rise, but not for tsunami or dam failure risks. Similarly, Policies 6-155 Wastewater System Protection, 6-156 Wastewater Infrastructure Retrofit, Relocation, and Removal (page 6-114) and 6-157 Wastewater Treatment (page 6-115) call for measures to address the hazards of sea level rise, but do not include tsunami or dam failure hazards. This policy should be revised to include hazards from already known Tsunami and Dam Failure vulnerabilities.

3-32 Existing Septic Systems (page 3-49) Second sentence, suggest rewording to: "Require connection to the municipal sewer system on any parcel where there is an existing septic system at the time of failure of existing onsite septic system or when replacement or addition to the onsite septic system is proposed or required." This suggested language implements provisions in the San Mateo County Onsite Wastewater Treatment System (OWTS) Ordinance, adopted in January 2016 (Section 4.84.040). (n.b.), it is not clear whether the

County's OWTS Ordinance would allow exemptions for non-priority uses; and if so, under what conditions; this question would need to be researched.

3-33: New Private Sewer Systems. Suggest that this section include reference to the requirements of San Mateo County Environmental Health Department that has the authority to review and approve any new Septic Systems. Policy should include requirement for review and approval of any proposed development (such as a deck that may impinge upon an existing OWTS or reserved replacement area for drain field expansion area) that may affect existing system components.

Additional Chapter 2 comment:

Policy 2-8, Development Permit Requirements (page 2-21): Revise first sentence to read: "Require a coastal development permit for any project, including change in the density or intensity of use of land..." to be consistent with Coastal Act definition of development.

Additional Chapter 3 comment:

Table 3-4, page 3-14: Non Residential Maximum Theoretical Buildout Summary and discussion re: Jobs has vastly different figures than Table B-7, page B-8 for Non-residential Existing, 2040, and Buildout. These two Tables need to be harmonized. The Projected job growth in Table B-7, projects only 17 jobs from 2018 (5,362) to 2040 (5,379). These inconsistencies should be resolved.

Coastside County Water District **9.11.2019**

Half Moon Bay – Local Coastal Land Use Plan

Chapter 3: Public Works (Draft)

Comments (in addition to comments provided to Jill Ekas/Brittany Cozzolino on 8.29.19)

Page 3-21 Water Supply Policy Issues	The assertion that CCWD's SFPUC Individual Supply Guarantee is tied to the current Water Supply Agreement and subject to reduction on renegotiation of that agreement is incorrect. Below is suggested rewording for the paragraph that starts on the bottom of Page 3-21. ***Supply Assurance and Conservation.*** *Most of CCWD's supply comes from the City and County of San Francisco, with District-owned local sources making up the balance. Although CCWD has a perpetual right to draw approximately 800 million gallons per year from the San Francisco system, both the San Francisco supply and CCWD's sources are subject to reduction during drought or as a result of regulatory action. This makes it important for CCWD to continue to pursue conservation and development of additional local water sources. The Land Use Plan policies are specifically protective of groundwater supplies, seek development of new water supply sources, require reservation of supply for Coastal Act priority uses should the need arises, and require managed growth of non-priority uses.*
Page 3-45 – Policy 3.12 Domestic Water Supply Quality	"Water quality" is undefined and can be subject to interpretation. As defined with reference to federal and state drinking water regulations, the quality of the District's current local and imported water supplies sets a standard that no new supply could meet. This policy, as written, would therefore preclude development of new local water supplies, including groundwater and recycled water. Since the LUP policies encourage development of these new sources, the language of Policy 3.12 should be changed. We suggest the following: *Ensure that the quality of new potable water supplies meet or exceed the drinking water quality standards set by the state and federal governments.*
Page 3-15, and Page 3-23	CCWD has 10 treated water storage tanks, not 11. (Hazen's Tank is no longer in service)
Page 3-23 Water Supply Reliability.	Under the peak demand section, eliminate the sentence below as it is not correct. (Note that we are able to use our local groundwater sources at Denniston in the summer. We are also able to obtain water from Pilarcitos Lake most times of the year.)

	Eliminate: *For example, the local groundwater sources cannot be used in the summer months. The Pilarcitos Lake conveyance is also limited.*

Initial Comments (in progress) On LCP/LUP 2019
Chapter 2: Development

Paul Grigorieff
January 16, 2019

Overall. By my rough count, the draft of the completed sections of the LCP is now over 625 pp. long, including the Housing Element. This is a really complex and inter-related document, and at least for me has been really hard to get my head around. The Housing Element seems particularly turgid and difficult to fathom.

It would be helpful to me if I could get a glimpse of the "affordable housing" strategy that is envisioned under this LCP. What type of housing does it anticipate/support primarily, built by whom, in what height or density, where, and with what eligibility criteria for occupants? "Workforce" housing? Housing for old folks like me, who want to sell off their gigantic (>2000 sq. ft.) single family homes and downsize, without leaving the Coastside? Etc, etc.

It might be instructive to prepare a pop quiz that includes many of the buzzwords and concepts in the LCP (see my definitional questions below) , administer it to (a) Council, (b) Planning Commission members, and (c) a random sample of HMB voters, and see how many of them can pass it (>= 60% correct).

One of the speakers at the 1/15 Council meeting (Dunes Beach comments) suggested that it might be time to demand more resident (voter)-serving development, and less visitor-serving. If I were a current elected, I'd be frightened of people who spoke like this, and if, for instance, the hotel and RV park at Dunes Beach were to be permitted, I think there would be a lot of people talking in these terms, and perhaps a Council recall election to force a more resident-centered approach to development policy. (just spitballing here. ☺)

Page 2-11. The Priority Residential Overlay (PRO?). I would like to see a definition of "affordable housing." Also, this designation is presented as applying to the "employees or those served" by the underlying primary use. Our churches, schools, and public facilities serve all members of the community. Does this mean that their lands, if the overlay were to be applied to them, would be suitable sites for housing available to any members of their user populations? From HMB? From the Coastside? From anywhere?

As an old, retired person, I wonder if this designation shouldn't also include the "formerly employed or those served" by our community institutions, for example folks like me. What are our plans for housing our most rapidly growing population group, our old folks? And can we find an approach to this housing that does not result, as was the case with the Lesley senior

housing, in having the lion's share of that housing overwhelmed and snapped up by people from beyond the Coastside?

Similarly, what are the criteria for "below market rate" and "senior" housing (see Commercial-General heading)?

Page 2-13. What is the explanation for allowing the Residential Overlay in "up to 1 acre" of Regional Public Recreation lands? Why this much, or why not more, and what area/s does the writer have in mind?

PD master plans. The plan says that these "constitute zoning regulations" and thus are subject to Coastal Commission certification. What happens if, as is now the case in the City's largest PD (Ocean Colony), those responsible for enforcement of PD zoning regulations (in Ocean Colony, its homeowners association, with CC&Rs) decide to quite enforcing these regulations, telling aggrieved residents to go sue each other in court over such matters as setbacks and unallowed development?

Page 2-14. Where are the 6 acres of Urban Reserve lands referred to here and the 4 acres of "floating overlays"? Same question for the 2 acres of Open Space Reserve.

Page 2-15. What does "IP" mean? What is the import of the last paragraph on this page? What are the "corridors" referred to here?

Page 2-16. Do **Planned Area Development Permits** (PADPs?) exist within the plan or our zoning ordinace currently? If not, why are they being added now, and where did this concept come from?

Page 2-19. Is the PRO designation being applied to the lands belonging to the other churches in town?

Unknown Page. It appears that the "**RV Park**" operated by Cameron's is occupied primarily by long-term residential tenants (i.e., very few of the RVs occupying that lot ever appear to move). This may also be true of Pelican Point RV Park, and the RV park north of Surfer's Beach. With the apparent planned proliferation of these parks, is there any definition of what constitutes such a park, and how it is differentiated from a residential subdivision ion the City? Is there any inspection or enforcement of this definition within our "RV parks"?

Page 20-27. What are the "light industrial uses" spoken of in Policy 2-39?

Page 2-27. Where does the "**sphere of influence**" concept come from, and what are its operational consequences?

Page 2-28. What is the definition of "lower income households"?

Page 2-30. Where did the "Town Boulevard" concept come from, and how is it operationally defined?

Page 2-33. What is "urban-lifestyle housing?" (Policy 2-44)

Page 2-34. Policy 2-58. Do we have any data on how well past efforts to stimulate the construction of "affordable housing" have worked, both in terms of numbers of units constructed and the extent to which these units were in fact "affordable" (whatever that means).

Page 2-35. What are the implications of Policies 2-61 and 2-62 for the anticipated types of uses and development on North Main Street?

Page 2-42. Ocean Colony. Where are the 50 units that are "potential" going to go? Installation of needed speed bumps has now been stalled by the threat of suit which claims they would slow down emergency vehicles, although this writer regularly sees cars that do 25-30 mph, uncontrolled, in the 15 mph zone throughout OC. I know of only one "park" maintained by OCA, in the SW corner of OC, near Spyglass, and it remains undeveloped with park-like

Page 2-43. What are these "regulations" the City has been working on? Can't understand the concept here.

Page 2-44. Does this mean ADUs are planned to be allowed in OC, even though the CCRs prohibit them? Typo: "substantially build out." Are owners prohibited from renting their primary residence while moving into an ADU on their property?

Page 2-45. Policy 2-69--The words "ministerial review" are unsettling to me. I assume most of OC falls under this policy. Policy 2-70: parking or no parking required for ADUs in "established neighborhoods"? OC could use a "code compliance program," since it now refuses to enforce its CCRs concerning land use matters. . Policy 2-75. How and where are home occupations allowed presently? How would traffic, parking and noise regulation actually be enforced for this? Enforcement has seemingly not been the City's long suit thus far. Policy 2-76. I'm pretty sure that Cameron's huge RV park is not paying TOT to the City, and I would wonder about the other RV parks as well. A hornet's nest of enforcement? (There's that word again!)

Page 2-54. Policy 2-95. Should say (?) ...vista points, all of which are accessible..."

Page 2-55. Policy 2-95. What is "green infrastructure"? Does the Old Course in the OC PDU qualify as a recreational area for the use of prospective residents? Policy 2-98. What is a "fallback zone?" Policy 2-100: How would such a "continued development" provision affect OC?

Page 2-57. What is a "relatively low trip-generating (not the hyphen) use?" Podesta development will apparently "limit parking spaces dedicated for residents." Is the model for

this Lesley senior housing, where one can't usually park to visit anyone, because parking is so scarce. Does the plan (like the radical Democrats' proposals for a "Green New Deal") envision the end of permissible fossil fuels over the next 10 years?

Page 2-59. Policy 2-101: Do we anticipate Podesta development to include a large number of ADUs? How did ADU's, which I'm not sure I have even seen one of, get to be such a prominent part of this plan? What are the social and cultural implications of this? What about the impact on water/sewer connections? Parking and traffic? Not really suitable for the elderly, who can't walk to many destinations and are very poorly served by public transportation? This might be a very good example of the unanticipated interactions between disparate portions of the LCP, widely scattered among its 600+ pages.

Emergency medical facilities? As far as I'm concerned, HMB is still about 25 min. (by car) away from a full-service (and competent) emergency medical facility. I do not consider Seaton Coastside to qualify in this category. My doctor will not even accept blood lab work performed at that location. I'm sorta amazed that filling this community deficit has not been more widely demanded by the residents of HMB and the Coastside. Perhaps if one or two "visitors" were to drop dead as a result of inadequate emergency medical care, we could make some headway on this issue? I wonder what the data on our aging (and increasingly infirm) population have to say about this?

Speaking of this, I don't readily recall having seen a single reference to handicapped accessibility in the LCP. I don't think this is good.

Page 2-60. How do we solve the access problem of the Podesta PDU?

Page 2-62. What are the uses described for Stone Pine in 2-102-a?

Page 2-65. What is anticipated for South Main St. Park?

HALF MOON BAY CONSERVATION & DEVELOPMENT PARTNERS, LTD.

September 13, 2019

Via email to PlanHMB@hmbcity.com

Jill Ekas
Community Development Director
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

Re: Draft Land Use Plan

Dear Ms. Ekas,

We are writing in reference to the City of Half Moon Bay's Draft Local Coastal Land Use Plan (LUP) (hereafter 'Draft Plan') that was publicly released earlier this year. We are the new owners of the Nurserymen's Exchange PD property and the adjacent Open Space Reserve parcels.

First, we would like to thank City staff for their efforts to date in the development of the Draft Plan. Since the City Council launched the update effort, we know that staff has worked diligently on this Draft Plan, including thoughtful outreach, numerous public meetings, community workshops, and multiple work and study sessions with the City's Planning Commission and Council. Since the release of the Draft Plan we have reviewed the document, listened carefully to the community's discussions and would like to take this opportunity to provide comments on the Draft Plan, focusing on Chapter 2 – Development.

We strongly agree with the City Council's aspirations to bring meaningful, sustained improvements to the quality of life and affordability of housing to the community. And we respect Council's direction to favor future development in the Town Center. The overall intent of creating high-quality neighborhoods and special use areas to serve Half Moon Bay's needs through and beyond the planning horizon is compelling.

At the same time we recognize the City's challenges in delivering results, made more difficult in part by the many growth constraints embedded in the Coastal Zone Priority Uses coupled with the City's Residential Growth Limitation Ordinance and the limited supply of new water connections.

The dilemma: What is the best way of completing the Land Use Plan in a way that will receive the approval of the Coastal Commission, while facilitating near-term improvements to meet long-term needs of the community with creativity and effectiveness?

We want the Nurserymen's Exchange property to be a significant part of the solutions. The 30-acre PD is one of nine substantially undeveloped PD areas and represents roughly 10% of the potentially viable available lands for housing within the City.

For the purpose of this first set of comments, we have identified several issues in the Draft Plan that will limit our ability to make meaningful development contributions toward solving community problems:

PLANNED DEVELOPMENT

PD Planning Approach

Per the Draft Plan: Many of the undeveloped PD areas outside the Town Center contain valuable biological resources and are also subject to hazards such as bluff and watercourse erosion, flooding, landslide, and wildland fire. Because of changing environmental conditions and regulatory setting, this Land Use Plan update includes a more stringent planning approach and standards for PD areas. As part of a two-step application process for master plans, the City will require a comprehensive preliminary assessment of PD areas to establish critical site plan design principles.

Our recommendations:

1. In the absence of the future, required site assessments and planning work, setting a too-low expectation of the maximum homes a PD site may support seems to run counter to the City's clearly articulated concerns about the affordable housing crisis and the many, recent public discussions of very real needs and potential solutions. We implore the City to instead set some aspirational goals and a less conservative range for average density per acre in order to set the stage for a full exploration of development options via the master planning and entitlement process.
2. Each PD is unique. The final Land Use Plan should primarily set a vision that includes flexibility and incentives for creative problem-solving. Utilize the Draft Plan's development review process to validate constraints and test opportunities. The City has a rigorous review and approval process, sophisticated community stakeholders, and a talented staff: We look forward to working with the City in this context.

Buildout Density and Intensity

Per the Draft Plan: The primary reason for transitioning to a net land area approach is to proactively anticipate the limitations of development within the substantially undeveloped PDs, especially those outside the Town Center. In the 1993 Land Use Plan, the densities established based on gross land area significantly overstated the carrying capacity of many of the PDs, especially those on the west side of Highway 1, as well as Carter Hill which is located within a very high fire severity zone.

Our recommendations:

1. While the history of approvals is clear and the logic of shifting to a net land area approach is sound, the current assumptions supporting proactive limitations deserve additional analysis and policy consideration. We urge the City to consider the difficulties of meeting or exceeding 20% affordability within a low-density setting. Again, absent

the studies and entitlement review process, developers will not know what the real capacities of site are within the Draft Plan's framework. Finding the right cap on density should come out of that future robust and transparent process.

2. The specific policies for each substantially undeveloped PD include numerous prescriptive requirements. If the Draft Plan is adopted as written, we believe that the economics of residential development will leave little room to make meaningful progress on housing affordability in Half Moon Bay. Prior to publishing the final Draft Plan for adoption, we ask that the City extend an opportunity to each PD owner to submit detailed comments on the draft, discreet PD policies and meet with staff to determine if and how to lessen constraints on future development applications while maintaining Draft Plan integrity.

Planned Developments - General Policies

2-79. Master Plan Site Assessment. *Require a comprehensive site assessment of the entire PD area as an initial submittal for master plans. The assessment shall determine the net site area as the basis for determining residential and commercial buildout and shall consider the PD area in the context of the city as whole. A preliminary assessment shall include at least the following evaluations and identify:*

a. *Natural Resources. ESHA, required buffers, potential ESHA that may require future study, and identification of predevelopment that may have impacted or removed ESHA. If wetlands are found to be present, delineation is a requirement for a complete application.*
b. *Access. New access points along Highways 1 and 92, primary interconnectivity routes within the PD and to other neighborhoods; and conceptual level plans for all primary modes of transportation including bicycle, pedestrian, and transit.*
c. *Recreation and Open Space. Locations for meeting the 20 percent open space requirement, and the City's Parkland Standard in the case of residential development.*
d. *Agriculture. Existing agricultural uses and approaches to retain such uses especially in cases of prime soils and locations for agricultural buffers within the PD site plan design as applicable.*
e. *Hazards. Preliminary assessment and mapping of hazards including but not limited to site contamination, flood, erosion (blufftop and banks of watercourses), sedimentation, fire, seismic and geotechnical conditions such as steep slopes and areas subject to landslide. In the case of bluff erosion, it must be established that development will not be subject to risk of loss from bluff erosion for its economic life.*
f. ...

Our recommendations:

b. Work with PD land owners to ensure that historic access points along state highways are affirmed and documented in specific policies for each substantially undeveloped PD. Private property owners with existing used and unused access points will need the City's full support in retaining the rights to reactivate ingress and egress, should future development plans propose, and the City ultimately determine that such uses meet mobility goals and are deemed the best circulation options.

c. Add a provision to the Draft Plan for alternative approaches to create recreational assets and open spaces that fulfill the intent of the City's Parkland Standard. There may be unique development and habitat restoration solutions that would alleviate the City of the future burden for operation and maintenance of multiple, new, small parks in the various PD areas. There may also be locations where conflicts with other Draft Plan goals and policies exist, and/or environmental impacts (such as traffic congestion) would be created by a public park.
e. If upland portions of PDs are in the Very High Fire Severity Zone, and 100-foot buffer zones are generally required, add provisions in PD policies for exceptions, such that case-by-case analysis and review is incorporated into the site planning process. Remove prohibitions tied to specific elevation contours.

2-86. Maximum Planned Development Buildout. *The Land Use Plan provides estimated maximum allowed development buildout based on a preliminary site assessment of net land area. Each master plan shall specify the maximum residential density and non-residential intensity of development permitted within the PD area.*

Our recommendations:

1. Because we have not yet completed a fully detailed biological constraints report or assessed the ecological restoration opportunities of the Nurserymen's Exchange site, including an estimated development area for the site seems inappropriate for inclusion in the final adopted Plan HMB. We understand the value of having included the draft, illustrative map and the net estimated development area in the formation of the Draft Plan. However, as is noted on the draft map, additional site assessments and master planning is required to determine development potential. Therefore we respectfully request that the map be removed and the estimated net acres be deleted, or more clearly caveated so that future development applications can be judged on their merits and applicants are able to comply with the final Land Use Plan while balancing project economics.
2. If two or more permitted uses are specified in the maximum development for individual PDs, add a provision for crediting and converting a single use with unused density.

   Example: Maximum of XX residential units (XX additional units with affordable housing density bonus); and YY square feet non-residential uses including neighborhood commercial and services; <u>or XX+YY residential units only (XX+YY additional units with affordable housing density bonus).</u>

2-88. Planned Development Base Residential Density. *Establish base residential densities for PD master plans based on net land area. Generally, higher densities may be assigned to PD areas within the Town Center, while lower densities shall be applied to areas outside the Town Center. Base densities shall be established as follows, except as provided for specific PD designations under the policies of this chapter:*

a. Town Center: 25 units per acre net land area
b. Outside Town Center: 2 units per acre net land area

Base density may be revised upward as a result of invocation of a density bonus for the provision of affordable housing or as part of a transfer of development rights or other similar program.

Our recommendations:

1. See our recommendations in 2-86 above and 2-91 below.

2-91. Provisions for Housing Affordability. *New residential development in substantially undeveloped PDs shall be comprised of lower-cost development types with smaller units. Lower-cost development types include medium-density small single-family homes, cottages, attached townhomes, live-work units, duplexes, triplexes, and garden apartments; and high-density multi-family and mixed-use development. Generally, single-family homes shall be no more than 2,000 square feet. For PDs with more than 10 residential units, at least 20 percent of the residential units shall be restricted and made affordable to lower income households.*

Our recommendations:

1. According to recent projections, the community will see an increase in the number of people in a household by at least 15 to 20% over the life of the Draft Plan. And in talking with affordable housing providers, housing families is critical to meeting affordability needs. We suggest amending the language in 2-91 to read, "... Generally the guideline for the size of new single-family homes is 2,000 square feet, with the option for larger family homes as a component of a proposed housing mix."
2. Our take-away from the City Council's July 16 housing study session: Half Moon Bay needs more durable tools to get to desired densities for affordable homes, while leveraging the City's very limited housing funds. We recommend consideration of adding to the City's housing tool kit, separate from and in addition to the state density bonus and inclusionary requirements. Planning tools we would like to see considered include transfer of development rights (TDR) receiver site designation for certain PDs; some type of a tailored, targeted bonus density; and/or a special overlay. The intent of such programs would be to allow increased density to provide additional affordable homes subject to City Council approval.

In closing, we have a high interest in working with the City and community stakeholders to ensure that the adopted Land Use Plan:

- Sets the stage for innovation, sustainability, and economic feasibility;
- Allows development applications to be tested on their merits; and
- Does not preclude opportunities by overly restrictive policies and limitations.

Our vision for the evolution of the Nurserymen's Exchange property is yet to be shaped, and we ask that the completion of the Land Use Plan spur a thoughtful collaboration to bring that vision into focus. As the largest underutilized property at the northern entry to the City, the site has the potential to model *"Looks like Half Moon Bay"* and reflect the preservation values embedded in the Draft Plan.

HALF MOON BAY CONSERVATION & DEVELOPMENT PARTNERS, LTD.

Thank you once again for the opportunity to comment.

Respectfully,

Peter C. Ingram, on behalf of the General Partner

Brittney Cozzolino

From: Jill Ekas
Sent: Wednesday, February 20, 2019 2:03 PM
To: Brittney Cozzolino
Subject: Fwd: Public Comment Input on the Proposed LUP Chapter 2 "Development"

For file and PC

Sent from my iPhone

Begin forwarded message:

From: "Peter C. Smith" <pcsmith10@comcast.net>
Date: February 20, 2019 at 11:59:09 AM PST
To: <jekas@hmbcity.com>
Cc: <mchidester@hmbcity.com>, <bnisbet@hmbcity.com>, <hrarback@hmbcity.com>, <aeisen@hmbcity.com>, <rbrownstone@hmbcity.com>, <dpenrose@hmbcity.com>, <druddock@hmbcity.com>
Subject: Public Comment Input on the Proposed LUP Chapter 2 "Development"

Jill;
As a private resident of the City I applaud the efforts put forth on the LUP Development chapter. It does a wonderful job in allowing land use flexibility beyond that offered in zoning to date, and allows a reasonable balance between articulated community needs for housing, agricultural and historic town character preservation, traffic circulation , and community economic need.
The willingness to consider and promote the consideration of more modern options to allow mutual accommodation of downsized and more affordable living space options for the City's working community while paying attention to the factors that make Half Moon Bay special demonstrates an attractive future vision for all residents.
I also believe that the chapters support of an expanded commercial use of the southernmost end of the City is a reasonable attempt to address the difficult circulation issue in minimizing City center traffic by residents living in and south of Half Moon Bay.
I do see a significant impediment to progress in the supply of infrastructure for such changes. The flexibility offered by the proposed LUP may be significantly encumbered by the also dated impact policies imposed by our water and sewer services providers (for instance water hookups are limited by number independent of the overall water system impact). I believe that downsized living options could be treated more with respect to their system impact, with perhaps multiple units consuming only a single hookup unit. This approach is currently used for the approval of in law units.
Similar policy updating efforts for those agencies to coordinate with HMB direction and be supportive of City plans could be helpful.
Great job so far!
Regards,

Peter Smith

Peter C Smith
2411 Cabvrillo Hwy S
Half Moon Bay, CA 94019

Comments and Suggestions from a Review of the Proposed LUP Update of 9/11/19

Peter and Elizabeth Smith

2411 Cabrillo Hwy S.

Half Moon Bay, CA

1. Chapter 1 – Introduction and Framework
    a. The emphasis on the Coastal Commission's coastal imperative for public access to the shore is not addressed in the LUP update in the southern part of the city. The plan should include allowance for needed parking in open space should be allowed in zoning ordinance categories controlling open space areas in the southern parts of the city to eliminate the crowded and inadequate parking at Cowell Ranch and Miramontes Point Rd access points. The recent CC actions against the Ritz Carlton hotel highlight this as an important issue.
2. Chapter 2 – Development
    a. Land Use Designations – Priority Residential Overlay
        i. The overlay focus should include but not be limited to agricultural workers but be expanded to include all classes of affordable housing from extremely low, very low, low, and median income categories (80%AMI and less) as defined in the Federal and State guidelines. The designation should suggest a mix of all these categories, as it is in the community interest to establish balanced communities with mutual appreciation for the work being delivered to the community. Currently the overlay limits the focus on agricultural support. The availability of affordable housing must be appreciated for the many other community services workers as retail, visitor serving, public utility, and young professional workers who currently make the many important contributions that make the community the enjoyable place that it is. Enacting policy to allow housing for this entire category of residents will also relieve the troublesome traffic circulation situation that our city endures and improve to roadway snarl that throttles our visitor serving focus.
        ii. The land use definitions for parcels designated UR, OSR, and Agricultural should be adjusted. All focus on open space agricultural preservation. The designation of the parcel at 2411 Cabrillo Hwy S no longer fits the

designation of OSR and should be UR. Nearby and adjacent and uses include, HUD8 housing development (Moon Ridge), commercial flowers and Feed businesses, multifamily condominiums (Ocean Colony), and senior focus Mobile Home park (Canada Cove). During the LUP period since the 1996 document Miramontes Point Rd has been transformed from an Alves dairy dirt cow path into a paved a 60 foot through fare for residential traffic. The UR designation would allow by definition the inclusion of farmworker housing which would act to preserve the agricultural use of the parcel as area prices negate "true family farmer" use and ownership. This change should be highlighted in table 2-I for the balance of the parcel not covered by the 1 plus 2 acres now proposed in the overlay.

iii. 2-41 Annexations –

1. The current area of influence that includes the area of lands bordering Rt 92 East from the city should be considered for annexation as the development and resulting traffic from these properties has had a major adverse impact on the flow of traffic on Rt 92. County controlled development has done a poor job in limiting the impacts of significant additional retail parking, and Rt 92 access points on city traffic patterns.

3. Chapter 3 – Public Works
   a. The plan should recognize, encourage, and approve the reuse of "grey water" to minimize the use of regulated water sources. While this policy may be slow to take hold, the impact of any new developments will minimize the use of critical water infrastructure resources. Water permit fees could then be adjusted away from the outdated meter size as dictated be fixture unit count to a more reasonable water meter by Virgin water fixture count. The high connection fees may be able to be modified in order to further encourage smaller dwelling sizes. Such a change will improve the availability of diminished size residences typical of mobile homes, mini houses, and the like. This change will encourage conservation, potentially modify new structure plumbing, and improve CCWDs "infrastructure capability to serve".
4. Chapter 4 – Agriculture
   a. Under the Land Use Framework introduction, the LUP draft states that there are no livestock operations for the purpose of food within the city. This is incorrect.
   b. The language in this Chapter also supports the zoning designation change for the 2411 Cabrillo S parcel to be changed from OSR to UR.
5. Chapter 5 – Coastal Access and Recreation

a. The plan should include allowance for needed parking in open space should be allowed in zoning ordinance categories controlling open space areas in the southern parts of the city to eliminate the crowded and inadequate parking at Cowell Ranch and Miramontes Point Rd access points. Since the recent completion of sidewalk access in Miramontes Point Rd from Rt 1 west all the way to the beach access points, an increase of day parking and foot traffic to the beach has been noticed. Such actions would be consistent with and support for Chapter paragraph 5-6.
b. In the Parking, Transit and Alternative Mode section the on street parking section should be expanded to address the limited access to coastal access points by dayworker, overnight and multiday parking by those with no room for these vehicles. Miramontes Point Rd. is a prime example with frequent examples of motor home, commercial vehicles, trucks in support of nursery and hotel operations, Moon Ridge overflow, and hotel events clogging the parking locations for this popular coastal access point. The implementation of a ban on overnight parking would eliminate much of this multiday use for secondary vehicle storage on public parking spots.
c. Under the Visitor Serving Accommodations section the policy should encourage the availability and use of privately held short term rentals in all city zoning categories as are available through Air B+B and similar services. This would improve the availability and diversity of visitor serving accommodations offered.

6. Chapter 6- Natural Resources
    a. No comments
7. Chapter 7 – Coastal Hazards
    a. No comments
8. Chapter 8 – Cultural Resources
    a. No comments
9. Chapter 9 – Scenic and Visual Resources
    a. No Comments
10. Glossary
    a. Redefine the definition of Affordable Housing to include Median income community workers with a preference to those that are employed in or in adjacent portions of the city. This would also make the definition of Affordable Housing to be consistent with the also list Below Market Rate definition that includes the Median classification.
    b. Eliminated the 25 year specification period requirement and replace this with the term "as negotiated" between the city and property owner. The length of any such term commitment should be subject to the level of use of public funds

utilized by the project, or conversely any utilized public funds may have an option to be repaid should the landowner choose to exit the affordable housing offering. In the latter case this policy is consistent with the county program for affordable housing loans that are forgivable only during the course of the first 10 years of the project. Also, in the case of some private owners, a commitment of public resources may be comparatively small, and the term requirement will otherwise act to limit community interest in the supply of affordable housing.

11. Appendix A
    a. No comments
12. Appendix B
    a. No comments

Wednesday, September 11, 2019

City of Half Moon Bay, Planning Division
https://www.half-moon-bay.ca.us/
501 Main Street
Half Moon Bay, CA 94019
JBlair@hmbcity.com 650-726-8270

Attention:
Brittney Cozzolino, Associate Planner
BCozzolino@hmbcity.com 650-750-2014
Douglas Garrison, Senior Planner
DGarrison@hmbcity.com 650-712-5836
Bridget Jett, Consultant - Planning Analyst
BJett@hmbcity.com 650-750-2015

Subject: Plan Half Moon Bay (HMB)
Local Coastal Program & Land Use Plan

Ms. Cozzolino...

The HMB "Land Use Plan Update" (review process) provides the undersigned, a timely opportunity to advise and advance its predevelopment interests and intentions, to the City of Half Moon Bay (HMB).

Accordingly, the undersigned herein, respectfully requests and proposes, as follows:

- HMB petition the San Mateo County, Local Agency Formation Commission (LAFCo), for annexation; those abutting, adjacent, contiguous, property parcels, known as APNs: 047-252-240;230; 220;360;390;400; all being located immediately to the north of the HMB City Line, at Sam's Chowder House. (see "HMB Comment Pillar Harbor View APNs .docx file attached).

- Further, HMB make the appropriate inclusionary provisions, for LAFCo annexation sanctioning, of the foregoing referenced APNs; ***i.e. the extension of HMB's "Commercial – Visitor Serving" land use designation, for continuity and jurisdictional purposes.***

- This being an anticipatory provision, it would afford the neighboring ownership parties and HMB the opportunity to plan for and effect development concepts that would be complementary, balanced, harmonized; as well as being consistent with HMB Municipal Code

expectations and requirements; and with private enterprise objectives and goals – fueling and engendering collaborative interest-based results, along with community enhanced outcomes.

For the record, the undersigned, does hereby submit comment.

APN: 047-252-240
No Address, Half Moon Bay, CA 94019
Use: Vacant Land (General)
PRAFULABEN PATEL
By:
DocuSigned by:
PhPatel 9/11/2019
7ABA5641F350433...
Prafulaben (Rita) Patel, Owner **Date**

DocuSigned by:
MDA 9/11/2019
E079DF6CAA054BA...
MADREAS, Michael A. D'Amelio, JD **Date**
Owner's Agent/Representative
CA BRE 00764929
Michael A. D'Amelio Real Estate Advisory Services
7770 Regents Road, 113-192
San Diego, CA 92122
(858) 876-7262 (office)
(202) 372-7776 (mobile)
michaeldamelio@madreas.com
www.madreas.com

Oceano Hotel & Spa
Capistrano Rd
Pillar Point Harbor Blvd
El Granada

SAN MATEO LAFCo
LOCAL AGENCY FORMATION COMMISSION
455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

September 12, 2019

City of Half Moon Bay Community Development Department
Attn: Brittney Cozzolino, Associate Planner
501 Main St.
Half Moon Bay, CA 94019

Subject: San Mateo LAFCo Comments on Half Moon Bay Draft Land Use Plan Update

Dear Ms. Cozzolino,

Thank you for you for the opportunity to comment on the City of Half Moon Bay's Draft Land Use Plan Update.

The Local Agency Formation Commission (LAFCo) is a state mandated local agency established in every county to oversee the boundaries of cities and special districts. San Mateo LAFCo has jurisdiction over the boundaries and spheres of influence of the 20 cities, 22 independent special districts, and many of the 38 county and city governed special districts serving San Mateo County.

San Mateo LAFCo offers the following comments on the Draft Land Use Plan Update:

Chapter 2 - Land Use

- 2-40 Sphere of Influence (Page 2-27): Any amendments to the Sphere of Influence (SOI) of the City of Half Moon Bay shall conform to Government Code Section 56425 and local LAFCo policy. A municipal service review may be required to support any amendments to a Sphere of Influence. As noted in the draft document, Moonridge, the greenhouse uses at the southeast end of town, and the greenhouse uses abutting the city limits on the south side of Highway 92 are all currently located outside of the LAFCo adopted sphere of influence of the City.
- 2-41 Annexations (Page 2-27): Any territory proposed to be annexed must be located within there SOI of the City. An annexation shall comply with Section 56650, et seq., which requires an application to LAFCo. In addition, changes to the urban-rural boundary and any associated land use plans or regulations shall be coordinated with the appropriate County and State agencies.

COMMISSIONERS: ANN DRAPER, CHAIR, PUBLIC • JOSHUA COSGROVE, VICE CHAIR, SPECIAL DISTRICT • RICH GARBARINO, CITY • DON HORSLEY, COUNTY • MIKE O'NEILL, CITY • WARREN SLOCUM, COUNTY • RIC LOHMAN, SPECIAL DISTRICT
ALTERNATES: KATI MARTIN, SPECIAL DISTRICT • HARVEY RARBACK, CITY • JAMES O'NEILL, PUBLIC • DAVE PINE, COUNTY
STAFF: MARTHA POYATOS, EXECUTIVE OFFICER • REBECCA ARCHER, LEGAL COUNSEL • ROB BARTOLI, MANAGEMENT ANALYST

Chapter 3 - Public Works

- 3-29 Sewer Service District Study (Page 3-48): In a 2008 report, San Mateo LAFCo reaffirmed the SOIs for Coastside County Water District and for Granada Community Services District, both of which have a consolidation designation. The report also recommended that a single, regional water and sewer district serve both the unincorporated and incorporated study area (City of Half Moon and the urbanized mid-coast) that was delineated by the existing urban/rural boundary. While the report did not recommend one specific course of action to achieve this consolidation, it did provided a number of potential options, including consolidation of districts and the creation of regional service providers.

Chapter 4 – Agriculture

- Williamson Act Section (Page 4-4) : As shown in figure 4-1, all parcels that are under a Williamson Act Contract within the Planning area are currently located outside of the city limits of Half Moon Bay. These parcels are also outside of the LAFCo designated SOI. Land under existing Williamson Act Contracts that are proposed to be included in a sphere of influence shall be subject to the requirements of California Government Code Section 56426.6, which restricts contracted parcels from being included within a SOI, unless certain parameters are met. Section 56426.6 also outlines the factors that the Commission shall consider in making a determination regarding the inclusion of the parcels in the SOI.

San Mateo LAFCo apricates the opportunity to review the draft policies and remains interested in the City's LCP and General Plan update process.

Sincerely,

Rob Bartoli

Rob Bartoli
Management Analyst

Cc: Steve Monowitz, San Mateo County Planning and Building Department
San Mateo LAFCo Commissioners

COMMISSIONERS: ANN DRAPER, CHAIR, PUBLIC ▪, JOSHUA COSGROVE, VICE CHAIR, Special district ▪ RICH GARBARINO, City ▪ DON HORSLEY, COUNTY ▪ MIKE O'NEILL, CITY ▪ VACANT, Special District ▪ WARREN SLOCUM, COUNTY
ALTERNATES: KATI MARTIN, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY
STAFF: MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 17, 2019 11:29 AM
To: Brittney Cozzolino
Subject: Roy Salume's Chapter 2 & 4 comments

From: Roy Salume <roys@accurim.com>
Sent: Thursday, February 14, 2019 4:10 PM
To: Jill Ekas <JEkas@hmbcity.com>
Subject: Roy Salume's Chapter 2 & 4 comments

Jill,

Thank you so much for giving me a little of your time today. You are very busy, and I do appreciate it.

I have some input and comments on Chapter 2 of the Draft:

Under Growth Management, "Non-Residential Development Growth Management"
P. 2-23, item 2-13, iv -

> The intent of the rule appears to favor limited commercial use on the ground floor, and to restrict it in proportion to residential on street level. However, a future project similar to the Plum Tree Court development on Main Street might violate the rule.
>
> A 2-3 story property may not align with the commercial ground floor limitation in a live-work model. If some commercial use was conducted on each floor (for example offices, galleries, etc.), that could change the mix of uses per square foot.
>
> I would suggest keeping the guideline as written for single story projects, but adding that any multi-story live-work proposal/project be evaluated on the merits on a case by case basis. The goal would be to maintain a balance of residential to commercial square footage within each property, and while promoting the creation of work space close to living space.

Under Community Character, "Town Forest"
P. 2-25, items a through f -

> Unfortunately, eucalyptus trees are ubiquitous on the Coastside They were planted decades ago, are a non-native invasive species, they are a costly ongoing maintenance problem, and a serious community fire hazard. In my view, they do not qualify for preservation or heritage tree status. However, eucalyptus trees have created habitat for wildlife, and they can serve as windbreaks.

You might add under item "f", or under a new item "g" in this section the formulation of a long-term policy goal to gradually eliminate eucalyptus trees. The replacement process would be triggered on a case by case basis at the discretion of the City and property owners. Ideally, eucalyptus trees would be replaced with a native species of tree more appropriate to the Coastside's ecosystem.

Under "North Wavecrest"
P. 2-117 through P. 2-124, and specifically P. 2-132, a., i. & P. 2-124, c., ii. -

The table on P. 2-117 under Estimated Maximum Development specifically mentions "Lower cost recreational uses, including camping and ecotourism uses ...". I think this is an appropriate future use to consider within the policy, and I commend staff for including it.

There is a serious need for additional lower-cost access for visitors to the Coastside; at present those opportunities are limited while demand is high. In particular, adequate tent camping for visitors is lacking in our area. It makes sense to plan for this kind of development along Wavecrest Road. I look forward to seeing how the area's property owners, stakeholders, and the City turn this concept into a reality.

Correction, Under North Wavecrest Policies, "North Wavecrest Master Plan, Site Planning and Views"
P. 2-123, item 2-132, i.

The text "... (including Young Avenue right-of-way) ..." does not appear to apply to Wavecrest. It should be removed for the sake of clarity. If there is another right-of-way in the Wavecrest area that this policy refers to, it has been mislabeled. What would that be?

Under North Wavecrest Policies, "North Wavecrest Master Plan, Site Planning and Views"
P. 2-123, items 2-132, i., i. & 2-132, i., ii. -

There are a few existing structures on Wavecrest Road that exceed the 15' limitation by several feet. They are screened from view, and largely invisible from the view corridor. In the future, these structures may be retrofitted to add solar panels and other modifications to better align with the area's recreational uses. Such changes could increase height, but still come below that of other newer structures now in the area.

For the sake of clarity, I would suggest that the language governing *Height* change to "**New** structures ...". Any changes to the height of an existing structure would continue to follow the prescribed path of design review and approval through the City.

This change would also apply to *Setbacks* to read "Generally **new** structures shall be ...". Again, any changes to existing structure setbacks would continue to follow the prescribed path of design review and approval through the City.

The new Dolores PD proposal -

I fully support the new Dolores PD proposal, along with the proposed mechanism of Transfer of Development Rights with respect to privately held lots to the west. This is a good idea.

Chapter 4: Agriculture -

My comments and suggestions on this section were made in public on the January 22nd Planning Commission meeting. They are a matter of record.

Sincerely Yours,

Roy Salume

CITY OF HALF MOON BAY
SEP 13 2019
RECEIVED

Roy Salume's comments on the LUP draft (09/13/2019):

Chapter 1. Introduction & Framework.

1) In Figure 1-10: Existing Land Uses

In the Figure, the property at 450 Wavecrest Road is shown as used for General Industrial purposes. Note that this land is currently zoned as Agriculture, though there is a record of non-Agriculture uses having been conducted on the property. I understand that this map was provided by San Mateo County's GIS Department. However, the designation error should be addressed and corrected for the sake of clarity.

Chapter 2. Development

2) Commercial-Visitor Serving (C-VS) policy, (p. 2-12)

Depending on what a specific project proposal offers, and its location with respect to coastal recreational resources, tying C-VS density to the Residential-Medium Density designation (2.1-16.0 units per acre) may be too restrictive.

At present, there are only 33 acres of C-VS in the City. It is a priority use (Policy 2-3, p. 2-21), and demand for it is increasing. To accommodate visitors from outside our area in the future, there is a need for more. The challenge is to determine what will meet the need, where to put it, and how best can it serve.

An adjustment in density allows greater flexibility in location, planning, and approval. To enhance the public's access to a visitor-serving resource, it would be wiser in policy to specify a wider range using both the Residential Medium & High Density designations (2.1-25.0 units per acre).

For example, a proposed C-VS project consisting of just a few acres may be surrounded by many acres of recreational space, open space, and other similar resources. It would be in the public interest to permit a greater density for that project, thereby increasing the opportunities for access. If the project's impacts to neighborhoods and traffic were also negligible, a higher density to increase access would be advantageous.

However, any approved increased density should also be balanced against the overall size of a C-VS project proposal. In practice, projects having less acreage might have a higher approved density, while C-VS proposals with greater acreage could have a lower approved unit density. Depending on the project's scale and location, this would result in more moderated impacts to traffic and other resources for larger project proposals. In practice,

perhaps a formula developed by the Planning Department might serve as a useful comparative tool for C-VS projects under consideration.

A flexibility adjustment to density policy would also present another advantage. If a C-VS project proposal covered many acres, a lower density, coupled with clusters of usage in the design, could act to reduce site impacts and preserve visual corridors.

3) Heritage Tree Ordinance policy, (p. 2-18, 2-25, 2-26)

The stated purpose of the Heritage Tree Ordinance is "... to preserve and protect the City's town forest...". I would suggest the addition of language that would include "... enhance and expand the City's town forest of native species...".

Trees have a life cycle, the City's tree population is not static, and the numbers of trees within the City have fluctuated over time. The trend shows that overall numbers of native species have declined over the last hundred years. In their place, invasive non-native species such as Blue Gum eucalyptus have been planted, often haphazardly.

If there are to be many more native Heritage Trees for future generations to enjoy, it is in the public interest not only to preserve, but also to encourage planting many more trees now.

In this area, policy would actively promote the planting of new trees, while the ordinance might offer property owners project/approval incentives for doing so. The City's Ordinance could create a yearly target for new plantings, an inventory of each new tree planted, a designation of "Future Heritage Tree" within the inventory, and a periodic census of these new plantings. Finally, where a small property may not support the planting of many new trees, a property owner could participate in a tree-planting program on City owned, open space, or other reserve lands.

4) Pacific Avenue?, (p. 2-120)

The reference to Pacific Avenue as a boundary within the North Wavecrest area is somewhat confusing. There is a Pacific Avenue that intersects Grandview Avenue to the north, and east of Hwy 1. If this is an unmarked or unfinished paper street, another boundary line should be used instead. Please clarify.

5) North Wavecrest Master Plan, (p. 2-177 & 2-122)

Under North Wavecrest Policies, ***Development Type and Estimated Buildout*** (p. 2-122, a., i.), the recommendation is for 10 acres of lower-cost visitor-serving accommodations ... including camping. I think this is an outstanding use for some of the lands in that area, and

much needed to augment the limited opportunities now available for visitor access to the area.

I would suggest that the policy should include the words "low impact" to define what might be created in the area. This language would encourage new campsite designs to be as unobtrusive as possible, enhancing the experience and enjoyment of the natural setting. Such sensitive design might include features such as raised tent platforms, natural-looking paths, foot traffic only access, low profile fire rings, and supporting structures located at the perimeter of the camping area.

Low Impact would also refer to any supporting construction in the area. In my opinion, 15,000 square feet of permanent construction to support camping in the area seems a little high. However, if the intention in the future were to include a visitor or interpretive center of some kind, and offer expanded support services missing in the area, then the square footage would be justified. In the absence of a specific proposal, I would suggest that any such construction, as well as the campsites it would support, be located as far eastward as practical.

6) North Wavecrest Master Plan, Site Planning and Views , (p. 2-123, 2, i., i.)

There are existing structures accessed from Wavecrest Road that now exceed 15 feet in height. Some of these are visibly screened from view. In the future, they may be modified or repurposed to support future visitor-serving activities in the area. Such modifications could also include solar collectors and rainwater capture, resulting in a possible increase of the roofline a few feet. These kinds of structural changes would be appropriate, and align with some of the City's other policies concerning sustainability.

Any modifications to an existing structure would certainly be subject to the City's review and approval process. With that understood, I believe the intention of this policy is to guide ***new*** construction in the North Wavecrest area. With this in mind, I would suggest that the policy should read:

i. Site Planning and Views. ***New structures*** shall be clustered, maintained low in height, or constructed at low elevations to the maximum extent feasible and specific view corridors shall be established (including the Young Avenue right-of-way) and protected by easements so as to maintain views of the ocean from Highway 1. Specific requirements include:

ii. Height. ***New structures*** accessed from Wavecrest Road shall have a maximum height of 15 feet with the exception of nature viewing blinds and other view platforms; ***new structures*** accessed from Redondo Beach Road shall have a maximum height of 28 feet.

7) Dolores PD, (p. 2-124)

I fully support the proposed Dolores PD, as well as the concept of using it as a receiver site for TDRs from North Wavecrest (p. 2-128). In my opinion, encouraging projects at Dolores with an increased density profile makes sense. Within a well-defined perimeter, limited development in this area could help meet the demand for a type of housing that is now under represented in the Coastside's real estate market.

Access to public transit, Hwy 1, and trail extensions at this location are optimal. It has the potential to create positive, appropriate development in the southern area of Half Moon Bay, while producing minimal impacts to traffic. I look forward to seeing how this proposal develops, and what specific proposals for this area are presented in future.

8) Correction, (p. 2-138)

On line 10, p.2-138: "... in in two ..." should read "... in two ..."

Chapter 5. Coastal Access & Recreation

9) General Policies, (p. 5-47, Policy #5-83)

In Chapter 5, the appreciation of natural resources, outdoor recreation, and opportunities for organized sports are all recognized and discussed. The beaches, bluff top trails, parks, school district sports fields, and the recently completed Boys and Girls facility are all mentioned. Interagency cooperation in service of these is also mentioned within the General Policies.

What is not mentioned is the pressing need for a dedicated recreational facility that would serve the entire population of the Coastside. This appears to be missing.

Whether it would take the form of a YMCA, or a public-private collaborative venture, the need has been with us for decades. We have a few components that approximate what such a facility might include (a small pool at the high school, the skateboard park, a Boys and Girls Club Gym, and a Recreation Department). While offering value, these components often appear to function in an uncoordinated fashion.

Unlike other communities, we have no such dedicated recreational facility to serve the entire spectrum of the community. That population includes families, single adults, the senior population, and children out of school. Unlike the club at Ocean Colony, it would (and should) be welcome to all at a modest and reasonable cost.

This is an obvious deficit on the Coastside, and denies the residents the full range of athletic and recreational activities that many other vibrant communities already enjoy. Let's begin to fix it first within the LUP.

A new policy addition should be included in Chapter 5, with appropriate mentions in Chapters 2 & 3.

The new policy addition would -

- Discuss the need for such a centralized recreational facility
- Define its purpose to serve the entire community as a reasonable cost
- State the goal of creating such a facility for the community in future to allow the process of discussion and development to begin

I urge you to consider this policy addition to Chapter 5.

- Roy Salume

November 29, 2018
Comments on the HMB LCP Natural Resources Chapter October 2018 Public Review Draft.
Submitted by Sara Polgar

Fully Protected Species: The description on p. 6-10.

- Might be good to note the other parts of the code that are applicable. Fish and Game Code Sections 4700, 5050 and 5515. Also, the last sentence of the paragraph is confusing. It makes it sound as if only birds have fully protected status, but San Francisco Garter Snake is fully protected as well. http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html

Central California Coast Steelhead (p. 6-18)

- Is there any site specific info regarding presence in HMB's creeks?
- What are the habitat (quality) issues that need to be addressed to make these creeks good/better habitat?

Monarchs (p.6-23)

- Couldn't tell from description if they are, or are no longer, roosting in winter at Magnolia eucalyptus grove.

Unique Species-Wintering Raptor Foraging Habitat (p.6-25)

- I like how you captured the significance of raptor populations in Wavecrest and west of Railroad Ave, and that the discussion of factors contributing to the value of these areas for these species recognizes that the mix of grasslands, wetlands, trees and shrubs are essential. Later, the draft describes this combination of habitats as the Coastal Terrace Prairie– it might be good name this here as well. Also, I think that this description should note that Wavecrest and west of Railroad are large areas of contiguous habitat 'mosaics' which create just the right conditions for wintering raptors to flourish (i.e. both size and composition – together-- matter tremendously).

Table 6-1: p. 6-34: Habitat column for Yellow Warbler

- I think you mean "migration" instead of "mitigation"

Table 6-3: Habitat and Special -Status Species Constraints Summary:

- I like this table -- it synthesizes a lot of different and useful info quite well, but I would use a different word than "constraints". The info in the General Constraints column are not really constraints related to special status species, and it makes it sound like the habitats and/or the species are a problem. Especially considering that the draft encourages the public to report and verify sightings of special-status specie to CNDDB, it is important to avoid framing these species and habitats in negative terms.

Policy 6-10: Unique Species:

- Define unique species as an organism or group of organisms...
- Also, other than this definition policy, the policies do not explicitly protection of the valuable size and composition (see comment above) of key habitat areas (ie. Coastal Terrace Prairie) upon which they rely. I think that this could easily be added/clarified in language in Policy 6-54. Performance Standards in Coastal Terrace Prairie

Buffers policies:

- **The policies address buffers for ESHA as well as individual habitat types—which are also ESHA.** This gets very confusing. (Bruce Russell commented at the Planning Commission Study Session about this.) I am assuming that the ESHA buffer policies (6-22-23 and 6-25) are meant to be general buffers info and that the following, habitat-specific buffers policies provide details about how to implement the overall ESHA buffers policies within a particular type of habitat. If that is the case, (and you have to keep the general ESHA buffers policies to satisfy Coastal Commission requirements) I think you should 1) mention in the ESHA buffers policies that habitat-specific buffers requirements/parameters/?? are provided for wetlands, riparian corridors, etc, in the following policies; 2) try to use the same language to frame the buffers definitions and exceptions (e.g. 6-55. Coastal Terrace Prairie Buffers is described in the same way as the general ESHA policy 6-22.); and 3) format in all of the buffers policies to clarify the standard buffer requirement vs exceptions that allow for smaller buffers (per the general ESHA buffer policy 'a' and 'b'). For example, policy 6-42 (Non-Riparian Watercourse Buffers) starts with the buffer definition and then lays out the specifics in 'a'-'c', whereas policy 6-38 (Riparian Corridor Buffers) is one long paragraph. This latter policy could have a definition for 'regular' riparian corridors, and describe the other 3 special cases in 'a'-'c'.
- **Use of the word "establish"** in the buffers policies: I think that you should change this word for two reasons: First, you use it to describe existing neighborhoods (e.g., "established neighborhoods") and as a directive for buffers (e.g., "establish the buffer zone...") in the same policies (e.g., Policies 6-38 and 6-42). This can be confusing. Second, using the word "establish" as a directive really make the policies sound as if they will be actively applied to all areas (i.e. existing development and land uses, such as ag). I fully understand that the application of these policies would only be triggered by a permit for development, but, as written, this language is may be unnerving to property owners. I would use language along the lines of "when permitting development and/or new uses, require buffers..." I know that this is really clunky, but adding a few more words to clarify that this will not be retroactive, may help avoid some unnecessary angst.
- **Sea Cliffs/Bluffs:** Why are there no buffers policies for this habitat type? I assume that the standard ESHA ones apply, but it is odd that there are not habitat-specific ones for this when all the other habitats got that treatment. Furthermore, of all of the ESHA types, this one requires extra buffering precisely because it has an actively moving (inland) boundary due to natural and human-exacerbated erosion.

Policy 6-42: Non-Riparian Watercourse Buffers

- Change "drainage ditches" to watercourses.

Throughout policies:

- When you say "Education" in the policies do you mean "Community Education" per definition in 6-5? If so, I would recommend adding "community" every time you say "education" in the policies. Basically, I just recommend being consistent with this terminology.
- Since "research" can be broadly interpreted, I would prefer to see a specific definition in the first section of the policies. Does the Coastal Act have one?
- In policies where the "Permitted Uses within..." some habitat type where you reference same uses as in a previous habitat type, I recommend referencing the policy number so that it is easy to jump back and find the uses that are permitted.

Policy 6-82: Allocation of Public Funds:

- By "scientific uses" do you mean research or is this something new?
- The mention of "vulnerability to overuse" in 'c' is confusing.

Fuel Modification policies:

- I realize that the hazards chapter will have more about fuel modification, but this chapter needs some background/context (including defining what is meant by "fuel modification"). Otherwise, these policies are very confusing.

Mitigation: pp. 6-63 and 6-91

- Do the mitigation policies only apply to projects for which CDFW requires mitigation? (i.e. Is mitigation used in this chapter as a regulatory term?) If so, this needs to be more clearly conveyed, and the use of "mitigation" should be consistent throughout the document.

Policy 6-95: Habitat Restoration (I would like to talk with you in person about this policy. In the mean time, here are my thoughts.)

- I can't tell if the intent of this is to create an additive requirement that will go beyond mitigation, or to ensure that projects that don't require mitigation (per regulatory thresholds) but still have habitat impacts (of what significance thresholds??? determined by who/what regulations???) are still, essentially, mitigating for those habitat impacts. Either way, I do not think that this is a well-conceived policy as currently written. The language-- "Require habitat restoration as a condition of approval for any permitted impacts to habitats when, in the judgment of the Community Development Director, restoration is partially or wholly feasible."—doesn't give City staff much wiggle room for applying this policy. Furthermore, I know from my professional experience implementing habitat restoration projects in coastal San Mateo County, that the requirements that this policy places on projects -- for meeting restoration objectives, performance standards and demonstrating these through monitoring and reporting -- are a huge undertaking in time and cost. Overall, I assume that the goal of this policy is to ensure that new development projects ultimately have a net benefit on habitat quantity/quality in HMB rather than chip away at these resources. However, at best, the policy would lead to piecemeal habitat restoration that is determined by locations of applications for development rather than by where restoration efforts would be most efficacious for our natural resources. Furthermore, I actually think the policy will do more harm than good by making it all the more difficult and expensive to accomplish projects that the City has identified as priorities for our community. For example, completing the Coastal Trail at Wavecrest would be cost prohibitive if this policy were applied.

Mitigation and Restoration section p. 6-91:

- Currently, the policies only seem to address required habitat restoration. I would like to see a policy that is supportive of habitat restoration – particularly multi-benefit projects. For example, Coastside Land Trust is working with the City and other partners on a project to enhance seasonal wetlands, address surface water quality issues, and reduce erosion due to stormwater flows. I don't recall seeing a policy in this Biological Resources section that would support this kind of multi-benefit work.

Policy 6-101. Partnerships for Open Space Conservation and Habitat Management

- Just checking if there is a reason that Coastside Land Trust and Peninsula Open Space Trust are not mentioned here. No need to include if the named entities are solely government.

Policy 6-106. Sea Level Rise and ESHA. & Policy 6-107. Development and Habitat Migration.

- How do these policies interact with/relate to the ESHA buffers policies? Right now, they don't reference or align with each other, so it is confusing as to which policies have precedence. I'd suggest trying to integrate the objectives currently found in these SLR policies into the ESHA buffers policies (as applicable).

Natural Shorelines intro. p.6-96:

- If I read this correctly, it sounds like local sand sources (e.g. eroding bluffs) are a more significant source of beach sand in HMB than longshore transport. If this is accurate, it should be explicitly stated. This condition only makes it more important to avoid situations (e.g. placement of new development too close to bluff edges) that will lead to requests for bluff armoring for protection of development. In theory the Coastal Act prohibits this, but in practice, it can be politically difficult for the City Council (and, on appeals, the Coastal Commission) to deny these requests.

Minor Creeks and Drainages. p.6-101:

- Change "ditches" (last sentence) to watercourses

Hydrology and Water Quality background info and policies:

- Is water being drawn from any of our creeks for supply? I mention this because of Lennie Roberts' comments at the 11/27/2018 Planning Commission study session regarding the future Ox Mountain reservoir being used to increase summertime/low-flows in creeks to benefit fish. Is low water preventing steelhead use of creeks? If so, this should be identified and addressed in this section and the Biological Resources section.
- Per my comments at the 11/27/2018 Planning Commission Study Session: I would recommend acknowledging that additional water storage may be necessary to meet supply needs and protect natural resources. (E.g., new water storage ponds to help landowners avoid having to draw groundwater if that becomes limited; or to avoid pulling water from creeks during the low-flow summer months when fish most need the water in the creek.)

Policy 6-118. Habitat Restoration and Policy 6-160. Restoration.

- I like the inclusion of a general habitat restoration policy here, but I prefer the broader more "multi-benefit" language in Policy 6-160. Restoration. This latter policy better reflects the reality of the work we need to accomplish in our community, and I would encourage expanding it even further to support multi-benefit projects.

Policy 6-117. Green infrastructure, Development policies (starting p. 6-111) & Stormwater policies (starting p. 6-113):

- Just want to say that I think it is really important that these policies are well-integrated with the Development chapter policies that staff is working on right now!

Brittney Cozzolino

From: Jill Ekas
Sent: Wednesday, February 13, 2019 2:12 PM
To: Brittney Cozzolino
Subject: FW: First Draft General Plan Chapters 2 and 4--Brief comments

Take a look at these.

From: Wilson, Steve <Steve.Wilson@withersworldwide.com>
Sent: Tuesday, February 12, 2019 5:09 PM
To: Jill Ekas <JEkas@hmbcity.com>
Subject: First Draft General Plan Chapters 2 and 4--Brief comments

Dear Jill:

Terry and Dino Andreotti provided me with drafts of Chapters 2 (Development) and 4 (Agriculture) of the new General Plan and I am submitting a few focused comments on their behalf. These pertain of course to the Andreotti Properties fronting on Kelly Ave. and Hwy. 1. The comments are meant to improve consistency between the text of these chapters and agreed uses and classifications of their properties, most particularly after recordation of the POST ACE which will apply to these properties after closing (next month).

Chapter 2 (Development)

1. Figure 2-1 (Land Use Map) should depict the R-1 parcels fronting on Kelly Ave. (Andreottis' current parcels and those being acquired from POST) as being Residential –Medium Density. Perhaps this is just a problem with the shading of the map, but there should be no possible interpretation of the R-1 lots as being Urban Reserve.

2. Page 2-41 (Description of Alsace Lorraine) This description appears inconsistent with Figure 2-3. It is not clear that the Andreottis' R-1 lots are within the textual description on 2-41. We think they should be (i.e., that Fig. 2-3 is correct) and we want to be sure that the development potential of the R-1 lots is included within the text of "Additional Development Potential."

3. Page 2-43 (Established Neighborhoods, Par. 1) Should Alsace Lorraine infill (including the remaining R-1 along Kelly Ave.) also be mentioned here?

Chapter 4 (Agriculture)

1. As a policy matter, and for avoidance of possible confusion in the future, full dignity must be given to the provisions of the ACE about to be recorded. As we see it, this Element should harmonize the highly particular provisions of our ACE (and in the future potentially others created within city limits) with the city's planning objectives. In practical terms, we think the policy should be that when the city reviews and "approves" an ACE, its provisions should be respected to the maximum possible extent. The Andreottis' ACE is, after all, highly particular, supportive of city policies and zoning criteria, and General Plan policies and goals should be harmonized with provisions of any ACE in existence when the Plan is adopted. Put another way, as a simple matter of fair play, the city should

write this element in a way that the city can't move the goal posts. I believe you have already heard Terry Andreotti address this issue. POST and the Andreottis know how to farm. The city doesn't.

2. For avoidance of doubt, It should be made clear that the Andreottis' R-1 zoned lots along Kelly are not classified as "prime soil." Additionally, that distinction should be made for the part of the Hwy. 1 parcel upon which further development of Visitor-Serving Uses. If that classification is for some reason legally unavoidable, something needs to be added to this Chapter to subordinate restrictions possibly implicit in that classification to other zoning and General Plan provisions, as well as permissible uses contained in a recorded ACE.

Please call me if we should discuss.

Best,

W. Stephen Wilson
Of Counsel
Real Estate
t +1 415 872 3212
withersworldwide.com | my profile

Secretary: Marissa Lara t +1 415 872 3216

Withers Bergman LLP
505 Sansome Street, 2nd Floor, San Francisco, CA 94111

Withers Bergman LLP - 505 Sansome Street, 2nd Floor, San Francisco, CA 94111 T: +1 415 872 3200 F: +1 415 549 2480

Withersworldwide
San Francisco, Los Angeles, Rancho Santa Fe, San Diego, New York, Greenwich, New Haven, London, Cambridge, Geneva, Milan, Padua, Hong Kong, Singapore, Tokyo, British Virgin Islands, Melbourne, Sydney

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January 22, 2019

Planning Commission
City of Half Moon Bay
C/o Jill Ekas
Community Development Director

BY EMAIL: jekas@hmbcity.com
BY HAND DELIVERY

RE: Proposed LUP Revisions
Surf Beach/Dunes Beach PD District

Dear Planning Commission Members:

I am writing on behalf of a group of property owners who collectively own approximately 95% of the forty-eight acre Surf Beach/Dunes Beach Planned Development ("PD") district. As most commissioners probably know, our group has been working with City staff for several years to assemble the needed parts of a detailed application to develop our property. Because the creation of a Specific Plan is a necessary part of this application, and because numerous studies supporting this Specific Plan must also be completed (architectural, engineering, biologic, traffic, etc.), this process has proven to be time-consuming and expensive. Even *more* time-consuming and expensive, however, has been the *decades long* effort to consolidate ownership of the area into a partnership capable of master-planning the acreage, as encouraged by the Coastal Act and required by the City's current Land Use Plan ("LUP").

Our group undertook this long-term effort with the expectation that the City's LUP would remain relatively stable over time—a reasonable expectation given the very slow rate of development and population growth (less than one-half of one percent per year) in the City over the last twenty years. However, the City's draft development chapter of its proposed LUP revision appears to us to be a radical departure from the City's current LUP. We are concerned about the apparent "down-zoning" of the Surf Beach/Dunes Beach PD to a new density that is only about one-third of the current possible density. We are concerned about significant new restrictions as to allowable locations of housing and visitor-serving structures, including the proposed (and arbitrary) requirement that one-hundred foot set-backs be required on most of the property boundaries. We are concerned about the proposed requirement that any new housing be of "lower-cost development types" and contain a "mix of units." Finally, we are concerned about a number of passages in both the proposed development chapter and other proposed LUP chapters that relate to sensitive habitat, flooding, and tsunami problems that our property is assumed, but not proven, to have. Taken all together, we are concerned that the accumulation of new requirements and restrictions contained in the City's proposed LUP revision will conspire to make development of our property not economically feasible.

Another way to state our objection to the proposed LUP revision is to say that, at least for the Surf Beach/Dunes Beach PD, the City's proposal seeks to determine *in advance*, much of what should properly be determined in the Specific Plan/EIR process. The particular virtue of the Specific Plan and accompanying EIR process is that it allows a whole district to be planned with *flexibility*. For example, Half Moon Bay suffers from a critical housing shortage, but coastal access and visitor-serving uses are high priorities of both the City's General Plan and the California Coastal Act. How much housing and how much visitor-serving, what kind, and where it should be located should not be prejudged, but should emerge from a careful study of alternatives during the EIR process, informed by project-specific traffic studies, ESHA studies, economic studies and the like. What is suitable for the Surf Beach/Dunes Beach PD should be the result of the careful "balancing" called for in the Coastal Act—and not the result of an essentially political decision made in haste.

Our group does not object to the thoughtful and reasonable updating of the City's current LUP. However, since our partnership has so much time and expense invested, we want to be closely involved with this process. With this in mind, we have hired EMC Planning Group, Inc., a well-known firm based in Monterey, to coordinate with the City on our behalf. As a first step in this coordination, EMC will in the next several days be submitting to the City a detailed commentary on the proposed LUP chapters as they relate to the Surf Beach/Dunes Beach Planned Development district. We hope this will begin a successful collaboration between the City and our group of owners on the LUP update as well as on our project as a whole.

Sincerely,

Steven Weed
Partner
Surf Beach Partners, LP

September 13, 2019

City of Half Moon Bay Planning Commission
c/o Jill Ekas, Community Development Director
501 Main Street
Half Moon Bay, CA 94019

BY E-MAIL: jekas@hmbcity.com

RE: Comments and Objections to Proposed LUP Revisions
Surf Beach/Dunes Beach PD District

Dear Chairman and Planning Commission Members:

City staff has asked for "final" comments from the public on the new Land Use Plan (LUP) draft being considered by the Commission. In response, I am again writing on behalf of a group of property owners who collectively own approximately 95% of the forty-eight acre Surf Beach/Dunes Beach Planned Development (PD) District. During the course of the City's LUP update process I have previously written the Commission on two occasions (12/9/14 and 1/22/19), and EMC Planning Group Inc., whom our group has retained to process entitlements for our property, has written the Commission on three occasions (1/22/19, 2/25/19, and 3/20/19).

As there has so far been little reaction to or public discussion of the concerns and objections raised in these earlier letters, I am resending the three most substantive of them in an e-mail immediately following. I do understand that the wholesale revision of the City's LUP has placed an enormous burden on City staff and the Commission, and I therefore want to be certain that our comments have not been "lost in the shuffle."

The three letters being resent state both our general and specific objections to the latest draft proposal, especially pertaining to pages 86 through 93 and Policy 124 of Chapter 2 (the section of the LUP which specifically proposes new development conditions for the Surf Beach/Dunes Beach PD area). These prior letters are detailed and offer line-by-line analyses of the sections in the draft LUP about which we are most concerned. As such, they stand on their own and need little supplementing.

Still, as the Commission's study of the LUP draft moves to its final stage, it might be useful to here outline the two main themes of our earlier objections.

Subversion of the Master Planning Process

More than twenty years ago most of the larger undeveloped land areas in Half Moon Bay were rezoned to PUD. An important reason for this rezoning was to introduce *flexibility* into the design and planning process, and to replace rigid development standards with an approach emphasizing *comprehensive* design of each distinct area. Another reason for this rezoning was to acknowledge that the nineteen PUD areas in Half Moon Bay are

affected by differing constraints and opportunities, and that *site-specific* studies are needed in each case to fully examine these constraints and opportunities. Still a third reason to move to the PD/PUD entitlement process was to recognize that development within the Coastal Zone invariably involves the careful reconciling of a number of competing goals—for example, the goal of protecting coastal resources; the goal of providing statewide coastal access to those resources, especially to the beaches and bluffs; the goal of providing for local social and economic needs, including City revenue; and last but not least, the goal of respecting constitutionally protected private property rights. The high importance of achieving a thoughtful *balance* of these competing goals is highlighted in the California Coastal Act as well as in the City's own LUP.

In a number of places the City's LUP indicates that a Master Planning process—in this case, the creation of a Specific Plan with accompanying site-specific technical studies and EIR—is the proper way in which to approach the entitlement of the separate PD districts in Half Moon Bay. Unfortunately, the City's draft LUP effectively does just the opposite, at least as it pertains to the development of the Surf Beach/Dunes Beach PUD. Instead of arriving at key development standards as the *outcome* of a careful balancing of factors, the current LUP draft rather arbitrarily *mandates* many of these standards. For example, land use, net building area, density, set backs, fire and tsunami hazards, and building heights are prescribed as starting points, when instead they should, for the most part, be arrived at through the Specific Plan/site-specific technical study/EIR process. As Michael Groves says in his February 25 letter to the Commission, what is the point of master planning if fundamental development variables such as density, development capacity, net acreage, development location, etc., for the Surf Beach/Dunes Beach site are specified in policy before the master planning process for the site has been initiated?

Unreasonable and Arbitrary "Down-zoning" of the Surf Beach/Dunes Beach Property

Since the rezoning of large swaths of Half Moon Bay land in the 1990's, very little has been built under PUD strictures. Requirements are onerous. Many PUD areas are under multiple ownership and, as a practical matter, must be mostly assembled in order to create and fund an application for entitlements. Specific Plans and EIRs are extremely expensive and far beyond the means of smaller owners. Offsite infrastructure costs can run into the millions of dollars. Like many other cities, Half Moon Bay exacts heavy development fees and requires inclusionary housing units to be built, invariably at a loss. And finally, water connections in Half Moon Bay are generally not available except for priority uses.

The draft LUP revision being considered by the Commission, if approved in its present form would further, and perhaps fatally, affect the ability of Surf Beach/Dunes Beach owners to make productive use of the land they own. The combination of large set-backs, small net acreage, low density, and the limitation of developing only "lower cost" units, taken together with already existing PUD requirements, may result in an accumulation of requirements and restrictions that all but makes the economic use of our property infeasible.

When our group of partners purchased our land thirty years ago, the Surf Beach Tract (north of Young Avenue) was zoned residential R-1/B-1 (6,000 s.f. lots), and the parcels south of Young Avenue were zoned R-1/B-2 (7,500 s.f lots). The Surf Beach Tract consists of 200 separate legal parcels; in addition to regular property tax, each parcel has for many years paid assessments to build the SAM sewer treatment plant, and has also paid full school district parcel taxes. Despite the casual perception of many that our land somehow functions as a public amenity, the Surf Beach/Dunes Beach area has been designated for development for many years. We have long ago accepted the reality of PUD processing requirements, but the extreme down-zoning of our property as proposed in the December 2018 LUP draft is a bridge too far.

Our Development Application

To conclude, we ask that that the LUP sections having to do with the Surf Beach/Dunes Beach PD area be left essentially unchanged from what is currently in place, except to the extent that certain changes to site conditions (such as the absence of the Friendly Acres horse rental facility) should be noted.

By the time the Commission meets on September 24 to discuss public comments on the LUP revision, the City will have received our full application package, which includes a Specific Plan, a CDP application, nine technical studies, a full plan set including offsite road and bicycle path improvements, and a tentative map. An EIR effort is expected to begin in the near future, funded by our group. We ask that entitlements for Surf Beach/Dunes Beach be considered in the context of these applications and studies, and that this thorough-going master planning effort not be preempted by the largely arbitrary assumptions and policies pertaining to our property as proposed in the current LUP draft.

Sincerely,

Steven Weed

Surf Beach Partners, LP
V.G. Investments

Brittney Cozzolino

From: Suzan Suer <suersuzan@yahoo.com>
Sent: Wednesday, September 11, 2019 10:38 PM
To: planhmb; Brittney Cozzolino
Cc: Joe Butcher
Subject: Input on the Land Use Planning Update

I appreciate that the City is working on an update to its Local Coastal Land Use Plan (LUP),and welcome an opportunity to provide input. The following are some specific areas I would like to see incorporated into the Land Use Plan:

- **Protecting the quality of residential neighborhoods from the intrusion of incompatible and/or character changing uses:**
  - **Prohibit and/or restrict short term housing in residential neighborhoods:** I have been researching how other coastal cities and/or tourist destinations address short term rentals -- those less than 30 days (e.g., Airbnb). Many outright prohibit short-term rentals less than 30 days (e.g., Manhattan Beach, Laguna Beach, Palm Desert). Others such as SF impose significant restrictions on owner-present and non owner-present scenarios. They do so to prevent disruption of neighborhood quality, for example as noted in this rationale from Manhattan Beach: "Short-term rentals and other transient uses in residential zones can have a severe negative impact on the character and stability of the residential zones and its residents." Some cities like SF do permit short term rentals in certain circumstances but limit the number of days. I tend to be more sympathetic to owners who may rent occasionally while they are on vacation or who do so while being on premise but I do not support investors who devote non-owner occupied residences to short term rentals less than 30 days.
  - **Prohibit further development of high density hotels and/or overnight accommodation, particularly the Dunes Beach Development.** I respectfully ask that the Dune Beach development be prohibited as it would clearly be detrimental to the character and quality of adjacent residential neighborhoods. It would be impossible to create a development as proposed without noise and other nuisances spilling over. Additionally, the Streetlight Data study of California communities most vulnerable to clogged roads in the event of fire includes Half Moon Bay. The traffic on a sunny weekend is already unbearable, and I believe that Dunes Beach would create a safety hazard in the event of an emergency such as a major fire. The city can no longer support any further high density commercial overnight accommodation. Yes, we are a tourist destination, but enough is enough. Resident safety and quality of life should come first.
  - **Housing size:** I am a fan of the City of Redwood City guidelines on housing size -- that any proposed development requiring residential projects that are 3,000 square feet or more or have a floor area ration greater than 45% to be automatically reviewed by the Planning Commission. I am seeing some huge homes proposed south of Alameda in Miramar that completely dwarf the existing homes (and the existing homes are not tiny starter homes.)
- **Traffic issues:** Please, please, please address the traffic issues. Roundabouts, synchronized lights, more Sheriff's officers on busy weekends. There has to be a better way. It seems to me that having more law enforcement at the weekend must certainly be able to pay for itself.

I am happy to provide additional support. I would very much like to be involved in any discussion of short term rentals. I have researched the rationale and policy decisions for the following cities: SF, Manhattan Beach, Laguna Beach, and Palm Desert. I intend to do more research but happy to make my findings available to you ahead of any discussions you may wish to have. Just let me know how I can help.

Sincerely,
Suzan Suer

206 Washington Blvd
Half Moon Bay CA 94019
650-888-6276

Thomas J. Carey
Carey Realty
1580 Laurel Street, Suite C
San Carlos, CA 94070

Jill Ekas, Planning Manager
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

November 8, 2017

PLANNING DEPT
NOV 09 2017
RECEIVED

Subject: Isabella Trust and Carey 1985 Trust properties

Dear Ms. Ekas,

Thank you for the invitation and meeting last week to discuss issues and concerns with the upcoming Local Coastal Program update. We appreciate being included to provide an overview of our history, current properties and goals for the future development of our parcels in Half Moon Bay.

As I mentioned our key interests are the ultimate treatment of the PUD's since we own parcels within three PUD's on the west side of Highway One. These properties have had this designation since 1985 and we believe that it is time to get some specific direction on the potential for these lots.

The ESHA setbacks may impact some of our land and it would be useful to have an understanding how vegetated parcels will be treated. Will property owners be compensated if lots zoned for development are not able to be utilized or have development area reduced to a minimal amount that could not realistically support the intended uses?

We are concerned for several lots that we own in Bernardo Station west of Central that are currently zoned R-/B-2 that we were informed may be a mapping error. Any clarification on the City's position would be appreciated.

As I mentioned I develop rental and affordable housing on some of our properties. Many of our parcels are substandard and provide an opportunity for smaller, efficient, affordable housing. It is my hope that the new policies will support the current policy as to use of substandard lots and not hinder this type of private development that provides a needed source of affordable housing for buyers and renters.

Finally, we hope that the City develops a fair policy that addresses man made ditches that are distinct from natural creeks. It is our hope that a new standard could provide comprehensive definitions and appropriate policies for the different types of situations we have in Half Moon Bay.

Thank you again for the opportunity to meet you and Charles Lester. We appreciate your time and attention. We will be submitting specific comments on the recent drafts of the Local Coastal Plan.

Sincerely,

Thomas J. Carey—Philomena, LLC
Representative for Helen J. Carey, Trustee of the
Isabella Trust and Carey 1985 Trust

CAREY REALTY
1580 LAUREL STREET, SUITE C
SAN CARLOS, CA 94070
Phone: 650.394.8615 Fax: 650.394.8614
E-Mail: tc@tcareyrealty.com Web: www.tcareyrealty.com

July 24, 2018

CITY OF HALF MOON BAY
COMMUNITY DEVELOPMENT DEPT.
JUL 30 2018
RECEIVED

Jill Ekas, Community Development Director
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

RE: Draft Local Coastal Plan Comments

Dear Ms. Ekas,

Enclosed are copies of two correspondences directed to you, one dated June 28, 2016 signed by my Sister—Ann Carey and the other dated October 26, 2017 signed by my Mother—Helen J. Carey. Both letters are in regards to the proposed changes in the Local Coastal Plan for the City of Half Moon Bay. As of this date today, my Mother has not received any written communication from you or from any person or agency in the City of Half Moon Bay as to the comments that my Mother addressed in her October letter. Can you please let us know when we can expect a response to her comments?

We would like sufficient time to respond to any changes.

Time is of the essence and would appreciate a response as soon as possible.

Sincerely,

Thomas J. Carey acting for himself and as agent for Helen J. Carey, Trustee

CC: Helen J. Carey
Ann Carey

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

CITY OF HALF MOON BAY
COMMUNITY DEVELOPMENT DEPT.
JUL 30 2018
RECEIVED

June 28, 2016

Subject: Comments - Local Coastal Land Use Plan – First Public Review Draft – April 2016

Dear Ms. Ekas,

Thank you for the opportunity to comment on this document. As long term concerned landowners we have attended a majority of the recent General Plan update meetings over the past 3 years and voiced our interests in a comprehensive plan that provides protection and appropriate uses for this area. Our family owns a variety of properties within Half Moon Bay, including lots in theR-1, R-1/B-2, R-2 and numerous lots within several PUD areas. The proposed plan appears to change the current land use designations and possible our ability to develop our property.

Upon reviewing the draft document, many questions arise that need clarification. Our basic areas of interest are the PUDs, ESHA setbacks, Sea Rise and the treatment of substandard parcels.

We are very concerned about the overall intent of the organization and intent of draft plan treatment of the PUD. The Draft Plan states the intent to clarify the status of these areas, however by utilizing the policy to continue to require specific plans for each undeveloped PUD does not provide any additional clarity to the situation. Landowners have waited since the mid 1980's when the City and Coastal Commission adopted the text and maps for Half Moon Bay for some direction on how to develop their property. For the level of effort extended in this update endeavor, we need more concrete information regarding the next designations for these lands.

Page 1-6 states – "The General Plan will streamline the development process by providing greater certainty for uses and limiting or eliminating Planned Development (PD) zoning, integrating coastal planning with the City's processes, and establishing zoning regulations that ensure standards appropriate to Half Moon Bay's character and contemporary needs." The intent seems pretty clear that the City would then be downzoning or preparing specific plans or appropriate zoning for the PUD areas?

Is this true? Will the PUD areas be eliminated by the Draft Plan?
Is the draft plan proposing PD- as a General Plan designation or as zoning?
Will all the PUD areas be rezoned to a different designation?

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

June 28, 2016

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Is this true? Will the PUD areas be eliminated by the Draft Plan?
Is the draft plan proposing PD- as a General Plan designation or as zoning?
Will all the PUD areas be rezoned to a different designation?

Page 1-~~0~~5

Spatial Correlation – Please explain this concept in more detail. All maps should be precise, not just the maps in the developed areas. This would avoid problems that we face today with the old maps utilized by landowners and the City to determine the zoning and land use designations.

Timing paragraph – What is a reasonable amount of time to get the EIR, the Local Coastal Plan, the General Plan and then the Implementing zoning changes adopted by the City and certified by the CCC? Should the new plan have a 2050 horizon?

Page 1-11 – Will the use of "should" or "would" will be adopted by a case by case in the implementation phase or across the board for zoning decisions? This is vague.

Page 1-12 – Split geographically LCP - won't that be confusing for the City and landowners to have a split plan, one from the 1980's and one from the 2020's?

Page 2.1-5 –Land Use - Will only the core area land use designations change under the Draft Plan? How can the Draft Plan be concerned an update if it only deals with a small portion of the City?

Page 2.1-6 – Hazards - How will the Draft Plan stay current with Hazard changes and regulation changes?

Page 2.1-7 Diagrams and Land Use Designations
Will the new plan maps have equal legal weigh as the written text?

Figure 2.2-3: Land Use Designation
Can you outline the changes to the Bernado Station area – it appears to have some changes in land use designation? What is there a reduction in the C-VS area? Is there an addition of Horticultural Business? Is there a reduction in the Medium Density area? Will some area become part of North Wavecrest? It would be helpful to have a narrative and an exact description of the parcels that designation would change as part of the Draft Plan

Page 2.2.16 – West of Railroad Avenue
The plan to re-designate this area as REGIONAL PUBLIC RECREATION should be highlighted in Table 2.2-9. The Draft Plan should specify a time limit for public acquisition. How will individual land owners be compensated? Will our property taxes be suspended during this period.

Page 2.2-18 North Wavecrest –
The last paragraph in this section states that much of the North Wavecrest area has been purchased by conservation land trust. This fact should not over-ride the consideration of private ownership and potential uses that would benefit the overall Draft Plan policies.

Page 2.2-24 - Coastal Development Permits
In San Mateo County many R-1 areas in the coast are in Coastal Development Permit exemption areas if there are no appeals zones or other issues. Why does Half Moon Bay require permits for all development? If you have a conforming project on infill lot in an area without sensitive habitats, why do you need a Coastal Development Permit? The process could be streamlined for existing lots within developed areas.

Page 2.2.-27 - Substandard lots
This section recognizes that there are undeveloped substandard lots, however it does not provide any policy direction. Will there be any changes to the current zoning regulations regarding substandard lots? These smaller lots provide needed diversity in housing types and a more affordable, smaller product. Policies in the new plan should support the development of the substandard lots within the existing infill neighborhoods.

Page 2.2-29 Vacant and Underutilized Sites in Planned Development Districts
This section does not provide any needed policy direction. Will the City support Certificate of Compliances for individual legal lots in these areas?

Page 2.2-32 – Table 2.2-21 Potential Future Development
Why is there a reduction in the total number of Mulitfamily Units?

Page 2.2-40 - 2.3-G.2 – Policy Hierarchy – Who makes the decision regarding which policy is the most protective of coastal resources?

Page 2.2-43 - 2.2-I.3 PD Base Residential Density
Since Table 2.2-21 indicates that the Total Change in single-family units under the Draft Plan will not be the Maximum Future Development allowed, where will the non-development occur? Where the PD areas factored in the Table?

Page 2.2-44 - 2.2-I.5 Development Intensity Reductions
Does this policy mean that the individual property owner must sacrifice they land value to provide coastal resource protection for the greater community? Will there be any compensation for non use of property?

Page 2.2-45 – 2.2-I-11 Habitat Conservation
How will individual property owners be compensated if ESHA are the top priority?

Page 2.2-47 - 2.2-I-25 Planned Development Districts
What happens if an individual or group of owners wants to develop their land? It is not fair that they have to plan the entire area. It's that the role of government. Why doesn't the General Plan update fully address the future land use of the PUDs? It seems an undue burden for the property owners to propose a Specific Plan for the community. Can a non-property owner propose a Specific Plan for an area? Who decides when a specific plan is required?

Page 2-2.48 - 2.2-I.28 Maximum Planned development Density
Who decides the maximum planned density per "parcel"? The majority of the parcels within the PUDs with recorded subdivisions are smaller than one half acre to meet the 2 units per acre maximum.

Page 2-2.48 - 2.2-I.29 Open Space in Planned Unit Development District
In the North Wavecrest area does the existing Land Trust ownership constitute the Open Space requirements for all remaining parcels? How are these areas designated on a Final Map/deed?

Page 2.2-49 - 2-2.I-30 Lot Consolidation
Is lot retirement included in the General Plan update?

Page 2.2-49 – 2.2I.31 Specific Plan Approval
This is an undue responsibility for individual land owners.

Page 2.2-52 - 2.2-I.52 - Venice Beach Specific Plan
This is an undue responsibility for individual land owners to prepare a specific plan not knowing the amount of development that is envisioned by the City.

Page 2.2-55 – 2.2-I-68 - West of Railroad parcels
This seems illegal not to provide any use of private property while the government or land trust decide if they want this area. Provide timeline for acquisition. If the State has not been interested since 1993, it seems unlikely that they will pursue acquisition in a timely manner.

Page 2.2-55 – 2.2-I-69
Where the 65 units included in the buildout numbers?

Page 2.2-56 – 2.2-I-73
Is the Wavecrest Restoration Project considered a Specific Plan for this area? If not why was the Coastside Land Trust able to get a Coastal Development Permit for a trail without a specific plan?

Page 2.2-56 – 2.2-I-74
How can the Draft Plan include maximum development numbers of 1,000 when the total number in Table 2.2-21 is less than that number for the entire City. It seems that these new policies should accurately reflect the density that the City intends to enforce.

Page 2.2-56 – 2.2-I-77
Does the existing public open space ownership meet this requirement for the rest of the PD area?

Figure 2.4-2 ESHA map
Is Pullman ditch considered ESHA? How will lots west of First Avenue between Seymour and Magnolia be considered ESHA? 056-141-240 appears to be entirely within the ESHA designation. How can this lot be developed when the City appears to have designated it Greenbelt?

Page 2.4-14 – Table 2.4-3
How will R-1 lots in Naples subdivision area meet ESHA setbacks from a man-made ditch? This seems an unreasonable burden for R-1 zoned lots.

Page 2.4-13 Land Use Plan Framework
This section appears to state that the plan can create ESHA designations for riparian corridors and other areas. What about concurrence from specific site investigations and the required hearings before the State Fish and Wildlife Commission? Are we to rely just upon the information from the plan? Are there site specific studies and documentation for each area to receive this designation?
Is there a background document with biological studies for each ESHA area? Were these studies peer reviewed?

Page 2.4-14 - Table 2.4-3
What is the difference between a Riparian Corridor and a Riparian Area?

Why is no buffer zone required for man-made ponds but they are required for man-made ditches including Pullman ditch? This is unfair treatment for an area with R-1 zoning and puts the burden on the land owner to provide a setback.

Page 2.4-67 – 2.4-I.50
How does reasonable use of property square with the designations of 056-141-240? What use can we expect or will the City buy our property? What about extreme setbacks that are required for ESHA? How can we receive reasonable use if we must setback 20 feet from a ditch on our property?

Very truly yours,

Ann Carey

Cc: Helen Carey
Tom Carey

Jill Ekas, Planning Manager
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

October 26, 2017

CITY OF HALF MOON BAY
COMMUNITY DEVELOPMENT DEPT.
JUL 30 2018
RECEIVED

Subject: Draft Local Coastal Plan component comments

Dear Ms. Ekas,

We own numerous parcels throughout Half Moon Bay and therefore have an interest in the changes to the General Plan and Local Coastal Plan. The following comments are on the current Planning Commission Working Drafts of the Coastal Hazard, Coastal Visual Resources, Coastal Access and the Open Space Plan.

Coastal Hazards - August 2017

Policy # / Page #

Policy 45 / 31 Development in Flood Zones

Do you have a list of proper mitigation measures to minimize or eliminate risks from flood hazards?

Policy 47 / 32 Flood Hazard Avoidance for New Development

What is the threshold standards regarding ensuring that no new development causes or contributes to flood hazards?

Policy 54 / 33 Dam Inundation Impact Avoidance

Will the City require dam inundation avoidance for parcels near the mapped areas? How/when will the City establish the required setbacks?

Policy 60 / 34 Development near Creeks and Watercourses

What happens if the majority of property is within riparian buffer? Will the City allow development of the property and some economic return? It is difficult to know the impact from the policy without the corresponding implementing ordinance standards to review at this time.

Policy 74 / 40 Fire and ESHA Protection Policy Consistency

Will the City allow the required defensible space distance from vegetation?

Policy 84 / 48 Assumed risk

Will the deed restrictions, bonds, contingency funds be required only for parcels within the Sea Level Rise mapped areas? How will these documents impact ability to obtain financing and insurance for development?

Jill Ekas, Planning Manager
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

October 26, 2017

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Open Space/ Conservation Element – November 2016

Policy # / Page #

4-G.1 / 4-29 Open Space System

How will PUD lots be treated in the open space system? Will there be changes in the amount of open space required in the PUD's?

4-I.3 / 4-30 Lot Retirement

Would this policy only apply to public acquisition of lots? Will the City require a maintenance agreement / fund for the lots? Who will hold the lots? What are the tax implications for the City? Will the City require dedication of lots for development proposals?

4-I.6 / 4-30 Reservation of Open Space lands & maintenance plan

What is the projected loss of tax revenues from the open space lands? Which public agencies will pay for maintenance and insurance?

4-I.8 / 4-31 Land Use Designations

Will any of the open space designated lands count towards the park acreage requirement?

4-I.26 / 4-33 Tree Canopy

Will this policy allow for the replacement of a more desirable species of trees that are fire and drought resistant? Will there be City trees and private trees?

4-I.33 / 4-34 EV charging stations

What size of development will trigger the EV charging station requirement?

Coastal Access - June 2017

As landowners with numerous lots in the Redondo Beach Road area we are concerned the policies for Redondo Beach Road and the Wavecrest PUD are clear and provide consistent policy direction. Redondo Beach Road is an improved access that links Highway One to the beach and provides access to private property. We would like the policies to

Policy # / Page #

Policy 4 / 8 Coastal Access Improvements

Will PUD lot holders on the west side of Highway One be responsible for Coastal Access Improvements?

Policy 11 / 9 New Development and Coastal Access

Will this policy apply to infill development on residentially zoned lots?

Policy 16 / 9 Maintenance of Accessways

Will maintenance of public accessways as a condition of private development be in scale with the size of the development? Will the City provide hold harmless agreements for the private landowners for the public accessways?

Policy 24 / 17 Roadway System to Meet Needs

Shouldn't the General Plan and the Land Use portion of the Local Coastal Plan dictate the land use densities and the infrastructure capacities? We are concerned that the roadway capacity improvements may impact properties zoned for development under the current plan.

Policy 29 / 17 Level of Service

What are we now? Average of SM Co cities? Where is the background data?

Page 20 Will improvements to connect Oak Avenue Park impact private property? If so, which parcels and will they be condemned?

Policy 43 /24 Complete Trail System

We support a trail system that coordinates with Redondo Beach Road.

Policy 50/ 25 Long-term California Coastal Trail Alignment

Will the City condemn private lands for CCT?

Policy 52 / 25 Naomi Patridge Trail Extension

Is this within Highway One easement or will it involve private property? If so where?

Page 38 Hotels and Motels

Will the City have a policy on short-term rentals – AirB&B?

Policy 88 / 42 Parkland Standard

What about the PUD properties? How will the open space be counted?

Policy 92 / 33 Restorative access

Will the plan include restorative access for Redondo Beach? Where and when?

Policy 100 / 44 Development Priority for Visitor-Serving and Recreation Uses

How will City designate Visitor –Serving uses within Wavecrest PUD a priority?

Scenic and Visual Resources- August 2017

Policy # / Page #

Page 14 Riparian corridors

Will the City allow development on lots that are primarily covered with riparian

vegetation? What about commercially zoned property on Highway One with riparian corridor, how will this policy be applied?

Page 14 Coastal Access Routes and points

Please include Redondo Beach as a coastal access route and point to be consistent throughout the plan.

Page 14 Town Boulevard

Have the impacts to existing vacant zoned commercial properties been analyzed?

Policies 1-3 / 18 General Policies

These are very vague, how will they be implemented? How do they impact infill development?

Policy 15 /19 Town Boulevard

How will this new design impact vacant commercial zoned lot in downtown core?

Policy 16/19 Scenic corridor

How will this new design impact vacant commercial zoned lot in downtown core and residential in-fill projects?

Policy 20/ 20 Town Forest

Will the City balance the tree canopy requirement with keeping Half Moon Bay fire safe?

Policy 22/ 20 Fuel Modification and Visual Resources

How will the City balance the minimal removal of vegetation requirement with keeping Half Moon Bay fire safe?

Policy 31/ 21 Design Review

Who is responsible for the creating the specific plans for the PUDs, the City or the landowners?

Thank you for the opportunity to comment on the draft components of the Local Coastal Plan for Half Moon Bay. This format is a bit more challenging than the previous document. We are also concern that updating the Local Coastal Plan prior to the General Plan does not provide some of the background information about infrastructure capacities and ultimate buildout.

Respectfully yours,

Helen J. Carey

Helen J. Carey

From: donotreply@godaddy.com
Sent: Saturday, April 20, 2019 5:10 PM
To: planhmb
Subject: planhmb.org Contact Us: Form Submission

First Name: Warren
Last Name: Wolfeld
Email: wwolfeld@hmbay.com
Message:

Dear Planning Commission: I made a proposal during a public comment period at a Planning Commission meeting several months ago, which I'd like to reiterate now. The Planning Commission was considering minor tweaks to the ADU ordinance before final approval, and it was too late to include anything like this in that effort. After the meeting, two different Planning Commission members approached me independently to say that they liked the idea. However, I have not heard anything since and I suspect that the idea has since been lost. Right now, at the end of Terrace Ave, 63 homes are being built. These homes are each 3500-4500sqft in size, and the first 19 of them have sold in the $2M range. These homes are all being purchased by people coming in from over the hill. They are not doing anything to reduce the pressure on services here on the Coast, nor to increase the availability of affordable housing for our first responders, local teachers, and other lower paid service providers that we need to continue living here. My proposal is that in the future, all new residential construction of 3000sqft or more, should be required to include an ADU. ADU's can be rented out more affordably than can an entire home, even without any sort of requirement for under-market pricing. I do not propose that these ADUs must be used as ADU's. The homeowners would be legally entitled to use it themselves as part of a unitary home, or keep it separate for out-of-town guests or family members, as they wish. A developer therefore could easily spin it as offering buyers a built-in in-law unit or rental unit,
without reducing the square footage of the overall house. But for at least some of these ADUs, either initially or at some time later, it will make good economic sense for a homeowner to offer their ADU for rent. And when that occurs, the ADUs will already exist, and will be fully legal. It seems to me that this proposal would set the groundwork for a small future increase in the availability of affordable housing here on the Coastside, without burdening developers in any way. CAN YOU TELL ME whether this proposal has received any consideration since that planning commission meeting when I first suggested it? If not, then I ask that it be considered
now, before any more large houses are approved. Thank you for your consideration.

This message was submitted from your website contact form:
https://www.planhmb.org/contact-us.html

From: William S. Walter <wwalter@tcsn.net>
Sent: Tuesday, February 26, 2019 2:44 PM
To: Jill Ekas <JEkas@hmbcity.com>
Cc: 'lenbeuth420' <lenbeuth420@gmail.com>; John Doughty <JDoughty@hmbcity.com>; Maziar Bozorginia <MBozorginia@hmbcity.com>; Fran Layton SMW Law <layton@smwlaw.com>
Subject: COMMENTS REGARDING PLANNING COMMISSION SESSION, 2-26-2019

Dear Ms. Ekas,

Please make this email a part of the Planning Commission record.

I am writing in behalf of various owners ("Beuth", "Walter", et al.) regarding the Planning Commission hearing on proposed PD conditions on future development of the "Upper" Grandview existing infill subdivision having priority under various Coastal Act, City LCP, and other provisions.

Our first concerns are the takings, equal protection and due process implications of establishing density limits below existing ownerships, paid assessments, Measure A Allocations, Sewer Service assessments, parcel taxes, etc., and the necessity of the City completing a traditional Coastal Act "takings" analysis of the proposal. The Coastal Commission has numerous examples of those types of analyses which the City can follow. With those constitutional concerns noted, we will need to give further consideration and study to the proposed changes. We anticipate providing further written comments after further review.

Thank you for your help in submitting these comments to the Commission members and the administrative record.

William S. Walter, Esq.
A Professional Corporation
679 Monterey St.
San Luis Obispo, CA
805 541 6601
805 541 6640 (fax)

LAW OFFICES
WILLIAM S. WALTER
A PROFESSIONAL CORPORATION
TELEPHONE (805) 541-6601
FACSIMILE (805) 541-6640
THE BELLO HOUSE
679 MONTEREY STREET
SAN LUIS OBISPO, CALIFORNIA 93401
EMAIL
WWALTER@TCSN.NET

September 12, 2019

VIA FEDERAL EXPRESS/ EMAIL bcozzolino@hmbcity.com
Via FAX 650 726 8260
City Council and Planning Commission
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

RE: BEUTH OWNERS/GRAND VIEW TERRACE INFILL SUBDIVISION COMMENTS ON 2018-2019 DRAFT LOCAL COASTAL LAND USE PLAN

Dear Council and Planning Commission Members:

This office is submitting comments on the City of Half Moon Bay, 2018-19 Draft Local Coastal Land Use Plan in behalf of the owners of undeveloped lots in the Grand View Terrace Subdivision, including lots with approved "Measure A Certificates, Year 2001 Allocation Infill" issued by the City Community Development Director on December 14, 2016 pursuant to a Consent Judgment issued against the City in 2001 and extended by stipulation and subsequent Superior Court Orders. For convenience, the owners are collectively referred to as "Infill Lot Owners".

1. THE RECORD DEMONSTRATE THAT THE PROPOSED PUD ZONING IS PATENTLY ILLEGAL AND UNCONSTITUTIONAL

The LCP Background Report prepared by the City (Online, p. 2-2) explains clearly why the proposed combination of "Upper Grandview and Glencree" and the imposition of a Planned Unit Development (Public Review Draft, pp. 2-99-100) is:

- arbitrary,
- capricious,
- substantive and procedurally irrational,[1]
- punitive,
- selective,
- discriminatory,

[1] As the Superior Court noted about prior City efforts to ignore the Coastal Act priority for infill development of the owners: "It has been said that 'substantive irrationality is equivalent to 'arbitrary, capricious, or entirely lacking in evidential support.' Lewin v. St. Joseph Hospital of Orange, 82 Cal.App.3d 368, 385. The reasoning is applicable here." San Mateo Superior Court, Beuth et al vs. City of Half Moon Bay, Cases 411245 and 414437 (Filed Debruary 28, 2002.

- motivated by improper purposes,
- advances no permissible public purpose,
- a form of illegal "spot" or "white hole" zoning
- violates the owner's property rights, due process and equal protection rights, under the United States and California Constitutions,
- violates 42 USC Section 1983,
- constitutes a per se takings,
- would make any future development submissions to the City a futile exercise,
- would be improperly instituted for the purposes of delay, to improperly prevent the owners from making any beneficial use or their ability to sell the property to qualified developers
- would take their lots, access rights, Measure A entitlements to submit an application for a Costal Development Permit for 23 parcels, paid sewer assessments, parcel taxes,
- lacking in evidentiary support,
- prevent any beneficial use of the use of other Infill Lots for which Measure A entitlements have not been issued.

It is telling that the City proposes to revoke the residential zoning of the property for perhaps more than 100 years and then certified by the Coastal Commission as consistent with Coastal Act policies supporting infill development (Public Resources Code Section 30250(a)) and as found by Superior Court decisions adverse to the City and the Coastside County Water District that the owners' properties are infill lots, part of an existing neighborhood with minimal development constraints, leading to consent judgments in favor of the Infill Lot Owners against both agencies. The Glencree property is now owned by the City, due to the largest inverse condemnation judgment against any local government in California. Yamagiwa v. City of Half Moon Bay, 523 F. Supp.2d 1036 (2007).

The proposed PUD zoning on the Grandview lots is a transparent attempt:

- to leverage the City's huge loss in Yamagiwa and appropriate adjacent property to illegally attempt to recapture some of the City's $36,795,000 loss in *Yamagiwa*; and

- to discourage qualified developers from purchasing the property in the interim.

The draft plan (p. 2-100) incorrectly refers to the Grandview Infill Lots as "a paper subdivision," repeating the unsuccessful characterization of the property by the City and the CCWD in prior litigation resulting in consent judgments against both agencies. It is also inconsistent with the existing Certified LCP as successfully explained to the Superior Court in prior litigation, and is now barred by the Consent Judgments.

The Public Review draft (P. 2-13) tries to put a positive planning face on revoking the residential land use designation on the Infill Lots, replacing it with no allowed use, and placing a PUD designation on the property joined with City owned property. The proposed changes are a public purposed policy façade, covering an attempt to appropriate the Infill Lots to the City's financial purposes as an involuntary owner of adjacent property.

The City's own record contains a the Background Report prepared by the City itself documents the real effect of the proposed LCP amendment. The admissions are shocking:

PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

Some of the most significant regulatory limitations on development in Half Moon Bay are policies and regulations surrounding PUD development. The majority of the city's vacant land is zoned PUD. However, the LCP requires comprehensive area-wide specific plans for each PUD before development can take place. This~~—a~~ requirement can be difficult to meet, given the fragmented ownerships, the lack of existing infrastructure, and the need to protect coastal resources and avoid hazards to the approval of the Coastal Commission that affect the remaining vacant PUD areas. Also, though zoning regulations for the Planned Development District allow for the full range of land uses provided for in the Land Use Plan (LUP) of the LCP by permit, there are no land uses that are allowed in this zone by right, other than existing uses, which may be non-conforming. The complex nature of the considerations affecting each site means that any potential developer would be making large investments of time and capital towards a planning process with an unpredictable outcome, ~~cumbersome and expensive requirement, with an unpredictable outcome. The large numbers of unique landowners in each PUD site mean that there is little that an individual property owner can do to develop a given lot. This results in uncertainty for potential developers, who~~ lacking guarantees that a specific plan will be approved at the end of the lengthy development process. Policies and regulations relevant to PUD development should be a focus of the General Plan Update, as constraints—such as potential ESHAs—may be present on these sites. Further discussion on PUDs can be found in Chapter ~~2~~ 3 of this report.

These dark yet candid admissions, already a part of this record as a binding factual admission, is fatal to any good faith attempt to justify the proposed LCP amendment for the Infill Lots. The old fairy tale adage is applicable here: **"The emperor has no clothes." The City should abandon now the proposal to revoke the existing zoning on the property certified as consistent with the Coastal Act.**

There is no legitimate purpose served by even proposing such a punitive and unconstitutional land use designation. The only possible purpose from even proposing such a designation is to discourage efforts of the Infill Lot Owners to sell the property to a qualified

developer, to depress the value of the property for possible City acquisition, and perhaps serve the desires of individuals who do not want the Infill Lots developed.

2. THE PROPOSED LCP AMENDMENT IS AN UNCONSTITUTIONAL TAKINGS AND VIOLATION OF DUE PROCESS AND OTHER CONSTITUTIONAL RIGHTS

Public Resources Code Section 30010 of the California Coastal Act provides that: "The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing … [a] local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damages private property for public use, without the payment of just compensation." The proposed PUD overlay would prevent the owners from submitting any permit application to make a beneficial use of the properties without the impossible preparation of a PUD overlay (as admitted in the City Background Report).

Here are some of potential takings and related constitutional violations from the proposed adoption of the LCP amendment:

a. Facial Challenge: The PUD amendment and density cap below the number of existing lots of record would be subject to a "facial challenge" based upon the text of the proposed amendment and the City's admissions in the Background Report quoted above. Agins v. City of Tiburon (1980) 100 S.Ct. 2138; (1979) 24 Cal.3d 266.

b. Futility of further applications. The PUD and zoning density reduction below the number of existing legal lots would render the possibility of making any further meaningful development applications futile and tied to the entrepreneurial interests of the City to recover its litigation losses in the Glencree property. There is not even the ability to submit a building permit before the City consented to a PUD which served its own proprietary interest. It would be futile to submit further applications, which means that the full range of takings issues would be ripe for adjudication. Importantly, courts have recognized the ripeness requirement cannot be used to require that property owners resort to "piecemeal litigation or otherwise unfair procedures." (*MacDonald, supra*, 477 U.S. at p. 350, fn. 7 [106 S. Ct. at p. 2567]; *Del Monte Dunes v. City of Monterey* (9th Cir. 1990) 920 F.2d 1496, 1501 (*Del Monte I*); see also *Monterey v. Del Monte Dunes at Monterey, Ltd.* (1999) 526 U.S. 687, 698-699 [119 S. Ct. 1624, 1633, 143 L. Ed. 2d 882] (*Del Monte II*).)

c. Landgate Delay Damages/Liability. While normal processing delays are not unreasonable, the PUD designation of a fractured ownership would constitute unreasonable delays as admitted in the City's Background Report. There would be no ability to submit a permit application until a PUD was approved; the fractured ownership and City owner veto power as both regulator and property owner can only be for the purpose of delays. The California Supreme Court decision in Landgate, Inc. v. California Coastal Com. (1998) 17 Cal.4th 1006, p. 1029, noted, "a government agency may not evade the takings clause by ...arbitrarily imposing conditions on development in order to delay or discourage that development". The proposed LCP amendment imposes conditions solely to delay and discourage development, and therefore, would subject the City to liability for temporary takings damages in favor of the owners.

d. Taking Private access easements. Taking the owners property rights in private access easements across City streets in Granview Terrace. The owners of separate and legally subdivided lots abutting public roadways have "certain private rights which arise from his ownership of property contiguous to the highway" to the general systm of streets and highways. People v. Ricciardi (1942) 23 Cal.2d 390.

e. Furey Damages for taking assessments. The owners have been paying sewer assessments and parcel taxes for decades which would become useless with the failure to recognize the developability of their individual lots. Yamagiwa, supra. (#332), included an award against this City for "Furey Damages." Furey v. City of Sacramento (1979) 24 Cal.3d 862 created an equitable remedy for taxpayers who are included in a special assessment district but are later prevented by government action from realizing the benefits of their payments.

f. Imposition of unconstitutional conditions. The PUD requirement and density reduction below the number of existing legally created lots violates the doctrine of unconstitutional conditions. The owners' properties would have no established zoning or allowed uses and no permit could be submitted without a PUD being in place, which would never happen. The PUD condition violates the unconstitutional conditions doctrine. "As a general matter, the unconstitutional conditions doctrine imposes special restrictions upon the government's otherwise broad authority to condition the grant of a privilege or benefit when a proposed condition requires the individual give up or refrain from exercising a constitutional right." Perry v. Sindermann (1972) 408 U.S. 593, 597-598. The Supreme Court in Nollan v. California Coastal Comm'n (1987) 483

U.S. 815 (note 2) observed that, "...the right to build on one's own property – even though its exercise can be subjected to legitimate permitting requirements—cannot remotely be described as a 'governmental benefit.'" The proposed LCP amendment would impose conditions defeating any right of the owners to make beneficial uses of their legal Infill Lots.

g. Lingle Due Process Claims: Failure to Advance a legitimate public purpose. While the failure of a land use regulation to advance a legitimate public purposes was a basis for a takings, the United States Supreme Court decision in Lingle v. Chevron USA Inc. (2005) 125 S.Ct. 2014 eliminated it from takings consideration, preferring to characterize the right not to be subject to regulations which advance no legitimate public interest as an infringement of the property owners due process rights protected by the 5th and 14th Amendments to the United States Constitution and protected by 42 USC Section 1983 civil rights actions.

h. Takings under Penn Central factors: In Penn Central Tranp. Co. V. New York City (1978) 438 U.S. 104, the Supreme Court identified three ad hoc factors which applied to the City's proposed actions, combined with the futility of further land use applications, compel a finding of a takings (as explained in the factual descriptions below): (1) the economic impact of the regulation on the plaintiff; (2) the extent to which the regulation has interfered with the plaintiff's investment-backed expectations and (3) the character of the governmental action.

i. Unreasonable Pre-condemnation activities/Klopping Damages. The proposed density reduction and infeasible PUD condition represents unreasonable pre-condemnation actions for which compensation is required when a government agency uses its regulatory power to depress the value of property it intends to use for a public purpose. In this instant, the City is using its regulatory authority to compel the joint planning and design between the owner's lots and the unsubdivided Glencree property which it owns, and depressing the fair market value of the Infill Lots in advance of public appropriation. Klopping v. City of Whittier (1972) 8 Cal.3d 39.

j. Kauvanaugh Factors. The California Supreme Court in Kauvanaugh v. City of Santa Monica (1997) 16 Cal. 4th 761 held that "determining whether a regulation that does not deprive a property owner of all economic use of the property effectuates an unconstitutional taking, a court may consider the following factors: ... (5) **whether the government**

is acquiring resources to permit or facilitate uniquely public functions such as government's entrepreneurial operations...." Here it is clear that the PUD requirement tied to the City's own property is to facility "uniquely public functions" including its "entrepreneurial" interest maximizing the value of its "investment" in the Glencree property.

3. THE INFILL LOTS ARE NOT CHARACTERIZED BY THE LCP AS A PAPER SUBDIVISION

The PUD proposal is based upon another false premise: "Upper Grandview contains approximately 70 parcels, of which only ten conform to the minimum lot size of the zoning district." The City owned and sold some of these lots to Leonard Beuth decades ago finding them consistent with the General Plan, and unilaterally created 5000 square foot lots through the City recordation of involuntary Notices of Merger. The Infill Lot owners have presented to the City a schematic showing the development of these lots which is supplied to City staff and attorneys and incorporated by this reference as part of this record. (Discussed in detail infra.)

4. THE "NON-CONFORMING LOTS" ARGUMENT IS NO BASIS UPON WHICH TO IMPOSE A DENSITY REDUCTION AND PUD REQUIREMENT;

The proposed LCP amendment is based upon the erroneous conclusion that there are only 10 conforming lots, which is patently false and misleading, and not supported by substantial evidence. The City has always had provsions allowing development of 5000 square foot lots (and even 2500 square foot lots) as documented in litigation with the City. The Infill Lots now have Measure A Certificates, agreement from the City to provide sewer service, utilities which abut undeveloped Grandview Terrace Boulevard, have been assessed parcel taxes, have Beuth owned will serve water allocations from the CCWD. More importantly, any 5000 square foot lots can be developed with findings that they are "exceptional lots" under the City Zoning Ordinance.

The City after 10 years of processing recently issued to Mr. Beuth the CDP on Parcel 048-264-030, a 5000 square foot lot, under the current LCP/certified ordinances. Planning Commission Resolution P-16-02 (January 26, 2016) made the finding that: **"Whereas, the subject lot size of 5,000 square feet and width of 50 feet is defined in the Zoning Code as an 'Exceptional Lot', and requires compliance with the R-1, Single Family Residential development standards."**

Here are the Planning Commission 2016 findings demonstrate that lots smaller than 7,500 square feet are allowed to be developed, and Mr. Beuth's lot (like all the others) was found to be an infill lot with available services:

EXHIBIT A
FINDINGS AND EVIDENCE
Planning Commission Resolution P-16-02
PDP-005-07

Coastal Development Permit and Architectural Review to allow the construction of a new 2,484 square-foot two-story, single-family residence on a 5,000 square-foot lot at 913 Grand View Boulevard and extension of Grand View Boulevard in the R-1-B-2 Single Family Residential Zoning District and the Residential-Medium Density General Plan designation (APN 048-264-030)

Coastal Development Permit – Findings for Approval

The required Coastal Development Permit for this project may be approved or conditionally approved only after the approving authority has made the following findings per Municipal Code Section 18.20.070:

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

   Evidence: The project consists of construction of a new single-family residence on an infill site in an existing neighborhood where public services and infrastructure are generally available. A Biological Resource Evaluation was prepared for the site and surrounding area

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

   Evidence: The subject property is within the R-1-B-2 Single Family Residential Zoning District and meets the definition of "Exceptional Lot", as defined in the Zoning Code. Therefore, the proposed residence is required to conform with the requirements of the R-1

Residential Zoning District. The proposed residence has been design to comply with the setbacks, lot coverage, height, parking and other requirements of the R-1 Single Family Zoning District and other relevant provisions of the Zoning Code.

There is no basis for asserting that the PUD condition and density reduction is justified by the rationale that development of the lots would not be allowed under existing LCP standards and

conditions. As discussed below, variances have always been encouraged to place development within existing subdivided areas of the city in existing neighborhoods.

5. THE PROPOSED LCP AMENDMENT CAN ONLY BE APPROVED UPON THE WHOLESALE ABANDONMENT OF INFILL POLICIES BASED ON UNCHANGED FUNDAMENTAL FACTS HISTORICALLY ADOPTED BY THE CITY

The proposed LCP Amendment seeks to completely over-turn the history of the Infill Lots and the General Plan Elements and Local Coastal Program elements which identified the lots as infill and in the highest development category of an existing neighborhood. The fatal problem for the City is that it never sites any change of circumstances or substantial evidence which would justify revoking residential zoning and development standards of the Certified LCP and the factual findings of the City's other historic General Plan Elements. The City can not "wish away" policy determinations based upon the character of the Grandview neighborhood and facts which have not changed.

The City would need to develop a record to explain how high priority infill development once consistent with the Coastal Act and LCP policies are no longer valid. The rationale for the proposed amendment evaporates when one carefully reviews the land use history and certified LCP standards which simply "disappear" with an irrational density reduction and PUD condition. The City cannot change either the history or the facts.

a. The City's Prior Housing Element's Analysis of the Infill Lots Remains True Today

The CITY's Housing Element (A.R. 475)[2] gave high priority to development of Petitioners' properties in Grand View Terrace. Table H-3, "Sites Suitable For Residential Development," identifies the existing zoning for the property as R-1-B-2, with a development constraint rating of "A. (Id., p. 18, A.R. 494) The development constraint rating of "A" is defined as "maximum development potential without zone change or conflicts." (A.R. 495) Grand View Terrace is identified as a "Partially Developed" neighborhood. That fact remains true today. Grand View Terrace is listed as priority No. 3 in the numerical rankings of Table H-3. The Housing Element indicated that the development of neighborhoods such as Grand View Terrace is allowed under CITY processes and procedures. Thus, the Housing Element recognized that:

> "In some cases, ownership patterns have resulted in many isolated substandard lots between developed lots. The City has a procedure

[2] A.R. refers to the Administrative Record prepared by the City Clerk for the litigation referenced in the various Beuth cases against the City described below. The City is requested to take official notice of those administrative records and make them a part of this LCP Amendment Record.

> for approval of Administrative Variances whereby the Planning Director can approve development of a single family residence on a substandard lot if it is determined that all construction otherwise conforms to the required development standards. In those cases where construction is proposed on a substandard lot that does not meet all of the required development standards, such as setback encroachments or lot coverage in excess of the maximum permitted, Planning Commission approval of a Variance is required. Historically, the City has approved development on the substandard lots, although in some cases Conditions of Approval are imposed to ensure compatibility with adjacent properties." (Id., p. 21, A.R. 496) (Id., p. 23, A.R. 498)

Indeed, the Housing Element itself expressly identified "allowing construction on substandard lots had the most favorable results" in terms of the CITY's Housing Program. (Id., p. 32, A.R. 508) The Element concluded that allowing construction on substandard lots should be a focus for future development approvals by the CITY:

> "The above assessment of existing housing programs suggests that the City's attainment of its 1990-95 housing objectives could be enhanced by focusing on programs which have had success in the past. . .." (Id., p. 32)

Housing Policy 5.113 recommends "innovative design techniques to promote more affordable housing through flexible unit sizes and amenities using ordinance incentives, such as ordinances allowing for flexibility and setbacks and lot coverage for affordable units." (Id., p. 36, A.R. 511) Housing Policy 5.122C encouraged "subdivision designs which maximize densities permitted by the Zoning Ordinance." (A.R. 512)

b. The City's LCP Gives Priority to development of the Infill Lots as Consistent with Coastal Act Priorities and in using Infill Development to protect Unsubdivided Rural Areas of the City/County

P.R.C. Section 30250(a) of the California Coastal Act (A.R. 361-362) establishes a clear priority with regard to the location of new residential development, expressly stating that it "shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. . .." Moreover, it expressly prohibits land divisions outside existing developed areas unless 50% of the useable parcels have already been developed and the created parcels would be no smaller than the average size of surrounding parcels. The CITY's LCP expressly quotes Section 30250(a), stating that:

> "These policies will serve as the foundation for developing ordinances to implement the Plan. The policies will not only

> provide the basis for City action; they will, once the Plan is certified, also provide the foundation for decisions and actions taken by the County, the State, and special districts within the City of Half Moon Bay." (LCP, pp. 17-18, A.R. 255)

Further, in order to implement this policy, the CITY expressly adopted under LCP Policy 1-1, all the Coastal Act policies as "the guiding policies of the Land Use Plan." (LCP, p. 20, A.R. 258)

The LCP provides that because of the modest size of the CITY, separate sections are not presented for individual neighborhoods, except where appropriate, reference is made to specific issues and standards applicable to particular parts of the CITY. Otherwise, the mapped representation of policies is the means by which to apply the written policies to specific areas and sites. (LCP, p. 19, A.R. 257)

The CITY's LCP Policy 1-4 requires that before approving any development, "the City shall make the finding that development meets the standards set forth in all applicable Land Use Plan policies." (Id., p. 21, A.R. 239)

When viewed in terms of consistency with Coastal Act policies, the Grand View Terrace area presents no policy conflicts. Development does not impair coastal access, does not affect identified rare or endangered species, does not impact scenic and visual qualities or interfere with use to and along the ocean, is topographically level to the degree that it minimizes the alteration of natural land forms (P.R.C. § 30251), and does not impair agricultural uses (P.R.C. § 30005.5, et seq.).

Indeed, the CITY's LCP provides that denying infill development:

> " Failure of the City to meet these needs would displace development from the City to the unincorporated areas in contravention of Section 30250(a) and other resource protection policies of the Coastal Act." (Id., p. 125, A.R. 361)

In identifying "Planning Issues," Section 9.2 of the LCP unequivocally states:

> "The policies of the Coastal Act which address development directly require that new development be located within, contiguous with, or in close proximity to, existing developed areas." (Id., p. 126, A.R. 362)

In the LCP section entitled "Concentrating New Development," the LCP expressly states that new development "should be located within, contiguous with, or in close proximity to existing

developed areas" in order to avoid urban sprawl, to provide orderly development within areas and to preserve the maximum amount of land in rural areas. (Id., p. 127, A.R. 363)

In discussing the urbanized nature of the City of Half Moon Bay, particular priority is given to the infill of existing neighborhoods permitted under the LCP. (Id.) The LCP states that statewide guidelines indicate the basic purpose of Coastal Act Section 30250(a) is to concentrate new development by promoting infill of existing urban centers. (Id., p. 128, A.R. 364)

In summarizing Coastal Act policies and related guidelines, the CITY's LCP expressly recognizes that these policies favor "infilling of existing highly developed and partially developed areas and other areas committed to urban development". (Id.) The owners' lots are clearly infill under the LCP policies.

Further, the CITY's LCP clearly recognizes that "infill development and orderly expansion "would clearly have priority over urban development in less urbanized areas". (Id.)

The CITY's LCP establishes six priority groups for all potentially suitable new residential development in the City of Half Moon Bay, categorizing and classifying those properties "in accordance with their relationship to existing development, prior commitment to organization, and Coastal Act policies affecting the location, nature, and extent of new development." (A.R. 365) These areas are shown on Table 9.1 and Figure 9.1 of the LCP, including an estimate of potential residential development under the existing zoning. (Id., p. 129-130, A.R. 365-366) Therefore, the LCP itself creates a priority system which assures the ultimate development of the Infill Lots.

Applied to the Grand View Terrace area in which the properties are located, it is undeniable that Grand View Terrace is in the highest development priority category, "Category 1: Existing Neighborhoods," and out of 13 Existing Neighborhoods, and is ranked No. 3 for overall Coastal Act policy consistency. (See Table 9.1, p. 184, A.R. 420) Moreover, Figure 9.1 (p. 190, A.R. 426), entitled "Categories of Undeveloped Land Pertinent To Concentration Of New Residential Development," clearly identifies Grand View Terrace as falling within Category 1. Table 9.1 identifies Grand View Terrace as having 84 existing units, with a maximum potential of new units under the Land Use Plan of 66, which represented an increase of the maximum potential of new units under the pre-Coastal Act Zoning Ordinance which allowed only 31. Therefore, the certification of the CITY's LCP represented an express recognition of an increase in the number of units which can be constructed in the Grand View Terrace area. Grand View Terrace is an existing subdivided area, and for that reason, has priority over Category 2: "Undeveloped 'Paper' Subdivisions," and priority over Category 3: "Unsubdivided Lands, Either Contiguous With Existing Development Or Generally Surrounded by Development, Without Significant Resource Value," over Category 4: "Unsubdivided Lands Not Contiguous With Existing Development And Having Agricultural, Coastal Recreation, or Habitat Value," and Categories 5 and 6, which also represent Unsubdivided Lands.

Thus, in summarizing proposed changes in development capacity, the LCP states:

> "Overall, the capacity of existing neighborhoods to accommodate new growth is retained approximately at current levels, permitting infill development consistent with existing neighborhood character, except where such development would inhibit coastal recreational potential. Paper subdivisions and adjacent unsubdivided lands are proposed to be re-planned for development at densities lower than otherwise would occur under current platting and zoning in order to achieve other policies of this Plan. Areas on the perimeter of the City are proposed for reduction in development capacity in order to protect scenic, hillside, and watershed resources and provide appropriate transition to rural lands in the County." (Id., pp. 139-140, A.R. 375-376)

The priority for development on existing lots in the CITY's LCP is clearly expressed in the policy concerning "land divisions" (Id., 143, A.R,. 379):

> "The presumption in the Coastal Act, as indicated in the Statewide Interpretive Guidelines, is that development of individual lots zoned for single-family residences and development of one residence on each parcel of whatever size, will normally be permitted unless total potential development would be inconsistent with Coastal Act policies. Thus, a primary function of the control of land divisions is also to control the total development potential in an area."

The priority for building permits being issued for existing subdivided lots is reflected in Policy 9-2, which provides:

> "The City shall monitor annually the rate of build-out in categories designated for development. If the rate of build-out exceeds the rate on which the estimates of development potential for Phase I and Phase II in the Plan are based, further permits for development or land divisions shall not be issued outside existing subdivisions until a revised estimate of development potential has been made. At that time the City shall establish a maximum number of development permits to be granted each year in accordance with expected rates of build-out and service capacities. No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road

> facilities, including such improvements as are provided with the development." (Id., p. 144)

In evaluating the infill policy the proposed LCP amendment fails to identify historic data that the CITY has complied with Policy 9-2. The CITY is expressly directed to monitor the rate of build-out and relationship to the six priority categories of development. Indeed, the CITY's amendment record is incomplete in providing no evidence of compliance with this standard.With no record with regard to giving priority according to the category that the owners' lots fall within. This is critical historic evidence upon which to evaluate the City's historic, and by implication, future development of infill lots and compliance with Coastal Act infill policies.

The Infill Lots are in Category 1, and should therefore be preferred under this LCP policy. These are Phase I sewer properties, and should at all times have priority over any Phase II projects.

c. The Proposed LCP Amendment would be Inconsistent with the Infill Priorities of the Current City Zoning Code.

Evaluating the merits of the proposed LCP amendment requires understanding the policy consistent of the City's Zoning Code for its priority for infill lot development as certified by the Coastal commission.t is important to note that the Zoning Code of the CITY has been certified by the California Coastal Commission. Part of that certification includes clear mechanisms to give priority to the development of "existing substandard lots." Thus, Section 18.06-050, entitled "Exceptions to Development Standards," Paragraphs F and G, clearly provides a mechanism to allow for development of the Infill Lots in their existing configuration. The Zoning Code recognizes such development as being consistent with the other policies of the CITY's Local Coastal Plan. Section 17.06.06 (A.R. 551) gives priority in infill lot development.

6. THE HISTORY OF DELAYS IN THE OWNERS' BEING ABLE TO MAKE A BENEFICIAL USE OF THEIR INFILL LOTS MAKES THE IMPOSOTION OF FURTHER DELAYS THROUGH AN INFEASIBLE PUD PROCESS UNREASONABLE.

The proposed LCP amendment would only exacerbate a long history of delays, which have prevented many of the Infill Lot owners from making any beneficial use of their properties during their lifetimes. The history of delays, discussed at length in Yamagiwa, supra., provides a context in which to evaluate the reasonableness of imposing a lengthy and infeasible PUD process before any permit applications could be submitted.

The history of delays include the following and provide the context within which to judge the unreasonableness of the proposed LCP Amendment.

a. Delays During LCP Preparation and Certification.

No applications to develop the Beuth lots could be submitted under the California Coastal Act until the LCP was certified unless it could be shown that approving that development would not prejudice the preparation of the LCP. (Public Resources Code Section 30604(a).) No such showing could be made for this subdivision and therefore submittal of development applications could not be made until the City of Half Moon Bay completed its Local Coastal Program (including a Local Coastal Plan and implementing ordinances). The LCP implementing ordinance was not certified by the California Coastal Commission until April, 1996.

b. Delays due to Regional Walter Quality Control Board Moratorium on New Sewer Hook ups.

In order to protect water quality, there were two sewer moratoria for new hook-ups to the City of Half Moon Bay, the first occurring in the early 1970's, which was then followed by a water moratorium prohibiting new water service implemented by the Coastside County Water District, and then a re-implemented sewer moratorium until upgrades in the sewer plant were implemented. The second moratorium required that the City of Half Moon Bay complete a new sewer plant with increased capacity. On or about December 16, 1998, the Regional Water Quality Control Board granted permission to start up the newly constructed Wastewater Treatment Plan on March 10, 1999. Since 1991, the owners of undeveloped infill lots within the City of Half Moon Bay were unable to apply to building permits to allow the construction of single-family residences on their properties due to the second sewer moratorium.

c. Delays due to the City of Half Moon Bay Growth Limitations Ordinance (Measure A) and Litigation with the City of Half Moon Bay.

The City of Half Moon Bay adopted a growth control ordinance known as Measure A, which set a limit on the number of annual growth allocations for single family residences. Before development could occur, the property owner would have to obtain a Measure A allocation. No Measure allocations could be issued until the second sewer moratorium was terminated. In anticipation of ending the sewer moratorium, on December 15, 1998, the City Council of Half Moon Bay adopted Resolution No. C-96-98, "A Resolution Establishing A Residential Dwelling Unit Building Permit Allocation For 1999 For 114 New Residential Units, One-Third Allocated to Infill Projects, One-third for New Residential Projects, and One-Third for Exempt Projects." In the following years, the City adopted successive Ordinances for the allocation of Measure A Allocations. In each of those years, the property owners submitted applications for Measure A allocations, and in each, they were denied any Measure A Allocations.

This resulted in a series of lawsuits by the property owners against the City concerning the failure to grant any Measure A allocations to the property owners in the Grand View Terrace

Subdivision, despite the priority given under the Certified LCP to development of these existing, residential in-fill lots as described above.

The first lawsuit was filed on March 12, 1999 in San Mateo Superior Court Case NO. 408313. The second lawsuit was concurrently filed on March 12, 1999 in San Mateo Superior Court Case No. 408314. A third lawsuit was filed on December 3, 1999, in San Mateo Superior Court Case No. 411245. A fourth lawsuit was filed on August 10, 2001, in San Mateo Superior Court Cawe No. 417913. On February 28, 2002, the San Mateo County Superior Court entered an Order grating the petitions for writ of mandate in Case Nos. 411245 and 414437, finding that the City's actions in reserved 38 Measure A allocations in 1999 for vesting tentative maps was irrational, and remanding the case to the City Council for further proceedings on the owners' applications for Measure A allocations. A fifth lawsuit was filed on March 14, 2002 in San Mateo Superior Court Case No. 421326, which was removed to the United States District Court, Northern District Case No. C021751 JCS.

Effective November, 2002, the owners entered into a settlement agreement and a Consent Judgment was entered on November 22, 2002 in all of the cases, which granted to these owners Measure A Allocations, and contained other provisions. In October 2007, the settlement agreement and the Consent Judgment were extended for an additional five year period, Measure A Certificates have been issued to the owners, and the Measure A certificates have been tolled by the filing of the Petition for Assessment District discussed below.

d. Delays due to Water Hook-up Moratorium

On February 9, 1999, Beuth filed litigation in the San Mateo Superior against the Coastside County Water District (Case No. CV407917) concerning the District's refusal to grant Domestic Water Connections to serve the lots owned by Beuth. The Superior Court granted Beuth's summary judgment motion holding that the Allocations Decisions of the District were not consistent with the California Coastal Act, the California Water Code, and the City of Half Moon Bay's Local Coastal Program and Land Use Plan, and issued a writ of mandate ordering the District to distribute the Water Connections in accordance with the Coastal Act, the Water Code, and the City of Half Moon Bay's Local Coastal Program and Land Use Plan. The District appealed the judgment, and in February, 2003, Beuth and the District entered into a settlement agreement. That agreement recited that, "With the exception of a limited increase in the available water supply made possible by the construction of the Crystal Springs Water Supply Project, consisting of a system upgrade commenced in the late 1980s and completed in the mid 1990s to pipe water from the City of San Francisco's Crystal Springs Reservoir, the District has essentially been operating under a water connection moratorium since the mid-1970s". In short, concurrent with the various other delays, there was a water moratorium on new water connections to serve the subject properties since the mid-1970s.

The Court of Appeal of the State of California, First Appellate District, Division Three, issued an opinion on April 21, 2003, approving a settlement which granted for the first time water service connections to the Beuth lots on the basis of LCP and Coastal Act priorities for development of existing infill lots. (Case No. A099919).

e. Delays Because of Uncertainty Created by the City's Confiscatory LCP Amendment Proposals

The Infill Owners face on-going delays because of the severity and unreasonableness of the LCP Amendment. They have listed the property for sale to qualified developers, who need only consult with City Staff to have any reasonable expectation of development unreasonably defeated. The Infill Owners believe that the only purpose of the LCP amendment changes applicable to the Infill Lots is to discourage its sale and development. Any competent developer reading the language in the Background Report about the futility, expense, and time consumption of the PUD process would be deferred from considering the property for development. That is no doubt the purpose.

7. THE PROPOSED LCP AMENDMENT IS PATENTLY UNREASONABLE WHEN PUT IN THE CONTEXT OF THE INFILL LOT OWNER'S PETITION FOR AN ASSESSMENT DISTRICT TO ADDRESS INFRA-STRUCTURE REQUIREMENTS FOR DEVELOPMENT, INCLUDING REMEDYING THE CONDITIONS OF THE CITY OWNED STREETS

The Infill Lot Owners have submitted a petition for the formation of an assessment district to resolve City created drainage problems on the City owned streets and to provide a means of constructing the required subdivision improvements. The Petition demonstrates the background and fundamental facts concerning the Infill Lots, and the owners' constructive engagement with the existing legal processes to be able to make a beneficial use of their lots.

These facts should be incorporated into this record and provide a context requiring the denial of the LCP amendment concerning the Infill Lots. The LCP Amendment should recognize these facts and the need for the City to implement an assessment district to remedy the condition of its public streets:[3]

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[3] There has never been a final determination of whether the property contains wetlands for either Corps of Engineers purposes or Coastal Act purposes. The evidence is that the City has created features (as in Yamagiwa, supra) which may or may not be wetlands which would prohibit any development, or require a takings, or excuse the application of the any standards to avoid a takings. See McAllister v. California Coastal Com (2008) 169 Cal.App.4th 912.

Live Oak Associates, Inc., an Ecological Consulting Firm, Report (2007), p. 15:

PETITION TO THE CITY COUNCIL OF THE CITY OF HALF MOON BAY FOR THE COMPLETION OF THE GRANDVIEW-KEHOE AREA WIDE DRAINAGE ASSESSMENT DISTRICT, RESOLUTION NO. 30-75, AND FOR AN ASSESSMENT DISTRICT PURSUANT TO MUNICIPAL IMPROVEMENT ACT OF 1913 OF THE STATE OF CALIFORNIA

The undersigned, being owners of more than eighty-five (85%) percent of the legal parcels located within the area of the Proposed Assessment District (Exhibit A hereto), hereby consent to and authorize the filing of the above Petition for An Assessment District Pursuant to the Municipal Improvement Act of 1913 as provided therein above. This Petition is made with regard to the following facts:

WHEREAS, Petitioners are the owners of legal lots of record as shown on that certain map entitled "MAP OF GRAND VIEW TERRACE AT HALF MOON BAY, SAN MATEO COUNTY, CAL.", FILED IN THE OFFICE OF THE County Recorded of San Mateo County, State of California, on April 2, 1906 in Book E of Maps at page(s) 61 and copied into Book 4 of Maps at Page 20. (See Exhibit A, Lots Subject to Assessment District, "Properties" hereafter). Petitioners' lots are also depicted on page 4 of the Assessment Diagram, Grandview-Kehoe Areawide Drainage Assessment District. Some of Petitioners' lots are subject to "Notice of Merger Pursuant to Government Code Section 6645-12", City of Half Moon Bay (see, e.g., Document No. 945050415 of Official Records). Petitioners' Lots are described and depicted in Exhibit A hereto and together with the adjacent segments of Grandview Blvd., Belvedere Avenue, Channing Av. and Vendome Ave. (streets owned and controlled by the City of Half Moon Bay, "City Streets"), constitute the "Assessment District Area.")

WHEREAS, on November 22, 2002, that certain "Settlement Agreement and Release" was entered into, as of October, 2007, by and among the CITY OF HALF MOON BAY, CITY COUNCIL OF THE CITY OF HALF MOON BAY, PLANNING COMMISSION OF THE CITY OF HALF MOON BAY, and PLANNING DEPARTMENT OF THE CITY OF HALF

"A total of 54,584 square feet (1.25 acres) of a man-made drainage ditch, seasonal wetland, and arroyo willow swale were delineated within the 46 lots on the Grand View Terrace Property in June 2006. Prior to the 1970's, this property consisted primarily, if not entirely of upland habitat. The streets outside of the parcels were rough graded and named in the 1960's, and dedicated to the City when the subdivision map was approved. Portions of these graded areas now support seasonal wetlands. The City also dug a drainage ditch in the 1960's and 1970's that traverses the entire property. The City planned to underground the ditch via an 18 inch pipeline shortly after its creation; however, this action was abandoned. The ditch now supports wetland habitat due to the lack of maintenance. Historic aerial imagery and past photos of the property exhibit that the arroyo willow swale formed following site manipulation and lack of ongoing maintenance in the 1970's."
The approval of the Beuth Permit for the single family residence referenced above required a biological study which showed that the property had reverted from potential wetlands to upland habitat, which is incorporated by this reference (including the entire permit file)..

MOON BAY (collectively, "City"), on the one hand, and, LEONARD P. BEUTH, LEONARD P. BEUTH, TRUSTEE OF THE LEONARD P. BEUTH TRUST, UTD 2/26/86, WILLIAM S. WALTER, AS TRUSTEE FOR THE AMD. WILLIAM SILAS WALTER TRUST AGT., UTD APRIL 10, 1992, VALERIE BEUTH, RANDALL BEUTH, JEFFREY BEUTH, MARY ANN SURMA, CAROLYN M. KELLER, TRUSTEE OF THE CAROLYN M. KELLER TRUST and KENNETH J. AICHNER (collectively, the "Plaintiffs") relating to litigation the Superior Court of the State of California, County of San Mateo, in Lead Case No 408313, and consolidated case numbers 408314, 411245, 414437, and 41793; and

WHEREAS, on November 22, 2002, the Plaintiffs entered into that certain "Settlement Agreement and Release," a true correct copy of which incorporated herein by this reference is on file in the Lead Case in the Superior Court and .

WHEREAS, pursuant to the "Settlement Agreement and Release" that certain "Consent Judgment" was entered into by and among the City and Plaintiff Parties, on November 22, 2002, and Notice of Entry Judgment, was served on November 25, 2002, a true correct copy of which incorporated herein by this reference is on file in the Lead Case in the Superior Court as Exhibit B to Exhibit 1 to the Stipulation for Second Extension of Consent Judgment and Order Thereon filed November 28, 2011; and

WHEREAS, the "Consent Judgment" provides a five-year time limit from the date that the Consent Judgment is entered by the Court, Plaintiffs may exercise their rights pursuant to paragraph 1, Page 3: lines 2-11 and other rights provided in the Settlement and Release Agreement and Consent Judgment; and

WHEREAS, the parties previously extended the provisions of paragraph 1, for an additional time period within which Plaintiffs may extend the rights provided in the Settlement and Release Agreement and Consent concerning the Measure A allocations, pursuant to the terms of that certain "Second Extension Agreement to Settlement Agreement and Release," a true correct copy of which incorporated herein by this reference is on file in the Lead Case in the Superior Court and incorporated as Exhibit 1 to the Stipulation for Second Extension of Consent Judgment and Order Thereon, filed November 28, 2011;

WHEREAS, the Plaintiffs applied to the Respondents under the terms of the Settlement Agreement and Consent Judgment, on November 9, 2016, and were issued Measure A Allocations for 23 Lots on or about December 14, 2016. Pursuant to paragraph 4 of the Consent Judgment (p. 3, lines 22-23), "Plaintiffs, in their sole discretion, may apply the 23 Measure A allocations to any of the 46 lots in the Properties." Paragraph 2 (b) of the Settlement Agreement (p. 4) provides that, "The City agrees to cooperate in good faith, as required by law, to process applications which Plaintiffs may submit in the future for approvals for the Properties." This Petition is such an application. The Consent Judgment (p. 3) provides that, "Pursuant to Half Moon Bay Municipal Code Section 17.06.050(F), the validity of the Measure

A allocations shall be extended or tolled by any time spent by Plaintiffs securing any other approvals, permits, coastal development permits, utility connections, utility capacity or other entitlements from the City or any other agency." This Petition is a request for an "approval," "utility connections, utility capacity or other entitlements from the City or any other agency," and thereby tolls and extends the validity of the Measure A allocations.

WHEREAS, the Properties lie within the Sanitary Sewer Project 1994-1 Assessment District and are Subject to Assessments Contained Therein (Document No. 94130577, Official Records, County of San Mateo). This Petition is to extend sewer service to the Properties.

WHEREAS, Petitioner Leonard P. Beuth, for the beneficial use of the Properties, owns water service connections from the Coastside County Water District, pursuant to the "Settlement Agreement" approved by the Court of Appeal, State of California, First Appellate District, Division Three, "Leonard P. Beuth v. Coastside County Water District (A099919), San Mateeo County Super. Ct. No. CV407917, filed April 21, 2003, and on file in said Court. The purpose of this Petition is to install water line extensions to serve each of the Properties and make beneficial uses of the water service connections owned by Petitioner.

WHEREAS, Petitioner Leonard P. Beuth acquired sixteen Lots in 1973, 1974 and 1975, and eight lots from the City of Half Moon Bay, on the basis that drainage of the Properties and adjacent City streets would be resolved and funded through the Grandview-Kehoe Areawide Drainage Assessment District. (See Resolution No. 30-75, "A Resolution and Order Adopting Engineer's Report, Confirming the Assessment and Ordering the Work and Acquisitions", "Grandview- Kehoe Areawide Drainage Assessment District," Exhibit B.) This Petition is to implement in the Assessment District Area the provisions of Resolution No. 30-75. The City Streets currently contain manmade ditches for drainage through Grandview Boulevard and Belvedere Boulevard. The condition of the City Streets deprives Petitioners of a reasonable ability to make any beneficial uses of their Properties, and it would be futile for Petitioners to submit individual site building plans for single family residences without the solution to the condition of the City Streets which can be implemented by this Petition and by providing utility service, sewer service, gas, cable, paved surfaces, and drainage to each of the Lots ("the Works of Improvement");

NOW THEREFORE, PETITIONERS HEREBY PETITION THE CITY OF HALF MOON BAY AND THE CITY COUNCIL OF THE CITY PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913:

1. That you take proceedings under the Municipal Improvement Act of 1913 (California Streets & Highway Code, div. 12, ss 10000 et seq,) to implement the provisions of Resolution No. 30-75 to the Properties and Assessment District Area; to improve and pave the City Streets, install drainage facilities, provide utilities, sewer service, gas, cable, electrical and other required

improvements for residential use to the Lots in the Properties ("Works of Improvement"). That you issue bonds under the Municipal Improvement Act of 1913 to finance the Works of Improvement, for financing the costs of the District.

2. That you assess the cost of any necessary acquisitions and improvements, together with the incidental expenses of said proceedings, upon the Petitioners' properties; that you designate an engineer to update the Report in Resolution No. 30-75 and fully describe the Works of Improvement and other requirements of the Municipal Improvement Act of 1913 and/or the Improvement Act of 1911; that you take further proceedings as required by law to establish and Assessment District to complete the Works of Improvement.

3. That you take all other necessary and appropriate actions required by law with regard to the formation of the Assessment District to implement the Works of Improvement.

Dated November 30, 2017

[End of Petition.]

8. REQUEST FOR OFFICIAL NOTICE AND INCORPORATION BY REFERENCE INTO THIS ADMINISTRATIVE RECORD

There is a long history to the owners' attempts to make any beneficial use of their Infill Lots which includes huge volumes of documents. Most of those documents and source materials have been included in the administrative records and court filings in the Litigation discussed in the Petition, and in emails with various attachments provided to Staff and/or the City Attorney. The City is requested to take official notice of these records and files available to the City, prepared by the City, and on file in the Actions against the City, and to incorporate those records into this Administrative Record on the proposed LCP Amendment.

The Infill Lot Owners reserve the right to provide additional comments, documents, submittals and information in the on-going process of the LCP amendment and in the proceedings anticipated concerning the assessment district petition.

Very truly yours,

WILLIAM S. WALTER

cc: Leonard P. Beuth, et al.
City Attorney (via email)

BUSINESS OF THE PLANNING COMMISSION
OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: September 24, 2019

TO: Honorable Chair and Planning Commissioners

FROM: Jill Ekas, Community Development Director
Brittney Cozzolino, Associate Planner

TITLE: Poplar Beach Gateways Plan Update
Coastal Development Permit, File No. PDP-19-035 for Poplar Beach Access Ramp

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RECOMMENDATION

1. Receive an update on the Poplar Beach Gateways Plan; and
2. Adopt a resolution approving PDP-19-035, an application for a Coastal Development Permit as a follow-up to emergency CDPS #PDP-18-092 and PDP-19-024 to construct safety and drainage improvements including installation of wooden steps anchored by metal stakes, a cable handrail, a stepped concrete landing, and a 6-inch-deep drainage V-ditch with minor grading and compaction at the existing beach access ramp for Poplar Beach, based upon the Findings and Evidence contained in Exhibit A of the Draft Resolution, and subject to the Conditions of Approval in Exhibit B.

POPLAR BEACH GATEWAYS PLAN UPDATE

The City-owned land around Poplar Beach includes the beach and blufftop park area that contains a public parking lot, a segment of the California Coastal Trail, and a graded dirt access ramp down to the sandy beach area. This is a very popular coastal access and recreation area heavily used by pedestrians, bicyclists, and beachgoers. The City's 2019 Parks Master Plan identifies the blufftop area above Poplar Beach as "a passive park designed for enjoyment of nature and the views to the ocean, with access to the beach below the bluffs."

The City has been studying this area for some time to come up with a long-term plan for access and recreation improvements, called the "Poplar Beach Gateways Plan." This is a significant Capital Improvements Program (CIP) project that represents the City's investment in actively and effectively managing this blufftop area to enhance user experience and protect natural resources. The City has been engaging with a variety of consultants to assess erosion and drainage conditions, biological sensitivity, and community input for developing the Poplar Beach Gateways Plan. The long-term project goals are to protect and enhance the park's natural resources, plan for sea level rise adaptation with bluff stabilization and managed retreat of the Coastal Trail, and enhance access and recreation opportunities throughout the park for all users.

While planning for these long-term improvements, the need for more immediate safety and drainage improvements to take place has arisen. The coastal bluffs are highly vulnerable to erosion, both from wave run-up and storm surges at the bluff toe and from concentrated stormwater runoff, devegetation, and informal trail use along the bluff top (Half Moon Bay Coastal Trail Existing Conditions and Trail Planning Recommendations report by NCE, 2017). Heavy 2018-19 winter storm events exacerbated these conditions and further destabilized the bluff edge. As a result, the City issued two emergency coastal development permits (CDPs) to prevent drainage and safety issues along the actively eroding bluff edge. The first permitted replacement of an existing significantly eroding drainage pipe running beneath the Coastal Trail and daylighting at the bluff face (Attachment 4, PDP-18-092), and the second permitted installation of temporary safety fencing along the western side of the Coastal Trail (Attachment 5, PDP-19-024).

The following safety and drainage improvement project is proposed as a follow-up to these emergency CDP actions and as an interim solution to provide safe public beach access prior to implementation of the Poplar Beach Gateways Plan. The Gateways Plan will provide for more permanent beach access and drainage control improvements. City staff anticipates the first public draft of the Gateways Plan to be available for public review later this fall, with environmental review beginning in early 2020.

POPLAR BEACH ACCESS SAFETY AND DRAINAGE IMPROVEMENTS PROJECT

Summary of Project			
File Number	PDP-19-035		
Requested Permits/Approvals	Coastal Development Permit		
Site Location	Poplar Beach Blufftop Park/APN 064-410-010		
Applicant/Property Owner	City of Half Moon Bay		
Project Planner	Brittney Cozzolino; (650) 750-2014; bcozzolino@hmbcity.com		
Zoning District	OS – P Open Space – Passive		
LCP Land Use Plan Designation	Regional Public Recreation		
Water Service	Not applicable to project		
Sewer Service (Sewer Authority Mid-Coast)	Not applicable to project		
Environmental Determination	Categorically Exempt pursuant to CEQA Guidelines, Sections 15301(c)		
Heritage Trees	None in project footprint		
	No tree protection plan required		
Story Poles	**None required**	**No**	Located in a Visual Resource Area?
		No	Variance or Exception required?
		No	Located in a largely undeveloped area?

Right of Appeal	Any aggrieved person may appeal the Planning Commission's decision to the City Council within ten (10) working days of the decision.
	The project is located within the Coastal Commission Appeals Jurisdiction; therefore, final City action is appealable to the Coastal Commission.

Figure 1. Site Location

Figure 2. Site Photo

Site and Surrounding Properties

The project site is located at the western terminus of Poplar Street, at the beach access ramp down to Poplar Beach. The project site is surrounded by the Poplar Beach Blufftop Park, the California Coastal Trail, Poplar Beach and the Pacific Ocean, and the Poplar Beach public parking lot. The site is zoned Open Space – Passive (OS – P), a zoning designation that allows for public trails. The proposed improvements to the existing public beach access trail are consistent with principally permitted uses in this zone. Land use and zoning for properties surrounding the subject site are as follows:

North	Poplar Beach Blufftop Park	OS – P Open Space Passive
South	County-owned open space	OS-P Open Space Passive/ PUD Planned Unit Development
East	Poplar Beach public parking lot	OS – P Open Space Passive
West	Poplar Beach and Pacific Ocean	Open Space

This area is heavily used by pedestrians, bicyclists, and beachgoers with its accessibility to the Coastal Trail, Poplar Beach, and the ocean. The subject site has historically been used for public beach parking and beach access, as evidenced by historic aerial images (Figure 3). The beach access ramp steeply follows the side of the cliff down to the sand level and can be difficult to utilize during wet weather events or for anyone with physical challenges or disabilities. This ramp has also been used for equestrian access in the past, primarily by the commercial recreation company called Sea Horse Ranch. Equestrian use is discussed further in the *Public Access* section below.

Figure 3. Subject Site, 1972 (California Coastal Records Project, Image 7217102)

Project Description

The purpose of the project is to improve public safety on the existing steep unpaved path that provides access to Poplar Beach. An ancillary benefit will be improved erosion control and protection of the adjacent coastal bluff. The project consists of installing 24 wooden steps

anchored by metal stakes along the existing unpaved beach access ramp with minor grading and compaction as needed to achieve a maximum 20% slope between steps. A stepped concrete landing will be constructed at the bottom of ramp to provide safe access to the sandy beach level at the foot of the ramp that is currently subject to seasonal grade changes. The bluff side of the accessway will include a cable handrail and a six-inch-deep V-ditch as shown on the project plans (Attachment 2) to provide improved safety and drainage. The V-ditch will be a natural compacted swale to minimize erosion potential and maintenance needs. The project is contained within the previously disturbed footprint of the existing access ramp and does not involve any expansion of the path, vegetation removal or disturbance on the blufftop or bluff face. Ramp grading and compaction will be done primarily by hand, with a small Bobcat used to install the concrete landing. There will be close to balanced grading with no more than 5 cubic yards of export. The City will employ standard construction best management practices established by the San Francisco Regional Water Quality Control Board for water quality protection. These include erosion and sediment control measures. Construction staging and storage will be limited to within the adjacent paved parking area. Most of the work will be performed manually and will include only limited use of mechanized equipment.

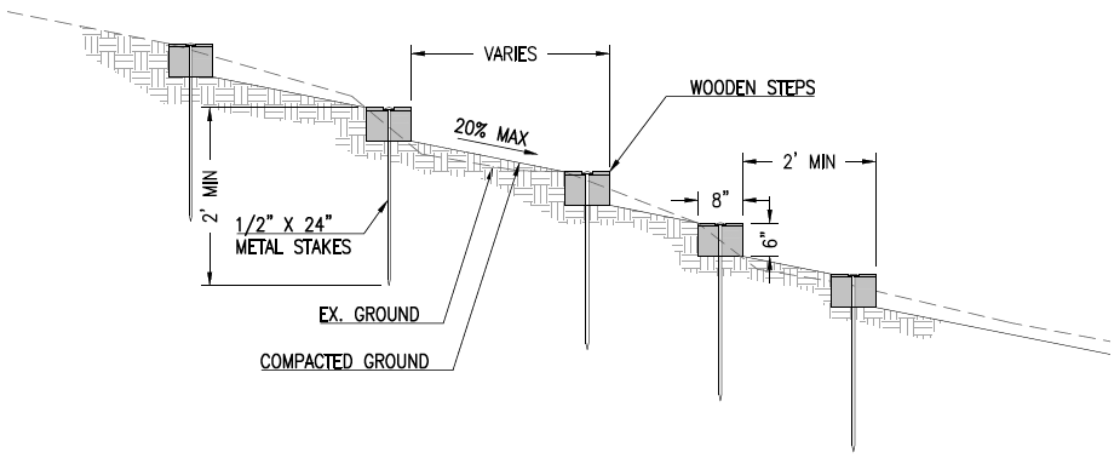

Figure 4. Step Detail

ANALYSIS

The key issues for this project are conformance with the General Plan/Local Coastal Land Use Plan, conformance with the Zoning Code/LCP Implementation Plan,[1] and compliance with CEQA.

Conformance with the General Plan/Local Coastal Program Land Use Plan

The proposed development is consistent with the Regional Public Recreation General Plan/Local Coastal Land Use Plan designation. The existing beach access ramp provides regional public access and recreation opportunities, and the proposed development provides safety and

[1] The Zoning Code is part of the LCP Implementation Plan.

drainage improvements in order to enhance and preserve such public access and recreation opportunities.

Conformance with the Zoning Code

The existing public trail is a principally permitted use in the OS – P Open Space – Passive Zoning District. The existing beach access ramp is a public trail, and the proposed development provides safety and drainage improvements in order to enhance and preserve the use of the public trail.

The Open Space – Passive Land Use regulations in Chapter 18.12 of the Municipal Code contain limited specific development standards that apply to this scope of work. The project proposes primarily at-grade safety and drainage improvements to the existing beach access ramp and does not involve any new facilities. New structures are limited to wooden steps, a cable handrail, and a concrete landing that are well under the maximum height requirement of sixteen feet from grade pursuant to Municipal Code Section 18.12.025(B). Municipal Code Section 18.12.030 generally applies, and states:

> *"All development occurring in or adjacent to coastal resource areas and environmentally sensitive habitat areas as defined in this title, the local coastal plan, and the general plan shall adhere to the applicable standards set forth therein. Where a conflict occurs between the standards of this chapter and those applicable to coastal resources and environmentally sensitive habitat areas, the more restrictive shall apply."*

Table 1 below identifies key Zoning Code/LCP Implementation Plan issues and their applicability to the subject site. As indicated in the table and described further below, several coastal resource policies apply to the site and the proposed development, but all of these factors are either sufficiently avoided, addressed through conditions of approval, or both. See additional discussion under *Environmental Review* below.

Table 2. Key Zoning Code/LCP Implementation Plan Topics

Topic	Applicability/Explanation	
Environmentally Sensitive Habitat Area	Yes	The project site is located on a sea cliff and is in proximity to coastal terrace prairie habitat and the marine environment.
Visual Resource Area	No	The subject site is not located in a visual resource area as defined by Section 18.37.020 of the Zoning Code.
Public Access Area	Yes	The subject site provides public beach access and Coastal Trail access.
Coastal Hazard Area	Yes	The project site is located on a sea cliff and is subject to potential shoreline erosion and wave action.

Archaeological Resource Area	No	Not in area of mapped or known resources.
Historic Resources	No	No historic resources exist on the site.

Environmentally Sensitive Habitat

The following LCP policies and ordinances are applicable to this project as it relates to environmentally sensitive habitat areas:

LUP Policy 3-3, Protection of Sensitive Habitats:

(a) Prohibit any land use and/or development which would have significant adverse impacts on sensitive habitat areas.

(b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. All uses shall be compatible with the maintenance of biological productivity of such areas.

LUP Policy 3-19, Permitted Uses on Sea Cliffs:

(a) Where nesting or roosting exists, permit only education and research activities.

(b) Where nesting or roosting do not exist, permit only the following uses: (1) education and research, (2) limited foot paths, (3) limited recreational rock climbing, (4) road and underground utility construction where no feasible alternative exists, and (5) intake or outfall lines provided that the habitat is not threatened.

LUP Policy 3-20, Development Standards on Sea Cliffs:

(a) Restrict pedestrian traffic in bluff and cliff areas and on faces to a limited number of well-defined trails which avoid seabird nesting and roosting sites.

(b) Post signs informing recreational users not to disturb natural vegetation or nesting and roosting sites.

Municipal Code Section 18.38.065, Bluffs and Sea Cliffs:

The following regulations are applicable to the coastal resource areas defined in this title and designated on this city's coastal resource map:

A. Permitted Uses – Sea Cliff or Bluff Face.

1. Where nesting or roosting exists, only education and research activities are permitted.
2. Where nesting or roosting do not exist, the following uses are permitted:
   a. Education and research activities.
   b. Limited coastal access, pedestrian paths, and engineered stairways for coastal access.

[…]

F. Development Standards.

[…]

4. Grading for Development.

a. Grading is permitted only when required to establish proper drainage, install minor improvements (e.g. trails), restore eroded areas, or provide permitted access ways.

b. Any required or permitted grading must direct water runoff away from the edge of the bluff, and prevent damage to the bluff by surface and percolating water.

The project proposes safety and drainage improvements to an existing beach accessway on a sea cliff. The intent of the project is to provide safer access down to the beach with the wooden steps, handrail, and stepped concrete landing, and to protect the accessway from erosion caused by stormwater runoff. Minor grading will occur to install the steps, create a V-ditch for drainage, and compact the area between each step. Improvements will be done primarily by hand, with limited use of a small Bobcat.

Chapter 18.38 of the Municipal Code requires that a biological report be prepared for any projects located in or within 100 feet of any sensitive habitat area including sea cliffs. As mentioned above, the project site is located within the larger Poplar Beach Blufftop Park area that the City is evaluating for long term improvements related to erosion, drainage, public access, and habitat restoration. A preliminary biological evaluation was prepared for the larger blufftop area for this City project, known as the Poplar Beach Gateways Plan. The evaluation identifies the project site for the proposed development as a potentially sensitive sea cliff, within which engineered stairways for coastal access are a permitted use.

The evaluation also identified the larger blufftop park area as containing coastal terrace prairie habitat and suitable habitat for several special status species and winter foraging birds. However, the site proposed for development of this project is limited to the previously disturbed footprint of the existing beach access ramp and will not involve any vegetation removal or disturbance. Construction staging and storage will occur within the nearby parking lot, and access to the construction site is available through the existing pedestrian trail and overlook area that is devoid of vegetation. Standard construction best management practices will be employed for water quality protection, including erosion and sediment control measures.

In consultation with California Coastal Commission staff, it was determined that no additional biological assessment for the proposed project was required as the development will occur entirely within a previously disturbed footprint, does not include any structural components, and is limited in scope to provide safety and drainage improvements that would typically be approved through a coastal development permit exemption, or a coastal development permit waiver should the City have that process in place. In consultation with the biological consultant who conducted the Poplar Beach Gateways Plan preliminary biological evaluation, it was also determined that exclusionary fencing for California red-legged frogs (CRLF) is not necessary to install because the CRLF primarily move through upland grasslands and wetland habitats at night. As required by conditions of approval, construction activities will be limited to daytime hours and

will therefore avoid any potential impacts. Additional conditions of approval require the limits of the construction zone to be clearly marked and fenced to prevent any impacts to the surrounding habitat areas prior to commencement of construction.

Visual Resources

The City's Zoning Code defines visual resource areas as those within 200 yards of Highway 1, those providing broad ocean views from Highway 1 in specific locations, and those along specific scenic coastal access routes. Although the subject site is not specifically named in the "Broad Ocean Views" or "Scenic Coastal Access Routes" categories, it does fit the intent of these categories for visual resource protection.

The proposed improvements include installation of wooden steps, a cable handrail, and a concrete landing at an existing beach accessway that leads from the blufftop at the end of Poplar Street down along the bluff face to the sand level at Poplar Beach. The wooden steps and handrail design and materials were selected to minimize visual impacts and grading, and have a natural look subordinate to the surroundings. The proposed project will significantly improve safe access down to this heavily used beach and does not involve any above-grade structural development that will obstruct broad ocean views.

Public Access

The following LCP policies and ordinances are applicable to this project as it relates to public coastal access:

> LUP Policy 2-6:
> All vertical and lateral public accessways shall have clearly posted signs specifying the public's right to use these areas; signs shall also contain any limitations on the public's right of access and specific uses.
>
> LUP Policy 2-7:
> In a zone extending approximately 200 feet inland from the mean high tide line, priority shall be given to coastal-dependent and related recreational activities and support facilities. However, camping facilities should be set back 100 feet from the beach and bluffs and near-shore areas reserved for day use activities. In no case shall recreational improvements, other than accessways, lifeguard facilities, trash containers, and informational signs be located directly on the dry, sandy beach.

The subject site contains a segment of the California Coastal Trail and vertical access to Poplar Beach. The larger area includes the Poplar Beach Blufftop Park and a public beach parking lot. The site has historically been used for public coastal access and recreation (Figure 3).

The proposed improvements will enhance and preserve public coastal access and recreation by creating a safer walkway down to the beach and directing drainage away from the bluff edge. Existing signage notifies the public of their ability to access the beach as well as educates the public on the dangers of bluff erosion and rip tides. With the proposed improvements, safe and

continued public access will be available at Poplar Beach. As previously mentioned, the City's Poplar Beach Gateways Plan will address longer-term access and drainage improvements for the project area, including a more permanent accessway design and erosion and drainage controls to protect the area from severe bluff erosion. While this access improvement project and the long-term access improvements being developed for the Poplar Beach Gateways Plan are considered the follow-up actions for the temporary safety fencing approved through Emergency CDP #PDP-19-024, it is important to note that the temporary fencing will remain up as needed to protect life safety as the bluffs continue to actively erode.

As mentioned above, this beach access ramp used to be a primary access point for equestrian users to take their horses down to the beach. The majority of equestrian traffic comes from the horse walking tours provided by Sea Horse Ranch, a commercial recreation company located by Venice Beach. The City dictates where and how Sea Horse Ranch accesses the trail and beach through a license agreement, which is currently in the process of being renegotiated. Approximately three years ago, the City and Sea Horse Ranch concluded that the access to Poplar Beach was too steep for novice riders and that equestrian use of this access was in conflict with the high volume of pedestrian beachgoers. Equestrians from Sea Horse Ranch now access Poplar Beach at a point approximately a half-mile north known as "the slot," which is far less steep. The proposed improvements to the Poplar Beach access ramp will necessitate that other recreational equestrian users re-route to the slot for beach access as well. The wooden steps are necessary for public safety, and the existing footprint of the ramp does not allow a design that could safely accommodate pedestrian and equestrian users. As such, potentially dangerous user conflicts will be avoided, and pedestrians and equestrians will be able to safely access Poplar Beach at their respective locations. City staff is working on signage and information sharing to further improve safety and experience for all user groups.

Construction will cause temporary public access impacts. Construction is anticipated to take no more than three weeks to allow time for the concrete pad to set. Staging and storage will occupy a portion of the public parking area but will minimize encroachment into public parking spaces to the extent feasible. Sufficient notice will be posted at the site and advertised through the newspaper and online forums.

Coastal Hazards

The following LCP policies and ordinances are applicable to this project as it relates to coastal hazard areas:

> LUP Policy 4-5:
> No development shall be permitted on the bluff face, except for engineered accessways to provide public beach access. Drainage pipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drain pipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if water can be directed away from the bluff face. *(Also see Municipal Code Section 18.38.065(F)(4))*

Sea cliffs and bluff faces are inherently hazardous due to natural erosion processes and susceptibility to wave run-up, urban runoff, and storm surges. However, limited development in these areas is necessary to provide public beach access.

The project site contains an existing vertical beach access ramp that is sloped along the side of the sea cliff down to the sandy beach area. The proposed safety and access improvements are consistent with the permitted use of engineered accessways to provide public beach access. The wooden steps will be installed and anchored by metal stakes for stability, with a cable handrail and concrete landing pad for additional safety. Minimal grading will occur to install the wooden steps and compact the area between each step. Construction will be done primarily by hand, with minimal use of a small Bobcat.

The project plans show the as-built drainage pipe installed to replace the deteriorating pipe through Emergency CDP #PDP-18-092. In conjunction with the drainage V-ditch proposed along the access ramp, these plans are considered the long-term solution for drainage improvements at this particular site. In the larger project area, the forthcoming Poplar Beach Gateways Plan will address localized erosion and concentrated urban runoff with more permanent and upland solutions including managed retreat of the trail and regrading and revegetation of the bluff top.

Environmental Review

The proposed safety and drainage improvements to the existing beach access ramp are categorically exempt from CEQA pursuant to Section 15301(c), which exempts minor alteration to existing public facilities including pedestrian trails that involve negligible or no expansion of the existing use.

Pursuant to Municipal Code Chapter 18.38 Coastal Resource Conservation Standards, the project was evaluated with an environmental checklist (Attachment 3). It was found that the project will have no impact on the environmental conditions of the site or the adjacent area as it will occur entirely within a previously disturbed footprint and consists only of minor alterations for safety purposes that do not expand the capacity or use of the existing facility. A formal Initial Study/Negative Declaration was not conducted as the project scope is found to be categorically exempt; rather, the environmental checklist was used as a tool for evaluating any potential impacts that may bring unusual circumstances to light given the potentially sensitive project location on a bluff face. In this case, the environmental checklist supports the determination that no significant environmental impacts will occur as a result of this project and that the exceptions of Section 15300.2 of the CEQA Guidelines do not apply as there is no evidence of unusual circumstances.

The project will provide significant public safety improvements as the existing pedestrian trail is steep, easy to slip on, and difficult to utilize during wet weather events or for anyone with physical challenges or disabilities. The project also has the potential to improve the environmental conditions of the subject site and surrounding area by providing drainage improvements. Therefore, the project is exempt from CEQA as it involves minor alteration of an

existing public facility with negligible or no expansion of the existing use. The project will not have a significant effect on the environment, and no unusual circumstances are anticipated.

Conclusion

This project represents the follow-up action to two emergency coastal development permits (PDP-18-092 and PDP-19-024). The City has been working on plans for short and long-term public access and recreation improvements at the Poplar Beach Blufftop Park for some time, and has been diligently coordinating with California Coastal Commission staff on emergency actions, this follow-up coastal development permit, and the long-term goals of the Poplar Beach Gateways Plan. Coordination will continue throughout this process.

Based on the above analysis, staff concludes that the proposed development is consistent with the General Plan/Local Coastal Land Use Plan and the Zoning Code/LCP Implementation Plan; is compatible with surrounding development; and conforms to the requirements of the California Environmental Quality Act. Staff recommends approval of the project based on the findings and conditions of approval (Exhibits A and B of the attached Draft Resolution).

ATTACHMENTS

1. Draft Resolution with Findings and Evidence, Exhibit A and Conditions of Approval, Exhibit B.
2. Project Plans
3. Environmental Checklist
4. Emergency CDP for drainage pipe replacement (PDP-18-092)
5. Emergency CDP for temporary safety fencing (PDP-19-024)

PLANNING COMMISSION RESOLUTION P-19-__
RESOLUTION FOR APPROVAL
PDP-19-035

Coastal Development Permit to allow the construction of safety and drainage improvements including installation of wooden steps anchored by metal stakes, a cable handrail, a stepped concrete landing, and a 6-inch drainage V-ditch with minor grading and compaction at the existing beach access ramp for Poplar Beach in the Open Space – Passive Zoning District and the Regional Public Recreation Land Use Plan designation (APN 064-410-010)

WHEREAS, an application was submitted requesting approval of a Coastal Development Permit to allow the construction of safety and drainage improvements including installation of wooden steps anchored by metal stakes, a cable handrail, a stepped concrete landing, and a 6-inch drainage V-ditch with minor grading and compaction at the existing beach access ramp for Poplar Beach in the Open Space – Passive Zoning District and the Regional Public Recreation Land Use Plan designation (APN 064-410-010); and

WHEREAS, the procedures for processing the application have been followed as required by law; and

WHEREAS, the application is a follow-up Coastal Development Permit to PDP-18-092, which approved an Emergency Coastal Development Permit for replacing a deteriorated storm drain pipe near the top of the beach access ramp; and

WHEREAS, the application is also a follow-up Coastal Development Permit to PDP-19-024, which approved an Emergency Coastal Development Permit for temporary safety fencing along the eroding bluff edge at Poplar Beach Blufftop Park; and

WHEREAS, the safety and drainage improvements are interim to the long-term public access and recreation improvements being developed for the Poplar Beach Blufftop Park with the Poplar Beach Gateways Plan; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing for PDP-19-035 on September 24, 2019, at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

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

WHEREAS, the Planning Commission has determined that the requested Coastal Development Permit for the construction of a safety and drainage improvements at an existing public access facility is exempt from CEQA pursuant to California Administrative Code Section 15301(c); and

WHEREAS, the Planning Commission has made the required findings for approval of the project, as set forth in Exhibit A to this resolution pursuant to the revisions made at the public hearing;

NOW, THEREFORE, BE IT RESOLVED that, based upon the Findings in Exhibit A and subject to the Conditions of Approval contained in Exhibit B, the Planning Commission approves this application (PDP-19-035).

PASSED AND ADOPTED by the City of Half Moon Bay Planning Commission at a duly noticed public hearing held September 24, 2019.

AYES,
NOES,
ABSENT,
ABSTAIN,

APPROVED:

_____	_____
Brian Holt, Chair	Jill Ekas, Community Development Director

EXHIBIT A
FINDINGS AND EVIDENCE
Planning Commission Resolution P-19-__
PDP-19-035

Coastal Development Permit to allow the construction of safety and drainage improvements including installation of wooden steps anchored by metal stakes, a cable handrail, a stepped concrete landing, and a 6-inch drainage V-ditch with minor grading and compaction at the existing beach access ramp for Poplar Beach in the Open Space – Passive Zoning District and the Regional Public Recreation Land Use Plan designation (APN 064-410-010)

Coastal Development Permit – Findings for Approval

The required Coastal Development Permit for this project may be approved or conditionally approved only after the approving authority has made the following findings per Municipal Code Section 18.20.070:

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

   Evidence: The project consists of safety and drainage improvements at an existing vertical beach access ramp. The proposed development provides and enhances coastal access and recreation opportunities, conforms to all City requirements, will not impact coastal resources and is consistent with the policies of the City's Land Use Plan (LUP).

   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.*

   Compliance: The proposed improvements will enhance and preserve public coastal access and recreation by creating a safer walkway down to the beach and directing drainage away from the bluff edge. Existing signage notifies the public of their ability to access the beach and adjacent Coastal Trail. With these improvements, safe and continued public access will be maximized at Poplar Beach.

   Policy 2-6: *All vertical and lateral public accessways shall have clearly posted signs specifying the public's right to use these areas; signs shall also contain any limitations on the public's right of access and specific uses.*

   Compliance: Existing signage notifies the public of their ability to access the beach and adjacent Coastal Trail, as well as of the applicable City regulations.

Policy 2-7: *In a zone extending approximately 200 feet inland from the mean high tide line, priority shall be given to coastal-dependent and related recreational activities and support facilities. However, camping facilities should be set back 100 feet from the beach and bluffs and near-shore areas reserved for day use activities. In no case shall recreational improvements, other than accessways, lifeguard facilities, trash containers, and informational signs be located directly on the dry, sandy beach.*

Compliance: The proposed development consists of safety and drainage improvements to the existing beach access ramp. The proposed project is intended to protect and enhance coastal access and recreation opportunities at the heavily used Poplar Beach and Poplar Beach Blufftop Park area.

Coastal Act 30240 and Policy 3-3: *Prohibit any land use and/or development which would have significant adverse impacts on sensitive habitat areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Compliance: Previous biological studies have identified coastal terrace prairie habitat and suitable habitat for several special status species and winter foraging birds in the larger project area. However, the site proposed for development is limited to the previously disturbed footprint of the existing beach access ramp and will not involve any vegetation removal or disturbance. Construction staging and storage will occur within the nearby parking lot, and access to the construction site is available through the existing pedestrian trail and overlook area that is devoid of vegetation. Standard construction best management practices will be employed for water quality protection, including erosion and sediment control measures.

In consultation with California Coastal Commission staff, it was determined that no additional biological assessment for the proposed project was required as the development will occur entirely within a previously disturbed footprint, does not include any structural components, and is limited in scope to provide safety and drainage improvements that would typically be approved through a coastal development permit exemption, or a coastal development permit waiver should the City have that process in place. In consultation with the biological consultant who conducted the Poplar Beach Gateways Plan preliminary biological evaluation, it was also determined that exclusionary fencing for California red-legged frogs (CRLF) is not necessary to install because the CRLF primarily move through upland grasslands and wetland habitats at night. As required by conditions of approval, construction activities will be limited to daytime hours and will therefore avoid any potential impacts. Additional conditions of approval require the limits of the construction zone to be clearly marked and fenced to prevent any impacts to the surrounding habitat areas prior to commencement of construction.

Policy 3-19(b): *Where nesting or roosting do not exist, permit only the following uses [on sea cliffs]: (1) education and research; (2) limited foot paths...*

Compliance: The proposed development consists of improvements to the existing pedestrian beach access path, as consistent with the permitted uses in sea cliff areas.

Policy 3-20(a): *Restrict pedestrian traffic in bluff and cliff areas and on faces to a limited number of well-defined trails which avoid seabird nesting and roosting sites.*

Compliance: The existing beach access path provides controlled public access in an area containing sensitive habitat. The proposed development will not expand the footprint of the existing beach access and will not cause any impacts to seabird nesting and roosting sites.

Policy 4-5: *No development shall be permitted on the bluff face, except for engineered accessways to provide public beach access. Drainage pipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drain pipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if water can be directed away from the bluff face.*

Compliance: The project site contains an existing vertical beach access ramp that is sloped along the side of the sea cliff down to the sandy beach area. The proposed safety and access improvements are consistent with the permitted use of engineered accessways to provide public beach access. The wooden steps will be installed and anchored by metal stakes for stability, with a cable handrail for additional safety. A stepped concrete landing will be constructed at the bottom of ramp to provide safe access to the sandy beach level at the foot of the ramp that is currently subject to seasonal grade changes. Minimal grading will occur to install the wooden steps and compact the area between each step. Construction will be done primarily by hand, with minimal use of a small Bobcat. The project plans also show the as-built drainage pipe installed to replace the deteriorating pipe through Emergency CDP #PDP-18-092. In conjunction with the drainage V-ditch proposed along the access ramp, these plans are considered the long-term solution for drainage improvements at this particular site. In the larger project area, the forthcoming Poplar Beach Gateways Plan will address localized erosion and concentrated urban runoff with more permanent solutions including managed retreat of the trail and regrading and revegetation of the bluff top.

Policy 7-11: *New development along primary access routes from Highway 1 to the beach, as designated on the Land Use Map, shall be designed and sited so as to maintain and enhance the scenic quality of such routes, including building setbacks, maintenance of low height of structures, and landscaping which establishes a scenic gateway and corridor.*

Compliance: The subject site is accessible from Highway 1 and contains a segment of the Coastal Trail and vertical access to the beach. The project is intended to enhance coastal access and recreation opportunities by providing safety and drainage improvements at this heavily used beach accessway. Although the subject site is not specified as a primary access

route in the City's LCP, the proposed improvements were sited and designed to protect the scenic quality of Poplar Beach and the Poplar Beach Blufftop Park area. The wooden steps and handrail design and materials were selected to minimize visual impacts and grading, and have a natural look subordinate to the surroundings. The proposed project will significantly improve safe access down to this heavily used beach and does not involve any structural development or obstruction of broad ocean views.

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

Compliance: The proposed development is not located at or near identified archaeological or paleontological resources. If cultural resources or paleontological resources are unexpectedly encountered, the permit has been conditioned to require that construction halt until the find can be evaluated and appropriate mitigation identified.

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

   Evidence: The proposed development does not include a dwelling unit and is therefore not subject to the requirements of the City's growth management system.

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

   Evidence: The proposed development conforms to the requirements of the Open Space – Passive Zoning District, which allows for public trail uses. The Open Space – Passive Land Use regulations in Chapter 18.12 of the Municipal Code contain limited specific development standards that apply to the scope of work. The project proposes primarily at-grade safety and drainage improvements to the existing beach access ramp and does not involve any new structures or facilities. Therefore, there are no applicable minimum setbacks or maximum structure heights.

4. **Adequate Services –** *The proposed development will be provided with adequate services and infrastructure in a manner that is consistent with the Local Coastal Program.*

   Evidence: The project consists of improvements to an existing beach access ramp and does not require any municipal services or infrastructure.

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

Evidence: The subject site is located between the sea and the first public road parallel to the sea. The project conforms to the public access and recreation policies of the Coastal Act as it provides a public benefit of safety and drainage improvements to an existing beach access ramp. The intent of the project is to enhance public access and recreation opportunities at Poplar Beach and Poplar Beach Blufftop Park through improved safety. Temporary access impacts will occur during construction, for no more than three weeks to allow the concrete landing to set.

Environmental Review – Finding

CEQA – The project will not have a significant effect on the environment.

Evidence: The proposed safety and drainage improvements to the existing beach access ramp are categorically exempt from CEQA pursuant to Section 15301(c), which exempts minor alteration to existing public facilities including pedestrian trails that involve negligible or no expansion of the existing use.

Pursuant to Municipal Code Chapter 18.38 Coastal Resource Conservation Standards, the project was evaluated with an environmental checklist. It was found that the project will have no impact on the environmental conditions of the site or the adjacent area as it will occur entirely within a previously disturbed footprint and consists only of minor alterations for safety purposes that do not expand the capacity or use of the existing facility. A formal Initial Study/Negative Declaration was not conducted as the project scope is found to be categorically exempt; rather, the environmental checklist was used as a tool for evaluating any potential impacts that may bring unusual circumstances to light given the potentially sensitive project location on a bluff face. In this case, the environmental checklist supports the determination that no significant environmental impacts will occur as a result of this project and that the exceptions of Section 15300.2 of the CEQA Guidelines do not apply as there is no evidence of unusual circumstances.

The project will provide significant public safety improvements as the existing pedestrian trail is steep, easy to slip on, and difficult to utilize during wet weather events or for anyone with physical challenges or disabilities. The project also has the potential to improve the environmental conditions of the subject site and surrounding area by providing drainage improvements. Therefore, the project is exempt from CEQA as it involves minor alteration of an existing public facility with negligible or no expansion of the existing use. The project will not have a significant effect on the environment, and no unusual circumstances are anticipated.

EXHIBIT B
CONDITIONS OF APPROVAL
Planning Commission Resolution P-19-__
PDP-19-035

A. The following Conditions shall apply to the entire subject site:

1. CONFORMANCE WITH APPROVED PLANS. Development of the site shall conform to the approved plans entitled "Poplar Beach Access Improvements" with a City date stamp of September 5, 2019, except for any revisions required by this permit. The Community Development Director shall review and may approve any deviation from the approved plans that is determined minor in nature. Any other change shall require approval of a major modification per Title 18. (Planning)
2. CONFORMANCE WITH CONDITIONS OF APPROVAL. The permittee(s) shall construct and operate this Project in full conformance with these Conditions of Approval. The Community Development Director shall review and may approve any deviation from the Conditions of Approval that is determined minor in nature. Any other change shall require approval of a major modification per Title 18. (Planning)
3. CONFORMANCE WITH THE MUNICIPAL CODE. No part of this approval shall be construed to permit a violation of any part of the Half Moon Bay Municipal Code. (Planning)

B. The following Conditions shall be implemented prior to and/or during construction:

1. SIGNED CONDITIONS OF APPROVAL. The City Engineer shall sign the conditions of approval and ensure their implementation. (Planning)
2. TEMPORARY ACCESS IMPACTS. Temporary beach access closure shall occur for no more than three weeks to construct the proposed project. Access to the California Coastal Trail shall not be impaired.
3. CONSTRUCTION STAGING AND STORAGE PLAN. Construction staging and storage shall occur in the Poplar Beach parking lot and previously disturbed areas such that no impacts to vegetation or the California Coastal Trail occur. Use of public beach parking spaces shall be minimized to the extent feasible during construction.
4. CONSTRUCTION HOURS. Construction work shall be limited to the hours of 7:00am to 6:00pm Monday through Friday; 8:00am to 6:00pm Saturdays; and 10:00am to 6:00pm Sundays and holidays, except as expressly authorized by the City Manager in conformance with Section 14.40.020 of the Half Moon Bay Municipal Code.

5. BEST MANAGEMENT PRACTICES. Any contractors working on the project shall implement the following best management practices to minimize potential impacts to the sea cliff, surrounding blufftop, and habitat areas:
    a. All mechanized equipment used during construction will be checked prior to project implementation for oil, fuel, and coolant leaks.
    b. All vehicles and equipment shall be kept clean. Excessive build-up of oil and grease shall be prevented.
    c. Prior to the commencement of construction, the limits of the construction zone shall be clearly marked and fenced to prevent any impacts to the surrounding sensitive habitat areas.
6. REVEGETATION OF DISTURBED AREAS. Immediately following construction, any areas disturbed by temporary construction impacts shall be revegetated with a standard erosion control native seed mix. The native seed mix shall be locally sourced and suited to the conditions and habitat types of the surrounding project area.
7. ARCHAEOLOGY-DISCOVERY OF HUMAN REMAINS. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the California Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American(s). If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the permittee shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. (Planning)
8. ARCHAEOLOGY-DISCOVERY OF RESOURCES. If subsurface historic or archaeological resources are uncovered during construction, all work shall stop, the applicant shall notify the Community Development Director and retain a qualified archaeologist to perform an archaeological reconnaissance and identify any mitigation measures required to protect archaeological resources. Subsurface excavation shall not resume until expressly authorized by the Director. (Building)
9. HAZARDOUS MATERIALS. Any materials deemed hazardous by the San Mateo County Department of Health that are uncovered or discovered during the course of work under this permit shall be disposed in accordance with regulations of the San Mateo County of Health. (Building)

10. AIR QUALITY BEST MANAGEMENT PRACTICES. The project shall implement the following standard BAAQMD dust control measures during all phases of construction on the project site:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day or as often as necessary to keep them free of dust and debris associated with site construction. The use of dry power sweeping is prohibited.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of Half Moon Bay regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. (Building)

C. Validity and Expiration of Permits

1. EFFECTIVE DATE. This site is located within the Coastal Appeal Zone. This permit shall take effect after expiration of the Coastal Commission appeal period, or if the permit is appealed to the Coastal Commission during the appeal period, it shall take effect after final Coastal Commission action. (Planning)

2. ACCURACY OF APPLICATION MATERIALS. The permittee(s) shall be responsible for the completeness and accuracy of all forms and material submitted for this application. Any

errors or discrepancies found therein may be grounds for the revocation or modification of this permit and/or any other City approvals. (Planning)

3. PERMIT EXPIRATION. The Coastal Development Permit (CDP) shall expire one year from its date of final approval if development plans for a Grading Permit have not been submitted. Once a Grading Permit is issued, the CDP shall be deemed in effect. If plans for a Grading Permit are submitted within the 1-year expiration period, and a Grading Permit is not issued, the expiration of the CDP shall coincide and run concurrently with the Grading Permit plan submittal/application as long as due diligence is pursued in the opinion of the Building Official or City Engineer in obtaining the Grading Permit. (Planning)
4. PERMIT EXTENSION. The Community Development Director may, at the Director's discretion, approve a single one-year extension of this permit based on a written request and fee submitted to the Director prior to expiration of the permit. Any other extension shall require approval of a Permit Amendment prior to expiration of the permit. Any Amendment Application to extend the permit shall be filed a minimum of ninety (90) days prior to permit expiration to ensure adequate processing time. (Planning)
5. PERMIT RUNS WITH THE LAND. The approval runs with the land and the rights and obligations thereunder, including the responsibility to comply with conditions of approval, shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned or revoked. (Planning)

PERMITTEE'S CERTIFICATION:

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

APPLICANT:

_____ _____

(Signature) (Date)

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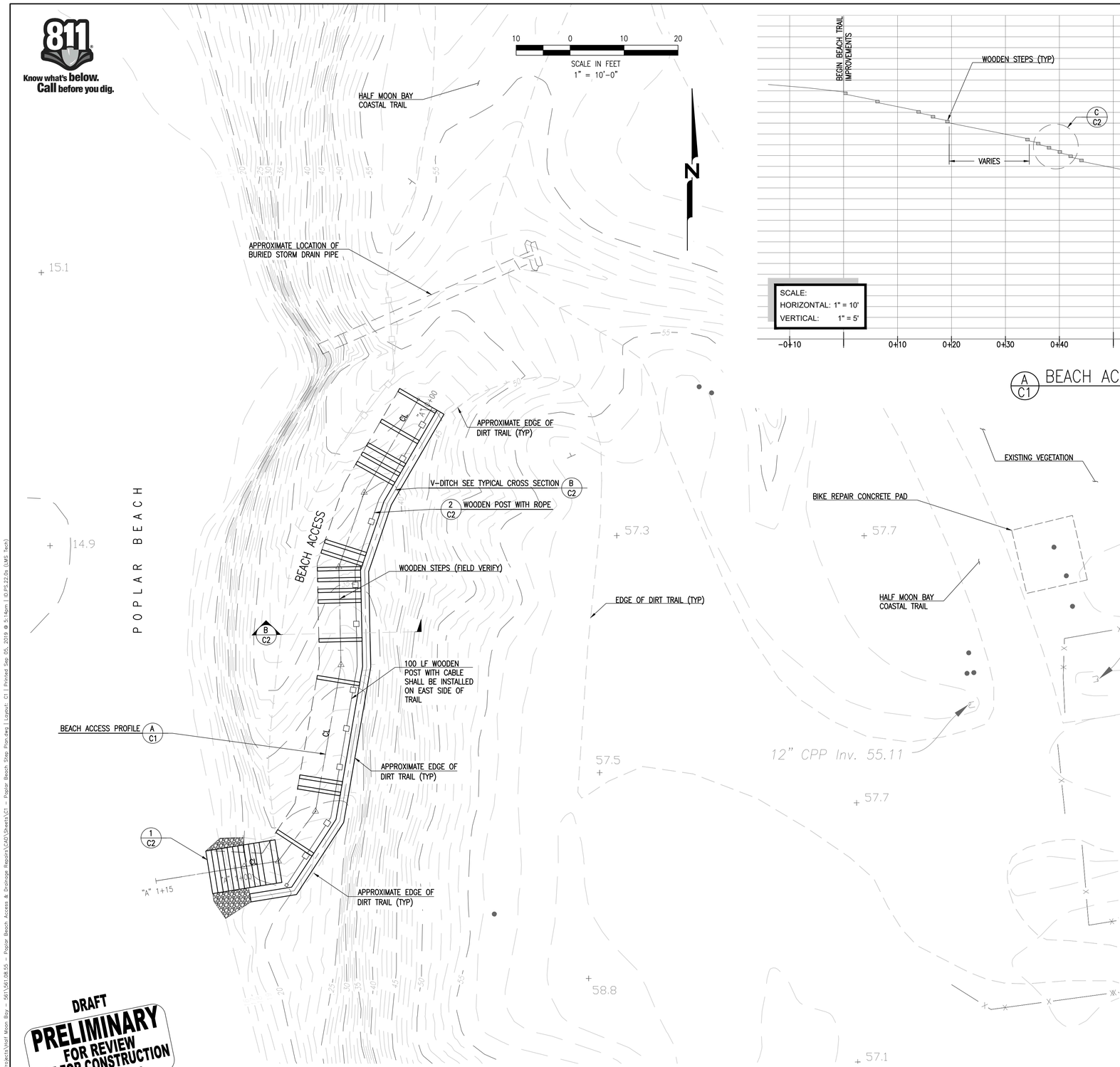
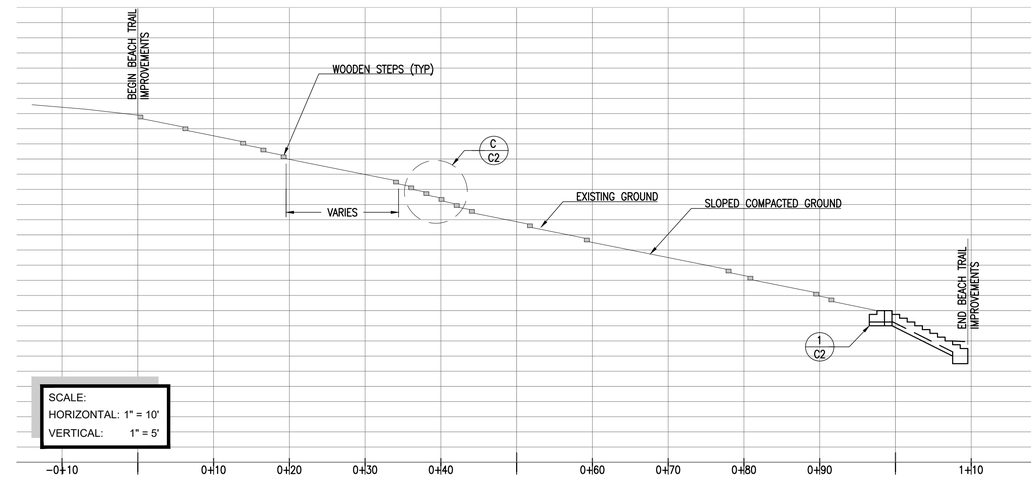


BEACH ACCESS PLAN VIEW



A C1 BEACH ACCESS PROFILE

DRAFT
PRELIMINARY
FOR REVIEW
NOT FOR CONSTRUCTION
DATE: 09/05/2019

CONSTRUCTION NOTES

1. DUE TO THE LIMITED SITE ACCESS, THE CONTRACTOR IS EXPECTED TO LIMIT THE USE OF LARGE OR OVERLY HEAVY CONSTRUCTION EQUIPMENT. THE CONTRACTOR SHALL SUBMIT THE TYPE AND MODEL OF ANTICIPATED MECHANIZED EQUIPMENT TO THE CITY FOR APPROVAL PRIOR TO USAGE.
2. DURING CONSTRUCTION FURNISH AND MAINTAIN SIGNAGE TO READ: BEACH ACCESS CLOSED DURING CONSTRUCTION WORK–NO PEDESTRIAN ACCESS FROM MO/DAY/YR TO MO/DAY/YR. INSTALL AND MAINTAIN AT LEAST 2 SIGNS ON BARRICADES OR POST AND REMOVE AFTER CONSTRUCTION IS COMPLETE.
3. FIELD LOCATE TOP OF CONCRETE STEPS WITH ENGINEER AND CITY REPRESENTATIVE.
4. FIELD FIT CONCRETE STEPS.
5. 1/2" CHAMFER ALL EXPOSED EDGES AT CONCRETE STEPS.
6. WOODEN STEPS SHALL BE CONSTRUCTED BEGINNING AT THE BOTTOM NEAREST THE BEACH GRADE AND CONCRETE STEPS AND CONTINUING UPWARD.
7. WOODEN STEPS SHALL BE 8" X 6" X 8' PRESSURE TREATED LUMBER (AWPA USE CATEGORY UC4A GROUND CONTACT OR BETTER) OR REDWOOD LUMBER (CONSTRUCTION HEART GRADE OR BETTER).
8. REMOVE 2" OF EXISTING SOIL, BETWEEN STEPS, COMPACT NATIVE TO 85% AND PLACE AND COMPACT DECOMPOSED GRANITE BETWEEN STEPS.

NCE
501 Canal Blvd., Suite I
Richmond, Ca. 94804
(510) 215-3620 * Fax (510) 215-2898

REGISTERED PROFESSIONAL ENGINEER
FRANZ G. HALDIMANN
No. C 64725
EXP. 06/30/19
CIVIL
STATE OF CALIFORNIA

POPLAR BEACH ACCESS IMPROVEMENTS

OWNER

VIVIR·TRABAJAR·JUGAR
INC. HALF MOON BAY

NO.	DATE	DESCRIPTION

PROJECT NO:	561.08.55
DESIGNED BY:	PRS
DRAWN BY:	PRS
CHECKED BY:	DATE:
DATE:	09/05/2019

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SHEET TITLE

BEACH ACCESS LAYOUT PLAN

DRAWING C1

SHEET 1 OF 3

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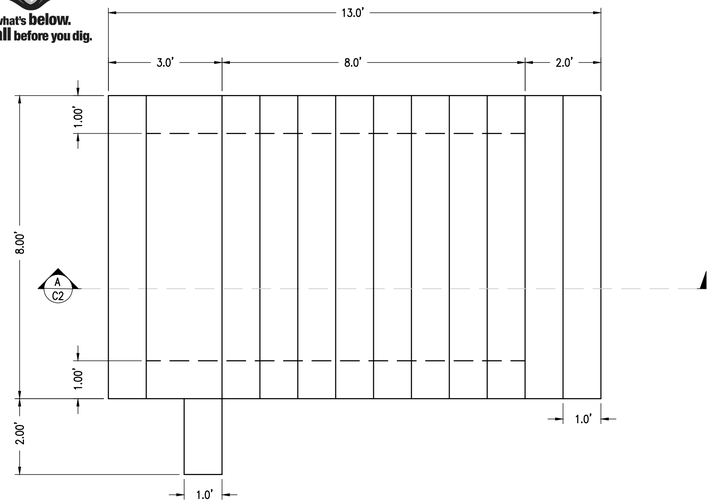
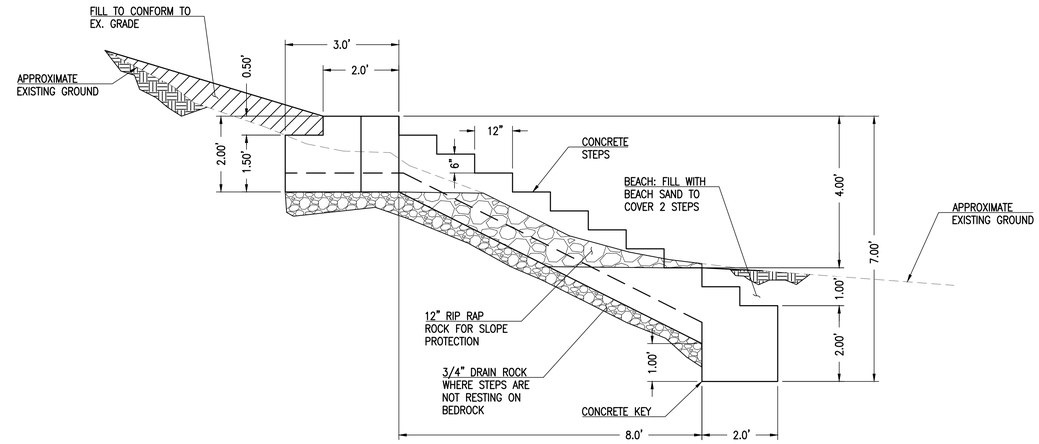
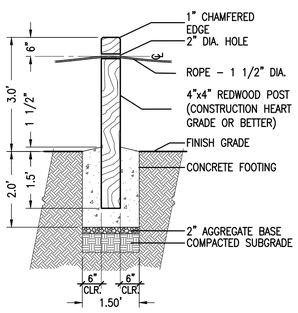


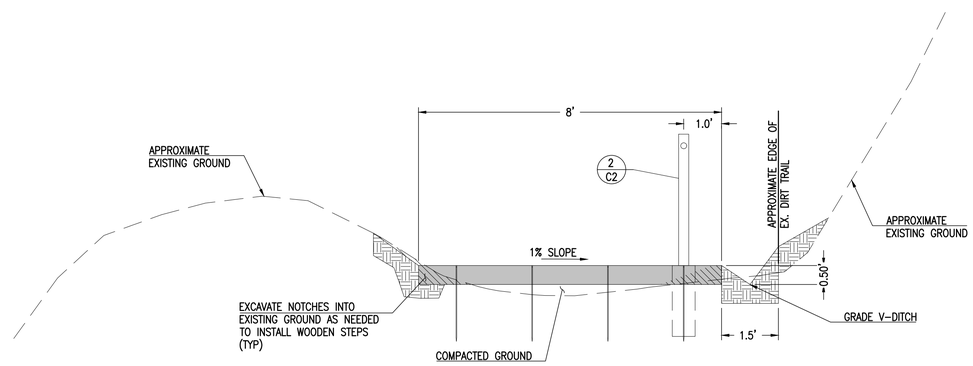
1 C2 CONCRETE STEPS PLAN VIEW
NTS



A C2 CONCRETE STEPS SECTION VIEW
NTS



2 C2 WOODEN POST WITH ROPE
NTS



B C2 TYPICAL CROSS SECTION
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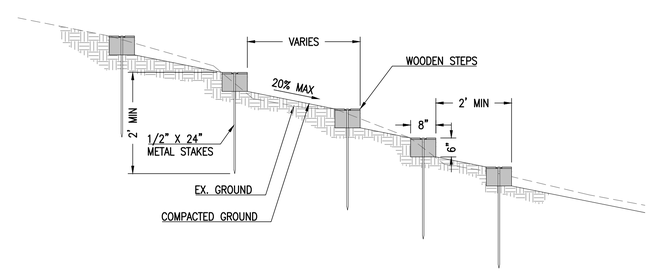

C C2 STEP DETAIL
NTS

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NOT FOR CONSTRUCTION
DATE: 09/05/2019

NCE
501 Canal Blvd., Suite I
Richmond, Ca. 94804
(510) 215-3620 * Fax (510) 215-2898

REGISTERED PROFESSIONAL ENGINEER
HANZ G. HAUDENSCHILD
No. C 64725
EXP. 06/30/19
CIVIL
STATE OF CALIFORNIA

POPLAR BEACH ACCESS IMPROVEMENTS

OWNER

VIVIR·TRABAJAR·JUGAR
INC. HALF MOON BAY 1960

NO.	DATE	DESCRIPTION

PROJECT NO:	561.08.55
DESIGNED BY:	PRS
DRAWN BY:	PRS
CHECKED BY:	DATE:
DATE:	09/05/2019

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SHEET TITLE

BEACH ACCESS DETAILS

DRAWING

C2

SHEET 1 OF 3

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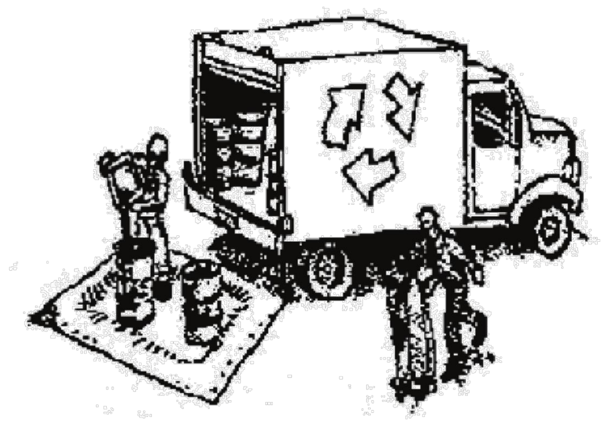
811 Know what's below. Call before you dig.

SAN MATEO COUNTYWIDE
Water Pollution Prevention Program
Clean Water. Healthy Community.

Construction Best Management Practices (BMPs)

Construction projects are required to implement the stormwater best management practices (BMP) on this page, as they apply to your project, all year long.

Materials & Waste Management



Non-Hazardous Materials

- ❑ Berm and cover stockpiles of sand, dirt or other construction material with tarps when rain is forecast or if not actively being used within 14 days.
- ❑ Use (but don't overuse) reclaimed water for dust control.

Hazardous Materials

- ❑ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state and federal regulations.
- ❑ Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecast.
- ❑ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ❑ Arrange for appropriate disposal of all hazardous wastes.

Waste Management

- ❑ Cover waste disposal containers securely with tarps at the end of every work day and during wet weather.
- ❑ Check waste disposal containers frequently for leaks and to make sure they are not overfilled. Never hose down a dumpster on the construction site.
- ❑ Clean or replace portable toilets, and inspect them frequently for leaks and spills.
- ❑ Dispose of all wastes and debris properly. Recycle materials and wastes that can be recycled (such as asphalt, concrete, aggregate base materials, wood, gyp board, pipe, etc.)
- ❑ Dispose of liquid residues from paints, thinners, solvents, glues, and cleaning fluids as hazardous waste.

Construction Entrances and Perimeter

- ❑ Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- ❑ Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking. Never hose down streets to clean up tracking.

Equipment Management & Spill Control

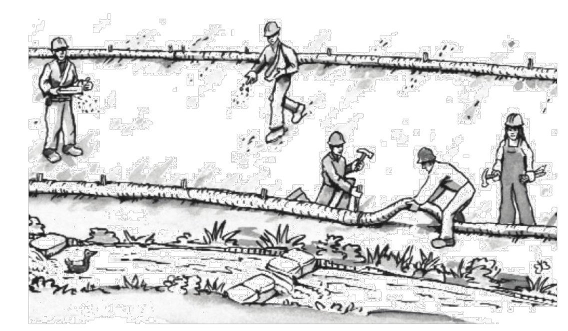
Maintenance and Parking

- ❑ Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage.
- ❑ Perform major maintenance, repair jobs, and vehicle and equipment washing off site.
- ❑ If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and over a drip pan or drop cloths big enough to collect fluids. Recycle or dispose of fluids as hazardous waste.
- ❑ If vehicle or equipment cleaning must be done onsite, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or surface waters.
- ❑ Do not clean vehicle or equipment onsite using soaps, solvents, degreasers, or steam cleaning equipment.

Spill Prevention and Control

- ❑ Keep spill cleanup materials (e.g., rags, absorbents and cat litter) available at the construction site at all times.
- ❑ Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
- ❑ Clean up spills or leaks immediately and dispose of cleanup materials properly.
- ❑ Do not hose down surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags).
- ❑ Sweep up spilled dry materials immediately. Do not try to wash them away with water, or bury them.
- ❑ Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- ❑ Report significant spills immediately. You are required by law to report all significant releases of hazardous materials, including oil. To report a spill: 1) Dial 911 or your local emergency response number, 2) Call the Governor's Office of Emergency Services Warning Center, (800) 852-7550 (24 hours).

Earthmoving

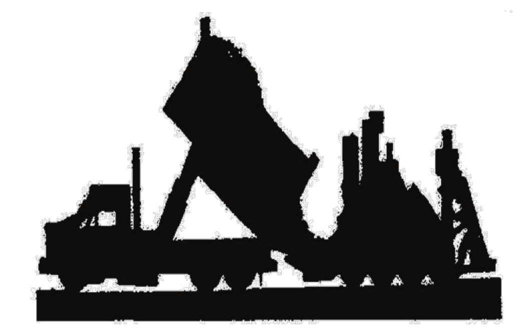


- ❑ Schedule grading and excavation work during dry weather.
- ❑ Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established.
- ❑ Remove existing vegetation only when absolutely necessary, and seed or plant vegetation for erosion control on slopes or where construction is not immediately planned.
- ❑ Prevent sediment from migrating offsite and protect storm drain inlets, gutters, ditches, and drainage courses by installing and maintaining appropriate BMPs, such as fiber rolls, silt fences, sediment basins, gravel bags, berms, etc.
- ❑ Keep excavated soil on site and transfer it to dump trucks on site, not in the streets.

Contaminated Soils

- ❑ If any of the following conditions are observed, test for contamination and contact the Regional Water Quality Control Board:
  - Unusual soil conditions, discoloration, or odor.
  - Abandoned underground tanks.
  - Abandoned wells
  - Buried barrels, debris, or trash.

Paving/Asphalt Work

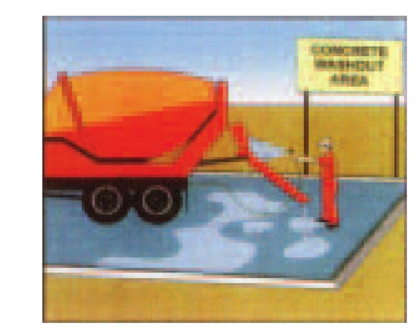


- ❑ Avoid paving and seal coating in wet weather or when rain is forecast, to prevent materials that have not cured from contacting stormwater runoff.
- ❑ Cover storm drain inlets and manholes when applying seal coat, tack coat, slurry seal, fog seal, etc.
- ❑ Collect and recycle or appropriately dispose of excess abrasive gravel or sand. Do NOT sweep or wash it into gutters.
- ❑ Do not use water to wash down fresh asphalt concrete pavement.

Sawcutting & Asphalt/Concrete Removal

- ❑ Protect nearby storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or gravel bags to keep slurry out of the storm drain system.
- ❑ Shovel, abosorb, or vacuum saw-cut slurry and dispose of all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ❑ If sawcut slurry enters a catch basin, clean it up immediately.

Concrete, Grout & Mortar Application

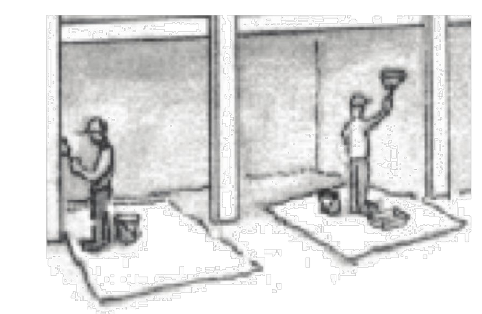


- ❑ Store concrete, grout, and mortar away from storm drains or waterways, and on pallets under cover to protect them from rain, runoff, and wind.
- ❑ Wash out concrete equipment/trucks offsite or in a designated washout area, where the water will flow into a temporary waste pit, and in a manner that will prevent leaching into the underlying soil or onto surrounding areas. Let concrete harden and dispose of as garbage.
- ❑ When washing exposed aggregate, prevent washwater from entering storm drains. Block any inlets and vacuum gutters, hose washwater onto dirt areas, or drain onto a bermed surface to be pumped and disposed of properly.

Landscaping

- ❑ Protect stockpiled landscaping materials from wind and rain by storing them under tarps all year-round.
- ❑ Stack bagged material on pallets and under cover.
- ❑ Discontinue application of any erodible landscape material within 2 days before a forecast rain event or during wet weather.

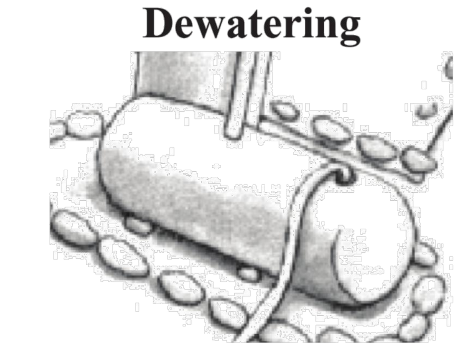
Painting & Paint Removal



Painting Cleanup and Removal

- ❑ Never clean brushes or rinse paint containers into a street, gutter, storm drain, or stream.
- ❑ For water-based paints, paint out brushes to the extent possible, and rinse into a drain that goes to the sanitary sewer. Never pour paint down a storm drain.
- ❑ For oil-based paints, paint out brushes to the extent possible and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids as hazardous waste.
- ❑ Paint chips and dust from non-hazardous dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- ❑ Chemical paint stripping residue and chips and dust from marine paints or paints containing lead, mercury, or tributyltin must be disposed of as hazardous waste. Lead based paint removal requires a state-certified contractor.

Dewatering



- ❑ Discharges of groundwater or captured runoff from dewatering operations must be properly managed and disposed. When possible send dewatering discharge to landscaped area or sanitary sewer. If discharging to the sanitary sewer call your local wastewater treatment plant.
- ❑ Divert run-on water from offsite away from all disturbed areas.
- ❑ When dewatering, notify and obtain approval from the local municipality before discharging water to a street gutter or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ❑ In areas of known or suspected contamination, call your local agency to determine whether the ground water must be tested. Pumped groundwater may need to be collected and hauled off-site for treatment and proper disposal.

Storm drain polluters may be liable for fines of up to $10,000 per day!

DRAFT
PRELIMINARY
FOR REVIEW
NOT FOR CONSTRUCTION
DATE: 09/05/2019

NCE
501 Canal Blvd., Suite I
Richmond, Ca. 94804
(510) 215-3620 * Fax (510) 215-2898

REGISTERED PROFESSIONAL ENGINEER
FRANZ G. HALDINGER
NO. C 64725
EXP. 06/30/19
CIVIL
STATE OF CALIFORNIA

POPLAR BEACH ACCESS IMPROVEMENTS

OWNER

VIVIR · TRABAJAR · JUGAR
INC. HALF MOON BAY 1959

NO.	DATE	DESCRIPTION

PROJECT NO:	561.08.55
DESIGNED BY:	PRS
DRAWN BY:	PRS
CHECKED BY:	DATE:
DATE:	09/05/2019

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SHEET TITLE

CONSTRUCTION BEST MANAGEMENT PRACTICES

DRAWING
C3

SHEET 1 OF 3

ATTACHMENT 3

Environmental Checklist
Beach Access Safety and Drainage Improvements at Poplar Beach

City of Half Moon Bay, San Mateo County, California

City File No. PDP-19-035

Prepared by: City of Half Moon Bay

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

Contact: Brittney Cozzolino, Associate Planner

September 2019

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SECTION 1: INTRODUCTION

1.1 - Purpose

The purpose of this Initial Study (IS) is to identify any potential environmental impacts from construction of beach access safety and drainage improvements at an existing beach access ramp. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City of Half Moon Bay is the Lead Agency in the preparation of this IS and any additional environmental documentation required for the project. The City has discretionary authority over the proposed project. The intended use of this document is to determine the level of environmental analysis required to adequately prepare the project IS and to provide the basis for input from public agencies, organizations, and interested members of the public regarding the proposed project.

The remainder of this section provides a brief description of the project location and the characteristics of the project. Section 2 includes an environmental checklist and an analysis of the potential impacts that may result from project implementation.

1.2 - Project Location

The project area is located at the beach accessway at the western terminus of Poplar Street approximately 0.60 miles west of Highway 1 (Cabrillo Highway) in the City of Half Moon Bay (Figure 1). The project area crosses through two parcels, APNs 064-410-010 & 064-410-030. The project area is limited to the footprint of the existing beach access ramp. The site is owned by the City of Half Moon Bay and is within the California Coastal Commission Appeals Jurisdiction.

1.3 - Project Description

The purpose of the project is to improve public safety on the existing steep unpaved path that provides access to Poplar Beach. An ancillary benefit will be improved drainage and erosion control and protection of the adjacent coastal bluff. The project consists of installing 24 wooden steps anchored by metal stakes along the existing unpaved beach access ramp with minor grading and compaction as needed to achieve a maximum 20% slope between steps. A concrete pad will be constructed at the bottom of ramp to provide safe access to the sandy beach level at the foot of the ramp that is currently subject to seasonal grade changes. The bluff side of the accessway will include a cable handrail and a six-inch-deep V-ditch as shown on

project plans, to provide improved safety and drainage. The project is contained within the previously disturbed footprint of the existing access ramp and does not involve any expansion of the path, vegetation removal or disturbance on the blufftop or bluff face. Ramp grading and compaction will be done by hand, with a small Bobcat used to install the concrete landing. The City will employ standard construction best management practices established by the San Francisco Regional Water Quality Control Board for water quality protection. These include erosion and sediment control measures. Construction staging and storage will be limited to within the adjacent paved parking area. Most of the work will be performed manually and will include only limited use of mechanized equipment. A photograph of the site is in Figure 2.

1.4 - Project Applicant's Name and Address

City of Half Moon Bay

501 Main Street

Half Moon Bay, CA 94019

Figure 1. Location Map

1.5 - General Plan and Zoning – Site and Surrounding Area

General Plan Designation: Regional Public Recreation

Zoning: OS – P (Open Space – Passive)

Figure 2. Site Photograph, looking up at the beach access ramp from Poplar Beach.

1.6 - Existing Setting

1.6.1 - Regional Setting

The City of Half Moon Bay (City), San Mateo County, California lies entirely within the Coastal Zone established under the California Coastal Act. The City is located along the San Mateo County coastline and encompasses approximately 6.4 square miles. It has a population of 12,973 (United State Census Bureau 2018). The unincorporated communities of El Granada, Moss Beach, Montara, and Princeton-by-the Sea are north and San Gregorio and Pescadero are south of the City. The City and County of San Francisco is approximately 25 miles north of the City. The City's climate is characterized by a cool summer Mediterranean climate and an annual precipitation average of 22.5 inches (Teale, 1997).

The City of Half Moon Bay is both a popular visitor destination, with public access to the beach and coastal bluffs, and a residential suburb of the greater San Francisco Bay region. Highways 92 and 1 connect Half Moon Bay to the Peninsula and coastal cities to the north and south.

1.6.2 - Site Setting

The project site is approximately 1.2 miles southwest of downtown Half Moon Bay, 0.8 miles south of Francis State Beach, and 0.6 miles west of Highway 1 (Cabrillo Highway). The site is bordered to the west by Poplar Beach and the Pacific Ocean, to the north and east by city-owned Poplar Beach Blufftop Park and the Poplar Beach public parking lot, and to the south by County-owned open space (Figure 3). Land use in the vicinity primarily include open space containing public trails, coastal access amenities, and the beach and ocean. The topography within the study area consists of the Blufftop Park area at approximately 58 feet above sea level, with coastal bluffs dropping down to the sandy beach area at sea level.

1.7 - Discretionary Approvals

Pursuant to Chapters 18.20 and 18.38 of the Half Moon Bay Zoning Code, the proposed project requires a Coastal Development Permit.

1.8 - Intended Uses of this Document

This environmental checklist has been prepared to support a finding that the proposed project is categorically exempt under the California Environmental Quality Act pursuant to Section 15301(c), which exempts minor alteration to existing public facilities including pedestrian trails.

As detailed in the following section, analysis of the potential for environmental impacts from the proposed project found either “no impact” or “less than significant impact” in each category. It was found that the project will have no impact on the environmental conditions of the site or the adjacent area as it will occur entirely within a previously disturbed footprint and consists only of minor alterations for safety purposes that do not expand the capacity or use of the existing facility. The project will provide significant public safety improvements as the existing pedestrian trail is steep and difficult to utilize during wet weather events or for anyone with physical challenges or disabilities. The project also has the potential to improve the environmental conditions of the subject site and surrounding area by providing drainage improvements. As such, the project is exempt from CEQA as it involves minor alteration of an existing public facility with negligible or no expansion of the existing use. The project will not have a significant effect on the environment, and no unusual circumstances are anticipated.

Figure 3. Project Vicinity

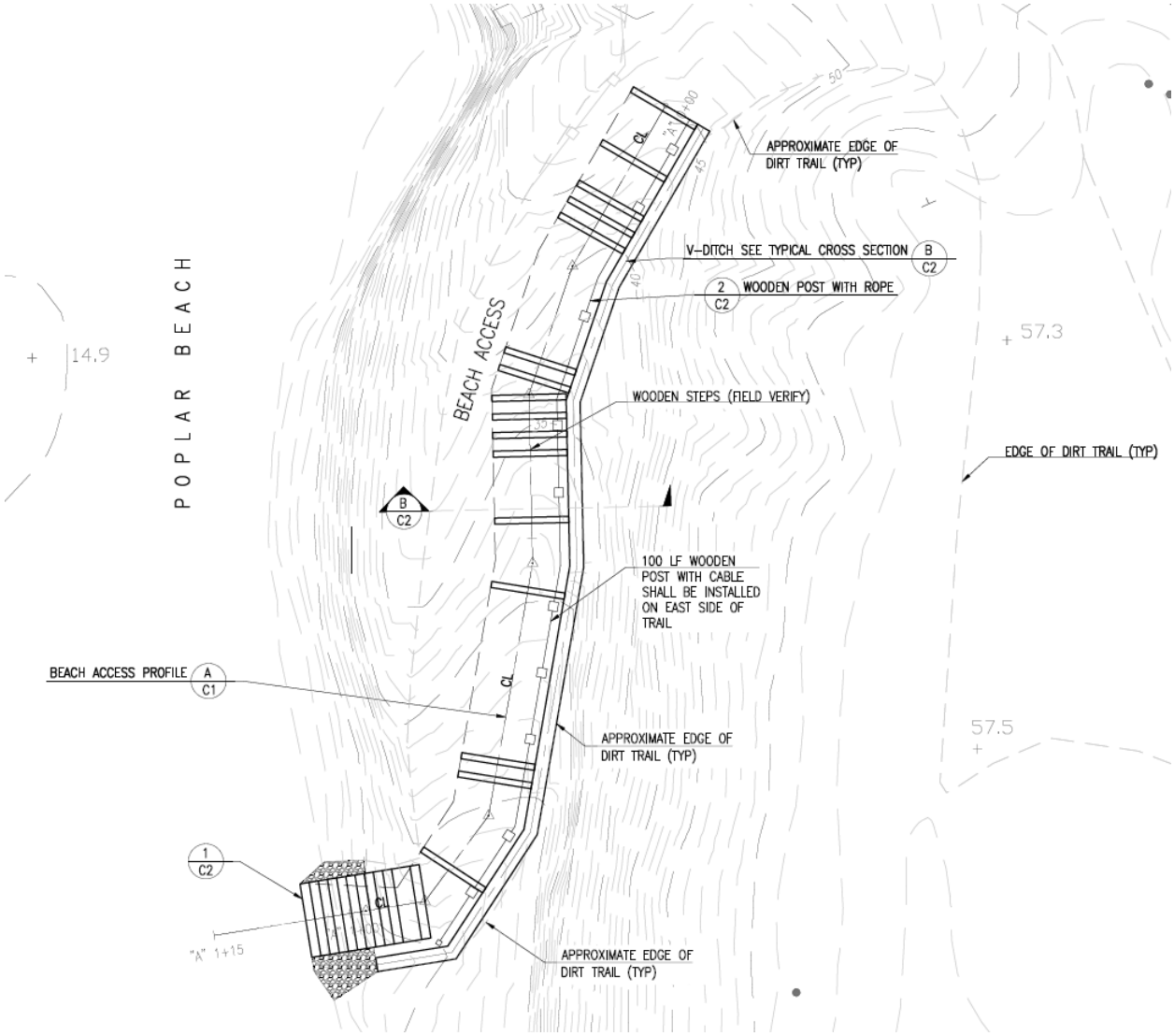

Figure 4. Site Plan (North is up)

SECTION 2: EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analyses Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce an impact to less than significant.

1. Aesthetics, Light and Glare

Would the project:

Environmental Issues – Aesthetics	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	9, 16
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	16
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒	9, 16
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	9

Background

The project site is located at the entrance to Poplar Beach. The site contains coastal bluffs with an existing ramp leading down to a sandy beach area. Above the beach, the blufftop area contains coastal terrace prairie habitat, non-native grasslands, a graded area with picnic tables and trash receptacles, signage, a segment of the Coastal Trail, and a paved path leading to the adjacent paved beach parking lot. The project consists of installing wooden steps, a cable handrail, and a drainage V-ditch along the existing beach access ramp with a concrete landing pad at the foot of the ramp.

Impact Evaluation

all) **No Impact.** The project consists of installing wooden steps, a cable handrail, and a drainage V-ditch along the existing beach access ramp with a concrete landing pad at the foot of the ramp. Although the site is not a visual resource area as defined Chapter 18.37 of the Half Moon Bay Zoning Code, the project area is visible from the adjacent public access and

recreation areas (Poplar Beach, Coastal Trail) and provides broad ocean views. The primary purpose of the visual resource standards is to preserve scenic views of the ocean from public spaces. The proposed development is primarily at grade, with the intent of providing safe access down to the beach. The wooden steps and cable handrail will not adversely affect or significantly degrade the existing visual character and scenic vistas as they will occur at the existing graded beach access ramp and have been designed to preserve broad ocean views.

2. Agricultural Resources

Would the project:

Environmental Issues – Agricultural Resources	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	19
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	16, 18
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?	☐	☐	☐	☒	16
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒	2

Background

The San Mateo County Important Farmland Map, prepared by the California Department of Conservation and the USDA Natural Resources Conservation Service, classifies land in seven categories in order of significance: (1) prime farmland, (2) farmland of Statewide importance, (3)

unique farmland, (4) farmland of local importance, (5) grazing land, (6) urban and built-up land, and (7) other land. The project site is classified as "other land," which is defined as land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry or livestock, poultry or aqua-cultural facilities, strips mines, borrow pits, and water bodies smaller than 40 acres. The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Under the contract, the owner of the land agrees not to develop the land in exchange for reduced property taxes. The project site is not under a Williamson Act contract.

"Forest land" is defined by the California Public Resources Code as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. "Timberland" means land, other than land owned by the federal government and land designated as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

Impact Evaluation

all) **No Impact.** The project site is not zoned or used for agricultural use and is not under a Williamson Act contract. The site is not mapped as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. The proposed access improvements at an existing beach access ramp is not expected to result in the conversion of, or other impacts relative to prime or unique farmland. The project site does not contain forest land or timberland. The proposed beach access improvements are not expected to result in direct or indirect environmental impacts relative to the loss of agriculture or forest land. No impacts are expected to occur.

3. Air Quality

Would the project:

Environmental Issues – Air Quality	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	1, 18
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒	1, 16
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1, 16
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐	1, 16

Background

The project site is located in the San Francisco Bay Area air basin, where air quality is monitored and regulated by the Bay Area Air Quality Management District (BAAQMD). Air pollution is generated by anything that burns fuel (including but not limited to cars and trucks, construction equipment, backup generators, boilers and hot water heaters, barbeques and broilers, gas-fired cooking ranges and ovens, fireplaces, and wood-burning stoves), almost any evaporative emissions (including the evaporation of gasoline from service stations and vehicles, emissions from food as it is cooked, emissions from paints, cleaning solvents, and adhesives, etc.), and other processes (fugitive dust generated from roadways and construction activities, etc.).

The BAAQMD thresholds of significance specify that if project vehicle emissions of carbon monoxide (CO) exceed 9 ppm (8-hour average) or 20 ppm (1-hour average); generates over 54 lbs./day of reactive organic gases (ROG), nitrogen oxides (NOx), or over 82 lbs./day of suspended particulate matter (PM2.5 from exhaust) (PM10 from exhaust), it has the potential to result in a significant air quality impact.

The Bay Area is currently classified as “attainment” or “unclassifiable” with respect to every National

Ambient Air Quality Standard (NAAQS) except ozone and fine particulate matter PM2.5), for which it is still classified as "nonattainment." Ozone concentrations in the Bay Area have also decreased considerably over the last several decades, but NAAQS are required to be set to be protective of public health "allowing an adequate margin of safety" and have also become more stringent. Prior to 2008, attaining the ozone NAAQS required that the peak 8-hour average concentration on the 4th-worst day of the year (averaged over three consecutive years) - be below 0.08 parts per million (ppm); the Bay Area was classified as "marginal" nonattainment with respect to that standard. The Bay Area's current ozone design value (based on 2008-2010 data) is 0.08 ppm, but in 2008, the ozone NAAQS was revised to 0.075 ppm. Therefore, while EPA has not yet finalized its attainment designations for the 2008 ozone standard, it is proposing to designate the Bay Area as "marginal nonattainment" (0.076 - 0.086 ppm) with respect to that standard. The State of California also has its own ambient air quality standards (CAAQS) which are equivalent to or more stringent than the NAAQS; the Bay Area is currently classified as nonattainment with respect to the CAAQS for ozone, particulate matter smaller than 10 microns (PM10), and "fine" particulate matter smaller than 2.5 microns (PM2.5).

A sensitive receptor is defined as a location where human populations, especially children, seniors, and sick persons, are located where there is a reasonable expectation of continuous human exposure to air pollutants. These typically include residences, hospitals, and schools. The nearest sensitive receptors to the project site are the Arleta Park residents approximately 1,100 feet east of the existing beach access ramp.

Impact Evaluation

a) **No Impact**. The project consists of safety improvements to an existing beach access ramp that would not increase regional population growth or cause changes in vehicle travel in a way that would affect implementation of the Bay Area 2017 Clean Air Plan (CAP). The project also conforms to the Half Moon Bay Local Coastal Land Use Plan, which is the same as the Land Use Element of the General Plan.

b) **No Impact.** The BAAQMD screening criteria provides lead agencies with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions and the project would not result in the generation of operational-

related criteria air pollutants and/or precursors that exceed BAAQMD's thresholds of significance. The screening criteria for operationally-related impacts require that a City park project is less than the 67 acres construction criterion and the 2,613 acres operational criterion. Because the proposed project area is well below these thresholds, no impacts are expected to occur.

In addition, the City incorporates standard BAAQMD BMPs into the City's Standard Permit Conditions which will be implemented by this project. The following standard BAAQMD dust control measures must be implemented during all phases of construction on the project site:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the applicant's representative and the City of Half Moon Bay regarding dust complaints. This

person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

c-d) **Less Than Significant Impact.** Sensitive receptors in the vicinity of the project site are residents of existing single-family residences in the Arleta Park neighborhood approximately 1,100 feet to the east of the project site. The proposed beach access improvements would not expose sensitive receptors to substantial pollutant concentrations. Temporary increases in dust and construction related odors may result from the excavation of soil and other construction activities on the subject site, but these impacts would be less than significant based on compliance with the BAAQMD's standard abatement measures for construction period emissions (as outlined in Section b above). Impacts to sensitive receptors and any odors would be less than significant.

4. Biological Resources

Would the project:

Environmental Issues – Biological Resource	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	2, 16, 18
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	2, 16, 18
c) Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	2

Environmental Issues – Biological Resource	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐	2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	16, 18
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	9

Impact Analysis

This section is based on the conclusions contained in the Preliminary Biological Evaluation for the Poplar Gateways Project Area, dated September 2018, prepared by Huffman-Broadway Group, Inc. The complete report is provided in Appendix A.

a) **Less Than Significant Impact.** The subject project area is part of a larger project area for the City's draft Poplar Beach Gateways Plan, which includes all City-owned land from Kelly Avenue on the north to the Poplar Beach parking lot on the south ("Poplar Beach Blufftop Park"). The Plan will provide blufftop erosion and drainage control, managed retreat of the Coastal Trail segment, and habitat enhancement. In conformance with the provisions set forth in Chapter 18.38 of the Half Moon Bay Municipal Code, Huffman-Broadway Group evaluated the larger Poplar Gateways project area, which includes the beach access ramp and a 200-foot project area buffer. The evaluations included an assessment of habitat types and special-status plant and animal species that occur or have potential to occur within the project area that may be adversely affected by project activities. Recommendations on design guidelines for the Poplar Beach Gateways Plan are provided with the intent of avoiding or minimizing potential impacts to protected species and sensitive habitat areas to a less than significant level.

The proposed improvements to the beach access ramp occur on the face of a sea cliff, which are defined as an environmentally sensitive habitat area (ESHA) by the City's Local

Coastal Program. Under Chapter 18.38 of the City's Municipal Code, development permitted to occur on sea cliff or bluff faces includes limited coastal access, pedestrian paths, and engineered stairways for coastal access. The proposed development is consistent with the permitted uses as it includes installation of wooden steps, a handrail, and a concrete landing pad to enhance the safety of the existing beach access ramp. The proposed development is limited to the area of the existing ramp's footprint, consistent with Design Consideration #1 of Huffman-Broadway's preliminary biological evaluation.

Based on the findings of previous biological studies, there are no special-status animals or plants present within 200 feet of the proposed project. However, there are several species with the potential to occur within or near the project area. The proposed project will occur entirely within a previously disturbed footprint and will not cause any substantial adverse impacts to any special-status animal or plant species. Prior to the commencement of construction, the limits of the construction zone will be clearly marked and fenced to prevent any impacts to the surrounding habitat areas.

Special-status Plant Species

Special-status plant species found along the coastal bluffs in the project vicinity include Choris's popcornflower and perennial goldfields. These species occur within coastal terrace prairie habitat, which is a combination of grassland, scrub, and wetland species found along the bluff edge.

Choris's popcornflower

Choris's popcornflower is listed by the California Native Plant Society (CNPS) on list 1B.2. The popcornflower is located within wetland habitats outside of the proposed project area, approximately 1,400 feet to the north and 2,400 feet to the south according to the California Natural Diversity Data Base (CNNDB) records. No suitable habitat for the popcornflower is present within at least 200 feet of the beach access ramp as the project area contains a dirt pedestrian trail, a sea cliff, and non-native grasslands.

Perennial goldfields

Perennial goldfields is also listed by the California Native Plant Society (CNPS) on list 1B.2. The species occurs primarily within coastal scrub habitats and occasionally within wetlands. The species is located along the bluff edge and near the Coastal Trail outside of the proposed project area, approximately 400 feet to the north and 500 feet to the south

according to CNNDB records. No suitable habitat for the popcornflower is present within at least 200 feet of the beach access ramp as the project area contains a dirt pedestrian trail, a sea cliff, and non-native grasslands.

Special-status Wildlife Species

The larger Poplar Beach Blufftop Park area has potential to support special-status animal species including the California red-legged frog and San Francisco garter snake, and a number of raptor and bird species including white-tailed kite, Swainson's Hawk, Northern harrier, Sharp-shinned hawk, Cooper's hawk, short-eared owl, golden eagle, ferruginous hawk, merlin, loggerhead shrike, grasshopper sparrow, and Bryant's savannah sparrow. No trees or understory are present within the proposed project footprint; therefore, only Bryant's savannah sparrow and grasshopper sparrow have potential to nest within the project footprint. No roost habitat is present for bats or monarchs within at least 200 feet of the project site because of the lack of trees and buildings.

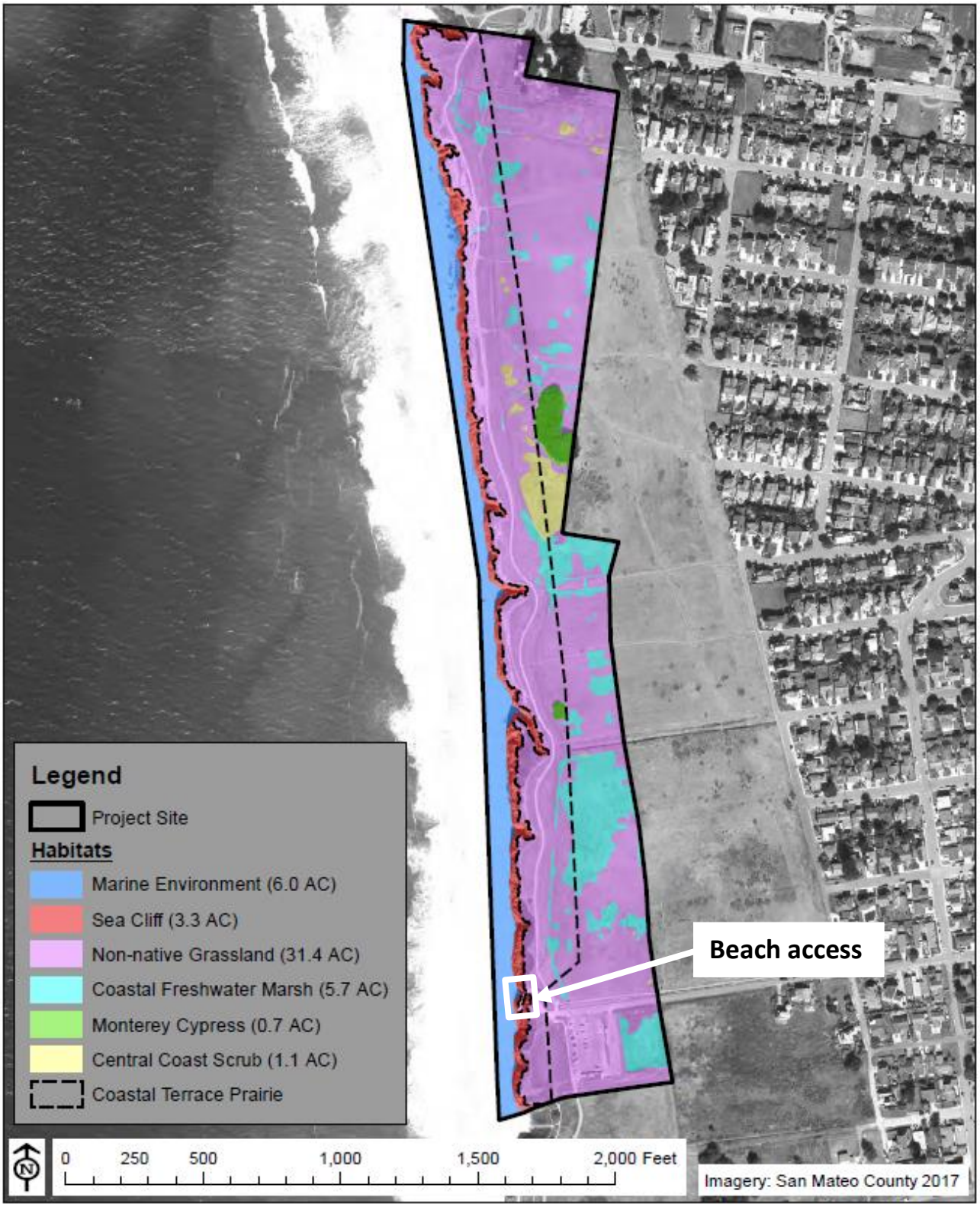

Figure 5. Biological Communities within the Poplar Beach Gateways Plan Study Area

Special-status birds, raptors, and common nesting birds

Special-status and non-special-status native birds are protected by the Migratory Bird Treaty Act and the California Fish and Game Code. Raptors are considered unique species in the City's LCP. Several special-status birds and common raptors including white-tailed kite, Swainson's Hawk, Northern harrier, Sharp-shinned hawk, Cooper's hawk, short-eared owl, golden eagle, ferruginous hawk, and merlin have potential to nest in the surrounding area, but there are no suitable raptor nest trees present within the footprint of the proposed project. Common ground-nesting bird species such as loggerhead shrike, San Francisco common yellowthroat, grasshopper sparrow, and Bryant's savannah sparrow also have potential to nest within the larger blufftop area. The grasshopper sparrow has been sighted in the blufftop area west of Railroad Avenue, but no nesting has been previously documented. Bryant's savannah sparrow has been documented as a breeding species in the larger blufftop area. However, these species typically occupy coastal marshes and grasslands and would have very low potential of occurring within the previously disturbed sea cliff area of the proposed project.

California red-legged frog

The California red-legged frog (CRLF) is a federally listed threatened species and a California species of special concern. The grasslands and wetland habitats in the larger blufftop area have potential to provide dispersal habitat for CRLF. CRLF were last documented in the Wavecrest area to the south of the project site in 2004. However, the species is unlikely to be present at the project site as it is a previously disturbed sea cliff area that does not contain grasslands or wetlands.

San Francisco garter snake

The San Francisco garter snake (SFGS) is a federally and state listed endangered species. The species is most often observed in the vicinity of standing water, including ponds, lakes, marshes and sloughs, with essential breeding habitat in open grassy uplands and shallow marshlands. The only known sightings of SFGF in Half Moon Bay have been in Pilarcitos Creek, approximately one mile north of the project site. SFGS is unlikely to be present at the project site as it is a previously disturbed sea cliff area that does not contain grasslands or standing water.

b) **No Impact.** There is no riparian habitat within or near the project site. Other natural communities within the project vicinity include non-native grasslands and coastal freshwater marsh. However, the proposed project is limited to the previously disturbed footprint of the existing beach access on the bluff face leading from the blufftop down to the sandy beach. Prior to the commencement of construction, the limits of the construction zone will be clearly marked and fenced to prevent any impacts to the surrounding habitat areas. No impacts are anticipated.

c) **No Impact.** There are no federally protected wetlands within the project footprint. A potential one-parameter drainage follows the northern side of Poplar Street down towards the bluff edge, where a previous emergency permit allowed replacement of the corroding drainage pipe. The proposed project does not include any additional work within the drainage course. No impacts are anticipated.

d) **Less Than Significant Impact.** The project will not impede the use of native wildlife nursery sites or interfere substantially with the movement of any wildlife species. Construction staging and storage and all proposed work will occur within previously disturbed areas including the public parking lot, existing pathway to the beach access, and the existing beach access ramp. Prior to the commencement of construction, the limits of the construction zone will be clearly marked and fenced to prevent any impacts to the surrounding habitat areas. Construction will occur over a period not to exceed three weeks. Any impacts would be less than significant.

e) **No Impact.** Chapter 7.4, the Heritage Tree Ordinance, requires a permit for removal of a Heritage Tree (i.e. any tree with a trunk diameter of 12 inches or greater at breast height) and sets forth findings for approval of such permit. There are no trees proposed for removal with this project.

Chapter 18.38 The Half Moon Bay Municipal Code requires any proposed project within 100 feet of a “sensitive habitat area” to prepare a biological report and to be evaluated in an initial study. Sensitive habitat is defined as sand dunes, marine habitats, sea cliffs, riparian areas, wetlands, rocky intertidal zones, coastal scrub, and habitats supporting rare and endangered species defined by the California State Fish and Game Commission. The proposed project would involve work within 100 feet of a sensitive habitat area. The larger project area has been previously evaluated by Huffman-Broadway Group, Inc. in a biological

report for a long-term project involving the city-owned properties between Poplar Street and Kelly Avenue. Subsection (a) above describes the findings of the report. As described, the proposed project is limited in scope and footprint to the previously disturbed area and is consistent with all local policies and ordinances protecting biological resources. Prior to the commencement of construction, the limits of the construction zone will be clearly marked and fenced to prevent any impacts to the surrounding habitat areas. No mitigation measures are required, and no impacts are anticipated.

f) **No Impact**. The proposed project site is not within the boundaries of a habitat conservation plan or natural community conservation plan. This precludes the possibility of these project components conflicting with the provisions of such a plan and no impacts could occur.

5. Cultural Resources

Would the project:

Environmental Issues – Cultural Resources	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	☐	☐	☐	☒	15
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	☐	☒	☐	17
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	17

Impact Analysis

a) **No Impact**. There are no known National Register or California State Historic Resource properties, California Historical landmarks, or California Points of Historic interest on the project site or in the immediate project vicinity. The City of Half Moon Bay Historical Resources Inventory also does not identify any historical structures or other resources on or proximate to the subject site. Consequently, the proposed project would not result in an adverse change in a significant historical resource.

b) **Less Than Significant Impact**. The project site is located in a potentially sensitive archaeological resource area pursuant to the Local Coastal Program's Potential

Archaeological Resources Map. If subsurface historic or archeological resources are uncovered during construction, standard condition of approval requires all work to stop and a qualified archeologist shall be retained. The qualified archeologist shall identify any mitigation measures required to protect archaeological resources. Consequently, the project is not expected to impact subsurface archaeological resources or human remains. The impact would be less than significant.

c) **Less Than Significant Impact**. The project site is located in a potentially sensitive archaeological resource area pursuant to the Local Coastal Program's Potential Archaeological Resources Map. If human remains are encountered, the City will comply with the requirements of Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code regarding the handling of human remains, as well as standard conditions of approval related to archeological resources mentioned in b) above. The impact would be less than significant.

6. Energy

Would the project:

Environmental Issues – Energy	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒	9
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒	9

Impact Analysis

a-b) **No Impact**. The project consists of improvements to an existing beach access ramp including installation of wooden steps, a cable handrail, and a concrete landing pad. While the project may result in an incremental increase in energy use during construction, the development itself does not require any energy resources. Grading, compaction, and installation of the steps and handrail will be done by hand and a small Bobcat will be used to install the concrete landing. No Impacts are anticipated.

7. Geology, Soils, and Seismicity

Would the project:

Environmental Issues – Geology, Soils and Seismicity	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	5
2) Strong seismic ground shaking?	☐	☐	☒	☐	5
3) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	5
4) Landslides?	☐	☐	☒	☐	5
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	5
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	5
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?	☐	☐	☒	☐	5
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	5
f) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	15, 18

Impact Analysis

a.1) **Less Than Significant Impact**. The site is not within a State of California designated Alquist-Priolo Earthquake Fault Zone, but it is located in the San Francisco Bay Area, considered one of the most seismically active regions in the United States. Significant earthquakes have occurred in the Bay Area, and will continue to occur with varying intensities depending upon the magnitude of the earthquake and the distance of the site from the causative fault and the type of material underlying the site. The nearest fault zones are the San Gregorio Fault Zone, located approximately 2 mile west of Half Moon Bay, and the San Andreas Fault Zone, located approximately 6 miles east of Half Moon Bay. No active faults or fault traces are known to be located on site. As a result, the risk of fault rupture in the area is low and the potential impact is considered less than significant**.**

a.2) **Less Than Significant Impact.** The proposed project may be exposed to strong seismic ground shaking associated with an earthquake on the San Gregorio, San Andreas Faults, or other proximate fault zones. High accelerations can be expected during a moderate to major earthquake on the San Andreas Fault or a major earthquake on the San Gregorio Fault. As the project improves safety by providing steps and a handrail at an existing beach access ramp, it is likely that the project would decrease the risk of loss, injury or death resulting from strong seismic ground shaking.

a.3) **Less Than Significant Impact.** Expansive soils have not been identified onsite. The project does not involve significant grading or excavation as it consists of safety and drainage improvements to an existing beach access ramp. The project will be constructed in conformance with the best management practices and with the requirements of the California Building Code to ensure that project impacts are less than significant.

a.4) **Less Than Significant Impact.** Landslides are related to instabilities in slopes and can be induced by earthquakes or heavy amounts of rainfall. The site has potential for landslides due to its location along a coastal bluff. However, the proposed project will enhance stability and safety by installing wooden steps anchored by metal stakes and a cable handrail along the existing access ramp. The grade between steps will be no greater than 20% slope. The graded V-ditch will also improve site drainage and the ramp's stability. No significant impacts are anticipated.

b) **Less Than Significant Impact**. Construction of the proposed improvements to the existing beach access ramp could result in temporary increases in soil erosion. The project is subject to the San Mateo County Storm Water Pollution Best Management Practices during construction and will implement erosion and sediment control measures to minimize soil erosion and loss of topsoil during construction. After minor grading to install the wooden steps, the surface will be compacted with decomposed granite between steps to reduce erosion potential. The project will result in less than significant erosion impacts.

c-d) **Less than Significant Impact**. Expansive soils have not been identified on-site. The project intends to increase site stability by providing a graded V-ditch to direct drainage away from the bluff edge. The proposed wooden steps will be anchored by metal stakes for stability. No significant impacts are anticipated.

e) **No Impact**. The proposed safety and drainage improvements to an existing beach access ramp do not require a wastewater disposal system. No impact would occur.

f) **No Impact**. There are no known unique geologic features or paleontological resources on the site or in the project area. No impact would occur.

8. Greenhouse Gas Emissions

Would the project:

	Environmental Issues – Greenhouse Gases	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1
b)	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1

Impact Analysis

a-b) **Less Than Significant Impact.** Greenhouse gas emissions associated with the proposed project would occur over the short-term from construction activities and over the long-term from vehicle trips to and from the site. However, the project involves improvement of an existing beach accessway that already generates vehicle trips. The proposed improvements

are intended to provide safe access down to Poplar Beach. There are no changes proposed to the capacity of the beach parking lot or the hours of operation for Poplar Beach and the blufftop park. The BAAQMD 2017 CEQA Guidelines screening criteria for greenhouse gases specify that operation of up to 600 acres of City park would not exceed the greenhouse gas significance thresholds, and the proposed project area is well below this threshold. The project also complies with all applicable plans, policies and regulations. Therefore, greenhouse gas emissions associated with the proposed beach access improvements would be less than significant.

9. Hazards and Hazardous Materials

Would the project:

Environmental Issues – Hazards and Hazardous Materials	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1, 16
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☐	☒	☐	1, 16
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	9
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	6
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒	9
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	11
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐	3

Impact Analysis

a-b) **Less Than Significant Impact**. The proposed improvements to the existing beach access ramp are not expected to create a significant hazard to the public or the environment through construction, routine transport, use, release or disposal of hazardous materials. Minor amounts of hazardous materials may be used during construction, including vehicle fuels and concrete. However, use, transport, and disposal of such materials will be required

to conform to applicable federal, state, and County hazardous materials, which will ensure that hazardous materials do not create a significant threat to the public or the environment. The impact would be less than significant.

c) **No Impact.** The project is not located within a quarter mile of any existing or proposed school. No impact would occur.

d) **No Impact.** The project site is currently used for public beach access. No known hazardous materials are currently being used, stored, or disposed of on or immediately adjacent to the project site. A closed landfill exists to the south of the project site, but the proposed development will have no impact on the closed landfill. The project site is also not included on the State's Hazardous Waste and Substances Site List (Cortese List) established pursuant to Government Code Section 65962.5.

e) **No Impact.** The project site is more than two miles from the Half Moon Bay Airport and is outside the airport influence area. No impacts would occur.

f) **No Impact**. The proposed improvements to the existing beach access ramp would not interfere with access on local streets or highways or otherwise interfere with an adopted emergency response or evacuation plan. No impact would occur.

g) **Less Than Significant Impact.** The California Department of Forestry Fire Department (CalFire) Hazard Severity Zone Map for San Mateo County indicates that the project site is not located within a Very High Fire Hazard Severity Zone. The Coastside County Fire Protection District provides fire services to the site. The project will comply will all District requirements regarding fire access and vegetation control within the project site; therefore, the risk of exposure of people or structures to impacts from wild land fires would be less than significant.

10. Hydrology and Water Quality

Would the project:

Environmental Issues – Hydrology and Water Quality	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐	16
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒	9
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would:					
1) Result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒	13
2) Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	☐	☐	☐	☒	13
3) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	13
4) Impede or redirect flood flows?	☐	☐	☒	☐	13
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐	8, 10
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒	9

Impact Analysis

a) **Less Than Significant Impact**. The project would be required to comply with the City's NPDES (storm water control) requirements for erosion and sedimentation control during the construction period. The City will employ standard construction best management practices established by the San Francisco Regional Water Quality Control Board for water quality protection. These include erosion and sediment control measures. Consequently, the proposed improvements to the existing beach access ramp would not violate any water

quality standards or waste discharge requirements. Any impacts would be less than significant.

b) **No Impact**. The use of the site as a beach access ramp does not require water service. Project construction and occupation would not use ground water. As a result, there would be no impacts to groundwater.

c.1-3) **No Impact**. Project construction would involve ground disturbing activities such as excavation and grading; however, these activities would not substantially alter the existing topography of the project site. The project would also be required to comply with the City's NPDES (storm water control) requirements for erosion and sedimentation control during the construction period; consequently, the project is not likely to contribute substantial amounts of erosion or siltation on- or off-site due to construction. Post-construction, the project would not result in substantial erosion or siltation as the proposed drainage improvements are intended to reduce erosion potential, and there will be no significant increase in impervious surfaces from the addition of wooden steps at the existing dirt ramp. The impact would be less than significant.

c.4) **Less Than Significant Impact.** The project proposes to redirect the existing drainage pattern such that drainage will be directed into a graded V-ditch on the inland side of the beach access ramp, away from the bluff edge to reduce erosion potential and improve public safety. As the redirected drainage will improve the site conditions, the impact would be less than significant.

d) **Less Than Significant Impact**. The project site is not located in a dam failure inundation area, is not protected by a levee system, and is not located in an area subject to seiche or mudflows. However, the project site is located in a tsunami inundation area. Tsunami warning sirens and tsunami evacuation route directional signage exist within the vicinity of the project site. The tsunami directional signage and warning sirens would reduce the impact to less than significant by informing beach-goers of any impending tsunami and facilitating evacuation. A tsunami would not release any pollutants from the proposed project as the improvements consist of wooden steps, a handrail, and a drainage V-ditch at an existing beach access ramp. Any impacts are expected to be less than significant.

e) **No Impact**. The project will not conflict with or obstruct implementation of a water quality control plan. There is no groundwater sustainable management plan in this area. As a result, no impacts are expected to occur.

11. Land Use

Would the project:

	Environmental Issues – Land Use	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a)	Physically divide an established community?	☐	☐	☐	☒	9, 18
b)	Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	16, 18

Impact Analysis

a) **No Impact**. The site of the proposed project is zoned OS – P Open Space – Passive and has a General Plan designation of Regional Public Recreation. The proposed improvements to the existing beach access ramp are consistent with the site's zoning and General Plan designations. The project will not divide an established community as the scope of the project consists of improvements to an existing beach access ramp. No impacts would occur.

b) **No Impact**. The proposed project complies with the requirements of the OS – P Zoning District and is consistent with the site's Regional Public Recreation General Plan designation. The larger Poplar Beach blufftop area has been previously assessed for biological resources and identified the project area as a potentially sensitive sea cliff. Public access trails and engineered stairways are permitted uses in sea cliff areas in the City's Land Use Plan and Zoning Code. The project area is confined to a previously disturbed footprint and will not cause any impacts to biological resources. Biologic Resources are also discussed in Section 4 of this Initial Study.

12. Mineral Resources

Would the project:

Environmental Issues – Mineral Resources	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	7
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	7

Impact Analysis

a-b) **No Impact**. Pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA), neither the State Geologist, nor the State Mining and Geology Board have designated any area within the jurisdiction of the City of Half Moon Bay as containing mineral deposits of regional significance nor any deposits for which significance requires further evaluation. The project site and surrounding area contain no mineral deposits subject to SMARA. No impacts would occur.

13. Noise

Would the project:

Environmental Issues - Noise	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable standards of other agencies?	☐	☐	☒	☐	14, 16
b) Generate excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐	12
c) For a project within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	9

Background

Policy 1.a and Exhibit 13 of the City of Half Moon Bay Noise Element (1991) establish maximum exterior and interior noise levels for different land use categories uses using the Community Noise Equivalent Level (CNEL). CNEL is the average sound level over a 24 hour period, with a penalty of 5 dB added between 7 p.m. and 10 p.m. and a penalty of 10 dB added for the nighttime hours of 10 p.m. to 7 a.m. For open space uses including parks, the Noise Element does not impose a noise level limit. The Noise Element specifies that construction noise is addressed through Half Moon Bay Municipal Code noise regulations.

The Municipal Code specifies that no person shall between the hours of 10:00 p.m. and 8:00 a.m. make, cause, suffer or permit to be made any offensive noise (1) which is made within one hundred feet of any building or place regularly used for sleeping purposes, or (2) which disturbs, or would tend to disturb, any person within hearing distance of such noise.

Municipal Code Section 14.40.010 allows construction only during the following hours: 7:00 a.m. to 6:00 p.m. Monday through Friday; 8:00 a.m. to 6:00 p.m. Saturdays; and 10:00 a.m. to 6:00 p.m. Sundays and holidays. The closest sensitive receptors to the project site are residents of the existing houses in the Arleta Park neighborhood, over 1,000 feet east of the project site.

Impact Analysis

a) **Less That Significant Impact**. The certified Noise Element does not impose any noise level limits for open space uses including parks. Construction of the proposed project will be restricted to the hours allowed by the Municipal Code, and will be done primarily by hand or with a small Bobcat. Any increase in ambient noise levels will be minimal and temporary. Any impacts would be less than significant.

b) **Less Than Significant Impact**. The proposed project includes installation of wooden steps, a handrail, and a concrete landing pad at an existing beach access ramp. Construction of the proposed project would not require pile driving or other construction techniques likely to cause perceptible, off-site, ground-borne noise or vibration. Activities associated with earthmoving equipment and similar construction equipment would occur on a temporary basis and be done primarily by hand or a small Bobcat. Operation of the project would not involve any activity that would produce perceptible ground-borne noise or vibration. Any impacts would be less than significant.

c) **No Impact.** The project site is not located within two miles of an airport or airport land use plan. The nearest airport (Half Moon Bay Airport) is located approximately 4 miles from the project site. No impacts would occur.

14. Population and Housing

Would the project:

Environmental Issues – Population and Housing	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒	9, 13
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	9

Impact Analysis

a) **No Impact**. The proposed project involves improvements to an existing beach access ramp and will not induce any population growth. The proposed improvements will not increase infrastructure capacity or otherwise enable development of these other parcels. No impacts would occur.

b) **No Impact**. The project site currently contains a beach access ramp on land zoned for passive open space. There will be no displacement of people or housing as a result of the proposed improvements to the existing beach access ramp. No impacts would occur.

15. Public Services

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Environmental Issues - Public Services	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Fire Protection?	☐	☐	☐	☒	9, 13
b) Police Protection?	☐	☐	☐	☒	9, 13
c) Schools?	☐	☐	☐	☒	9, 13
d) Parks?	☐	☐	☐	☒	9, 13
e) Other public facilities?	☐	☐	☐	☒	9, 13

Impact Analysis

a) **No Impact**. Fire protection services are provided to the site by the Coastside County Fire Protection District. The proposed improvements to the existing beach access ramp would not require new fire facilities or reduce response times. The project is intended to improve public safety by providing steps and a handrail down to Poplar Beach. No impact would occur.

b) **No Impact**. Police services to the site are provided by the San Mateo County Sheriff's Department. The proposed project would not increase demands on policy services or require expanded police protection facilities The project is intended to improve public safety by providing steps and a handrail down to Poplar Beach. No impact would occur.

c) **No Impact**. The City of Half Moon Bay is located within the Cabrillo Unified School District. The proposed improvements to the existing beach access ramp would not trigger the need for new or expanded school facilities. No impacts would occur.

d) **No Impact**. The project area contains a heavily used beach and blufftop park area with a segment of the Coastal Trail. The proposed development is intended to improve public safety by providing steps and a handrail down to the beach from the trail at the existing beach access ramp. The project would not increase demands on parks such that new or expanded park facilities would be required. No impacts would occur.

e) **No Impact**. The proposed safety and drainage improvements at the existing beach access ramp would not noticeably increase the demands on any public facilities and would not necessitate the construction of new or expanded public facilities. No impacts would occur.

16. Recreation

Environmental Issues – Recreation	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	9, 13
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☒	☐	2, 9

Impact Analysis

a) **No Impact**. As the project involves installation of wooden steps, a handrail, and a concrete landing pad at an existing beach access ramp, there is the potential for increased use of this public access facility. However, the proposed safety and drainage improvements are intended to protect the access ramp from physical deterioration such as bluff erosion. The project will improve the existing physical condition of the steep, unimproved beach access. Any impacts would be less than significant.

b) **No Impact**. The project involves safety and drainage improvements to an existing recreation facility. However, the project will occur within the previously disturbed footprint of the existing public beach access ramp and will not have an adverse physical effect on the environment. Any impacts would be less than significant.

17. Transportation

Would the project:

Environmental Issues - Transportation	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒	20
b) Conflict with or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	☐	☐	☒	☐	9, 13
c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	9, 13
d) Result in inadequate emergency access?	☐	☐	☐	☒	10, 11

Impact Analysis

a) **No Impact**. The project includes improvements to an existing beach access ramp and will not conflict with policies, plans and programs addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project is consistent with the adopted Circulation Element of the General Plan and the draft Bicycle and Pedestrian Master Plan as it will enhance public safety and beach access. No impacts would occur.

b) **Less Than Significant Impact**. The project may add a negligible amount of traffic to the existing circulation system as it will improve the public's ability to safely access Poplar beach. However, the improvements will not expand the existing footprint of the beach access ramp and will not involve an increase in capacity of the beach access ramp or parking lot. The project would not conflict with or be inconsistent with CEQA Guidelines §15064.3, subdivision (b) and would result in a less than significant impact to traffic congestion.

c) **No Impact**. The project would not increase hazards due to its design features. No impact will occur.

d) **No Impact**. The proposed project has potential to enhance emergency access as it improves the safety of the existing beach access ramp for public users. No impacts would occur.

18. Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Environmental Issues – Tribal Cultural Resources	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☐	☒	15
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☐	☐	☒	17, 18

Impact Analysis

a, b) **No Impact**. The project includes the construction of improvements to an existing beach access trail in an area where there are no known tribal cultural resources on site. No impacts would occur.

19. Utilities and Service Systems

Would the project:

Environmental Issues – Utilities and Service Systems	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Require or result in the construction of new water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒	9, 13

Environmental Issues – Utilities and Service Systems	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒	9, 13
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	9, 13
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒	9, 13
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒	9, 13

Impact Analysis

all) **No Impact**. The project includes installation of wooden steps, a handrail, a concrete ramp, and a drainage V-ditch at an existing beach access ramp. The existing land use and proposed improvements do not require any utilities, water supplies, wastewater treatment, or other such infrastructure and will not cause generation of solid waste. Trash receptacles are currently available near the top of the beach access ramp, and beach cleanup services are provided through the City of Half Moon Bay. No impact would occur.

20. Wildfires

Is the project located in or near state responsibility areas or lands classified as very high fire hazard severity zones? If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Environmental Issues – Wildfires	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	3, 11

Environmental Issues – Wildfires	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Sources*
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒	3, 11
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒	3, 11
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒	3, 11

Impact Analysis

all) **No Impact**. The City of Half Moon Bay is not located in but is adjacent to an area of state responsibility. The project vicinity is not located within an area described as being in a Very High Fire Hazard Severity Zone. Fire access to the site is available via Poplar Street and the Poplar Beach public parking lot. In the event of a fire, little change in drainage condition is expected. Fire hazards for local responsibility areas are also addressed in Section 9.g above. No impacts would occur.

21. Mandatory Findings of Significance

Mandatory Findings of Significance	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Mandatory Findings of Significance

all) **No Impact**. All impacts identified in the IS are either no impact or less than significant. The project involves improvements to an existing beach access trail and will have no impact on the number or range of any sensitive species populations. Standard construction best management practices will be employed, and the construction and project area are limited to previously disturbed footprints void of any sensitive vegetation. Given the minor scope of the project, there will be no cumulatively considerable impacts on the project area. The proposed project would not result in environmental effects that cause substantial adverse effects on human beings either directly or indirectly.

SECTION 3: REFERENCES

1 Bay Area Air Quality Management District Bay Area, 2017 Clean Air Plan and 2017 CEQA Guidelines

2 Preliminary Biological Evaluation for the Poplar Gateways Project Area, Half Moon Bay, California, 2018

3 Cal Fire Hazard Severity Zone Map, San Mateo County

4 California Building Code, 2013

5 California Department of Conservation Earthquake Fault Zone Maps, 2007

6 California Environmental Protection Agency Cortese List Data Resources

7 California Public Resources Code Sections 2710-2796

8 San Mateo County Dam Failure Areas Map, 2005

9 City of Half Moon Bay, Planning Staff

10 San Mateo County Tsunami Inundation Map for Emergency Planning, Half Moon Bay Quadrangle, 2009

11 San Mateo County Hazard Mitigation Plan, 2016

12 Caltrans Transportation and Construction-Induced Vibration Guidance Manual, June, 2004.

13 City of Half Moon Bay, City Engineer

14 City of Half Moon Bay Noise Element, 1991

15 City of Half Moon Bay Historical Resources Inventory

16 City of Half Moon Bay Municipal Code

17 City of Half Moon Bay Local Coastal Program Archaeological Resources Map, 1993

18 City of Half Moon Bay Local Coastal Program Land Use Plan, 1993

19 San Mateo County Important Farmlands Map, 2014

20 City of Half Moon Bay Circulation Element, 2013

PRELIMINARY BIOLOGICAL EVALUATION FOR THE POPLAR GATEWAYS PROJECT AREA, HALF MOON BAY, CALIFORNIA

Prepared for:

Ms. Jill Ekas, AICP
Community Development Director
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

Prepared by:

HUFFMAN-BROADWAY GROUP, INC.
828 Mission Avenue
San Rafael, CA 94901
Contact: Gary Deghi
Telephone: (415) 925-2000 ▪ Fax: (415) 925-2006

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Table 2. Special Status Plants with Potential to Occur in the Vicinity of the Project Site, Half Moon Bay, California

Table 3. Special Status Animal Species that Have Been Reported in the Vicinity of the Project Site, Half Moon Bay, California

This report should be cited as: Huffman-Broadway Group, Inc. 2018. *Preliminary Biological Evaluation for the Poplar Gateways Project Area, Half Moon Bay, California,* September, 2018. San Rafael, California. 47 pp. plus attachments. Prepared for City of Half Moon Bay, California.

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1.0 INTRODUCTION

On behalf of the City of Half Moon Bay, California, Huffman-Broadway Group, Inc. (HBG) has prepared an Ecological Constraints Report related to possible recreational improvements for City property along the blufftop between Poplar Street and Kelly Avenue in Half Moon Bay, California. This area is referred to as Poplar Beach Park and encompasses the project area for the City's Poplar Gateways Plan.

The purpose of this biological study is to provide a general level biological survey to determine if there is the potential for the presence of special status species, sensitive habitats, or other ecological constraints and, if present, to describe the potential for project impacts, suggest recommendations or guidelines for project design, and recommended measures that may be necessary to mitigate project impacts associated with development of anticipated recreational improvments. The assessment is based on technical reports, data, mapping, aerial photography, and imagery readily available at the time of the study and on site conditions observed during field inspections. If it is determined that there is a potential for special status species or sensitive habitats to be present, more detailed technical study following local, state, and federal environmental agency requirement may be recommended. The biological evaluation is, therefore, not an official protocol level survey for establishing the presence or absence of special status species or sensitive habitats, but a study to determine the potential for presence.

The evaluation determines if biological constraints are found on the property such as habitats that would be considered sensitive habitats pursuant to guidelines of the California Environmental Quality Act (CEQA), any habitats suitable to support special status species of flora or fauna, or areas that would be defined as potential Environmentally Sensitive Habitat Areas (ESHAs) pursuant to the City's Local Coastal Program (LCP) or the California Coastal Act.

This study by HBG is intended to determine if potential biological constraints are present in an area defined by City of Half Moon Bay staff between Poplar Street and Kelly Avenue that may be affected by modest recreational development. The objectives of this Ecological Constraints Report are the following:

(i) Determine if there is the potential for any special status plant or animal species, sensitive habitats, or other ecological constraints to be present within the Project Site;

(ii) Determine the types of impacts to special status species, sensitive habitats or other ecological constraints that could result from anticipated recreational development;

(iii) Suggest design recommendations and guidelines to avoid or minimize biological impacts and identify additional mitigation requirements that may

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be necessary to address biological impacts of recreational development;

(iv) Describe any additional studies necessary to provide a detailed delineation of constraints or to further define impacts, refine approaches to project design, or recommend suitable mitigation measures for potentially significant project impacts; and

(v) Describe potential permitting requirements of state or federal regulatory agencies associated with possible development proposals.

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2.0 PROJECT DESCRIPTION

2.1 Location of Project Site

Based on the request from the City of Half Moon Bay, HBG has conducted a preliminary review of ecological constraints for an approximately 48.2-acre area located along the ocean bluff between Poplar Street and Kelly Avenue in the City of Half Moon Bay, San Mateo County, California (see site boundaries in the aerial photograph of Figure 1). The area is owned by the City of Half Moon Bay. A portion of the property is Blufftop Park, formerly owned by the County of San Mateo but now a parkland owned and operated by the City for open space uses.

The project area is bordered by the Pacific Ocean on the west, Half Moon Bay State Beach and residential uses along Kelly Avenue to the north, vacant fields including the closed Half Moon Bay Landfill to the south, and undeveloped land as well as single family housing along Railroad Avenue to the east. The eastern project site boundary is defined by the western extent of paper streets laid out through decades-old subdivisions that were intended to accommodate residential development west of Railroad Avenue, some of which are in private ownership. Beyond the eastern project site boundary adjacent to Railroad Avenue is the 60-foot wide former right-of-way for the Ocean Shore Railroad that is now owned by the City of Half Moon Bay and managed under a Conservation Easement by the Coastside Land Trust.

The Project Site is located on the Half Moon Bay 7.5-minute USGS quadrangle map. The latitude and longitude of the approximate centroid point of the site is Longitude 122.444360°W and Latitude 37.459540°N. Poplar Street extends to the edge of the ocean bluff at a paved parking area that allows access to an unimproved beach access and to the paved Coastal Trail. The paved Coastal Trail extends south to the area of the Seymour Bridge over the Seymour Ditch to the south and north to the area of Pillar Point Harbor. The Coastal Trail runs along the top of the ocean bluff for the length of the Project Area. With the exception of the Coastal Trail and the paved parking area at the end of Poplar Street, the entire Project Site is a vacant, undeveloped field.

The location of the project site is shown in Figure 1. The site is shown on the USGS Half Moon Bay 7.5-minute quadrangle map in Figure 2 and on a recent aerial photograph of the project area in Figure 3.

2.2 Project Description

The City of Half Moon Bay may enhance recreational uses in the area. Examples of the kinds of improvements being contemplated include improvements to the parking area at the end of Poplar Street, access down the ocean bluff to the beach near the parking lot, improvements to the bike path along Poplar Street between Railroad Avenue and

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the parking area along the top of the ocean bluff, and a possible relocation of the Coastal Trail to the east by 100 to 150 feet to circumvent and/or accommodate anticipated blufftop erosion that has the potential to compromise the Coastal Trail in its current location.

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3.0 REGULATORY BACKGROUND

The following is a description of federal, state, and local environmental laws and policies that are relevant to the CEQA review process and the biological resources found on site.

3.1 Federal Regulations

Clean Water Act-Section 404

The U.S. Army Corps of Engineers (Corps) regulates discharges of dredged or fill material into Waters of the United States under Section 404 of the Clean Water Act (CWA). "Discharge of fill material" is defined as the addition of fill material into Waters of the U.S., including but not limited to the following: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; and fill for intake and outfall pipes and sub-aqueous utility lines (33 C.F.R. §328.2(f)). In addition, Section 401 of the CWA (33 U.S.C. 1341) requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into Waters of the United States to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards.

The Corps and the U.S. Environmental Protection Agency (US EPA) are responsible for implementing the Section 404 program. Section 404(a) authorizes the Corps to issue permits, after notice and opportunity for comment, for discharges of dredged or fill material into waters of United States. Section 404(b) requires that the Corps issue permits in compliance with US EPA guidelines, which are known as the Section 404(b)(1) Guidelines. Specifically, the Section 404(b) (1) guidelines require that the Corps only authorize the "least environmentally damaging practicable alternative" (LEDPA) and include all practicable measures to avoid and minimize impacts to the aquatic ecosystem. The guidelines also prohibit discharges that would cause significant degradation of the aquatic environment or violate state water quality standards.

Waters of the U.S. include a range of wet environments such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, and wet meadows. Wetlands are defined as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 C.F.R. §328.3(b)).

Furthermore, Jurisdictional Waters of the U.S. can be defined by exhibiting a defined

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bed and bank and ordinary high water mark (OHWM). The OHWM is defined by the Corps as "that line on shore established by the fluctuations of water and indicated by physical character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas" (33 C.F.R. §328.3(e)).

Tidal waters are also under the jurisdiction of the Corps. The landward limits of jurisdiction in tidal waters extend to the high tide line…"or, when adjacent non-tidal waters of the United States are present, to the limits of jurisdiction for such non-tidal waters" (33 C.F.R.§328.4(b)) High tide is further defined to include the line reached by spring high tides and other high tides that occur with periodic frequency (33 C.F.R.§328.3(d)).

All wetlands in the study area were reviewed to determine if they could be disclaimed from Corps jurisdiction as isolated wetlands following two recent US Supreme Court decisions. In *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers (SWANCC), No. 99-1178 (2001),* some isolated wetlands may be excluded from Corps Section 404 jurisdiction because they are (1) non-tidal, (2) non-navigable, (3) not hydrologically connected to navigable waters or adjacent to such waters, and (4) not subject to foreign or interstate commerce. Subsequent to SWANCC, the U.S. Supreme Court decided on *Rapanos v. United States* and *Carabell v. United States*, 126 U.S. 2208 (2006) (herein referred to as Rapanos). In 2007, guidance was given to US EPA regions and Corps districts to implement the Supreme Court's decision which addresses the jurisdiction over waters of the U.S. under the Clean Water Act. The Rapanos guidance requires the Corps to conduct detailed analysis of the functions and values of wetlands and other waters of the U.S. potentially onsite and in some cases offsite, determine if there is a nexus to traditional navigable waters and the significance of the nexus to the traditional navigable water. Neither the Court nor the recently-issued guidance draw a clear line with regard to the geographic reach of jurisdiction, particularly in drainages where flows are ephemeral and where wetlands are adjacent to but not directly abutting relatively permanent water, such as the wetlands delineated on the study site.

Clean Water Act-NPDES Requirements

In 1972, the Clean Water Act was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollution Discharge Elimination System (NPDES) permit. The 1987 amendments established a framework for regulating municipal, industrial, and construction-related storm water discharges under the NPDES Program. On November 16, 1990, the US EPA published final regulations that establish storm water permit application requirements for specified categories of industries. The regulations provide that discharges of storm water from construction projects that encompass one or more

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acres of soil disturbance are effectively prohibited unless the discharge is in compliance with an NPDES Permit. The California State Water Resource Control Board has developed a general construction storm water permit to implement this requirement.

Federal Endangered Species Act

The United States Congress passed the Federal Endangered Species Act (FESA) in 1973 to protect those species that are endangered or threatened with extinction. The FESA is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend. The FESA establishes an official listing process for plants and animals considered to be in danger of extinction; requires development of specific plans of action for the recovery of listed species; and restricts activities perceived to harm or kill listed species or affect critical habitat (16 USC 1532, 1536).

The FESA prohibits the "take" of endangered or threatened wildlife species. "Take" is defined as harassing, harming (including significantly modifying or degrading habitat), pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species, or any attempt to engage in such conduct (16 USC 1532, 50 CFR 17.3) Taking can result in civil or criminal penalties. Federal regulation 50 CFR 17.3 further defines the term harm in the take definition to mean any act that kills or injures a federally listed species, including significant habitat modification or degradation. Additionally, FESA prohibits the destruction or adverse modification of designated critical habitat. In the Service's regulations at 50 CFR 402.2, destruction or adverse modification is defined as a "direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species.

The FESA also requires federal agencies to ensure that their actions do not jeopardize the continued existence of listed species or adversely modify critical habitat (16 USC 1536). Therefore, the FESA is invoked when the property contains a federally-listed threatened or endangered species that may be affected by a permit decision. In the event that listed species are involved and a Corps permit is required for impacts to jurisdictional waters, the Corps must initiate consultation with U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the FESA (16 USC 1536; 40 CFR § 402). If formal consultation is required, USFWS or NMFS will issue a biological opinion stating whether the permit action is likely to jeopardize the continued existence of the listed species, recommending reasonable and prudent measures to ensure the continued existence of the species, establishing terms and conditions under which the project may proceed, and authorizing incidental take of the species.

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Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (MSFA) conserves and manages the fishery resources found off the coasts of the United States, the anadromous species, and the Continental Shelf fishery resources of the United States, including the conservation and management of highly migratory species through the implementation and enforcement of international fishery agreements. The NMFS enforces the MSFA and regulates commercial and recreational fishing and the management of fisheries resources. The Sustainable Fisheries Act of 1996 amended the MSFA to include new fisheries conservation provisions by emphasizing the importance of fish habitat in regards to the overall productivity and sustainability of U.S. marine fisheries (Public Law 104-267). The revised MSFA mandates the identification and protection of Essential Fish Habitat (EFH) for managed species during the review of projects conducted under federal permits that have the potential to affect such habitat. Federal agencies are required to consult with NMFS on all actions or proposed actions authorized, funded, or undertaken by the agency, which may adversely affect EFH (MSFA 305.b.2).

Under the MSFA, NMFS identifies, conserves, and enhances EFH for those species regulated under a federal fisheries management plan (FMP). EFH is defined as those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity and includes all associated physical, chemical and biological properties of aquatic habitat that are used by fish. Projects that have the potential to adversely affect EFH must initiate consultation with NMFS. Adverse effects are any impacts that reduce the quality and/or quantity of EFH and can include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey or reduction in species fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions (50 CFR 600.810). There are four FMPs in California, Oregon, and Washington that identify EFH for groundfish, coastal pelagic species, Pacific salmon, and Pacific highly migratory fisheries.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act implements international treaties devised to protect migratory birds and any of their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. As authorized by the Migratory Bird Treaty Act, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal. The regulations governing migratory bird permits are in 50 CFR part 13 General Permit Procedures and 50 CFR part 21 Migratory Bird Permits. On December 22, 2017, the U.S. Department of Interior's Office of the Solicitor

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issued Memorandum M-37050, which states an interpretation that the Migratory Bird Treaty Act does not prohibit the accidental or "incidental" taking or killing of migratory birds.

Fish and Wildlife Coordination Act

The USFWS also has responsibility for project review under the Fish and Wildlife Coordination Act. This statute requires that all federal agencies consult with USFWS, NMFS, and the state's wildlife agency (California Department of Fish and Wildlife, CDFW) for activities that affect, control, or modify streams and other water bodies. Under the authority of the Fish and Wildlife Coordination Act, USFWS, NMFS, and CDFW review applications for permits issued under Section 404 and provide comments to the Corps about potential environmental impacts.

3.2 State of California Regulations

California Coastal Act

The California Coastal Commission has jurisdiction over wetlands in the coastal zone under both state legislation (California Coastal Act of 1976, Public Resources Code § 30000 et seq.) and federal legislation (Coastal Zone Management Act, 16 U.S.C. § 1451 et seq.). Under the Coastal Act, the Coastal Zone generally extends 1,000 yards inland from the mean high tide line, except in certain areas where it extends inland to the closest of either the first major ridgeline parallel to the sea or five miles from the mean high tide line. The entire City of Half Moon Bay, including the Project Site, is located within the Coastal Zone.

The federal Coastal Zone Management Act requires federal permit applicants to obtain a certification that activities proposed within the coastal zone are consistent with state coastal zone management programs. Applicants for Corps Section 404 permits must obtain a Coastal Commission determination of consistency with the California Coastal Zone Management Program (33 CFR §325.2[b][2][iii]).

The policies most relevant to biological resources at the Project Site are provided below:

> Section 30107.5 of the Coastal Act states: "*Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."*
>
> Section 30121 of the Coastal Act states: "*Wetland' means lands within the coastal zone which may be covered periodically or permanently with shallow*

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water and include saltwater marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats, and fens."

(Additional Coastal Act definitions related to wetland environments are referenced in Section 4.2.3, Summary of Regulations Pertaining to Wetlands and Water Courses).

Section 30230 of the California Coastal Act (CCA) states that "*Marine Resources shall be maintained, enhanced, and where feasible restored. Special protection shall be given to areas of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes."*

Section 30231 of the CCA states that "*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats and minimizing alteration of natural streams."*

Section 30233 of the CCA states that:

"(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

1. *New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
2. *Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
3. *In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetlands, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating*

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facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

4. *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
5. *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake or outfall lines.*
6. *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
7. *Restoration purposes.*
8. *Nature study, aquaculture, or similar resource dependent activities.*

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division."

Section 30240 of the CCA states that:

"(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreations areas shall be sited and designed to prevent impacts which

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would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. "

To meet the standard of review for policy conflict resolution, the proposed project must fulfill the requirements of, and be in conformity with, '"the policies of Chapter 3" (meaning California Public Resources Code ("PRC") Sections 30200 - 30265.5). In general, a proposal must be consistent with all relevant policies in order to be approved. Thus, if a proposal is inconsistent with one or more policies, it must normally be denied.

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. The CESA is similar to the FESA but pertains to state-listed endangered and threatened species. CESA requires state agencies to consult with the CDFW when preparing CEQA documents to ensure that the state lead agency actions do not jeopardize the existence of listed species. CESA directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur, and allows CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. Agencies can approve a project that affects a listed species if they determine that "overriding considerations" exist; however, the agencies are prohibited from approving projects that would result in the extinction of a listed species.

The CESA prohibits the taking of state-listed endangered or threatened plant and wildlife species. CDFW exercises authority over mitigation projects involving state-listed species, including those resulting from CEQA mitigation requirements. CDFW may authorize taking if an approved habitat management plan or management agreement that avoids or compensates for possible jeopardy is implemented. CDFW requires preparation of mitigation plans in accordance with published guidelines.

Section 401 of the Federal Clean Water Act/Porter Cologne Water Quality Act

Pursuant to section 401 of the Federal Clean Water Act, projects that require a Corps permit for the discharge of dredge or fill material must obtain water quality certification that confirms a project complies with state water quality standards before the Corps permit is valid. State water quality is regulated/administered by the State Water Resources Control Board and the nine Regional Water Quality Control Boards. The state also maintains independent regulatory authority over the placement of waste, including fill, into waters of the State under the Porter-Cologne Act.

The California State Water Resource Control Board has developed a general construction storm water permit to implement the requirements for the federal National Pollution Discharge Elimination System (NPDES) permit. The permit requires

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submittal of a Notice of Intent to comply, fees, and the implementation of a Storm Water Pollution Prevention Plan.

CDFW Species of Special Concern

CDFW tracks species in California whose numbers, reproductive success, or habitat may be threatened. Even though not formally listed under FESA or CESA, such plant and wildlife species receive additional consideration during the CEQA process. Species that may be considered for review are included on a list of "Species of Special Concern" developed by the CDFW. CDFW has also designated special-status natural communities which are considered rare in the region, support special status species or otherwise receive some form of regulatory protection. Documentation pertaining to these communities, as well as special status species (including species of special concern), is kept by CDFW as part of the California Natural Diversity Data Base (CNDDB).

California Department of Fish and Wildlife-Streambed Alteration Agreement

Section 1602 of the California Fish and Game Code requires any person, governmental agency, or public utility proposing any activity that will divert or obstruct the natural flow or change the bed, channel or bank of any river, stream, or lake, or proposing to use any material from a streambed, to first notify CDFW of such proposed activity. CDFW may propose reasonable modifications, based on the information contained in the notification form and a possible field inspection, CDFW may propose reasonable modifications in the proposed construction as would allow for the protection of fish and wildlife resources. Upon request, the parties may meet to discuss the modifications. If the parties cannot agree and execute a Lake and Streambed Alteration Agreement, then the matter may be referred to arbitration.

California Department of Fish and Wildlife Fish and Game Code 3503 and 3503.5

The State of California has incorporated the protection of nongame birds and birds of prey, including their nests, in Sections 3800, 3513, 3503, and 3503.5 of the California Fish and Game (CFG) Code. Section 3503 of the Fish and Game Code makes it unlawful to take, possess, or needlessly destroy the nests or eggs of any bird. Section 3503.5 makes it unlawful to take or possess birds of prey (hawks, eagles, vultures, owls) or destroy their nests or eggs.

California Department of Fish and Wildlife Fully Protected Animal Species

The classification of Fully Protected was an effort by the State of California in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Most Fully-Protected species have also been listed as threatened or endangered species under state endangered species laws and regulations. Species classified as Fully Protected Species by the CDFW may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these

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species for necessary scientific research and relocation of the bird species for the protection of livestock (as per California Fish and Game Code Section 3511(a)(1)).

3.3 Local Requirements

City of Half Moon Bay General Plan and Local Coastal Program Land Use Plan
The California Coastal Act requires every city and county lying partly or wholly within the Coastal Zone to prepare a Local Coastal Program (LCP). The LCP consists of a local coastal land use plan or plans, zoning ordinances, zoning district map, and other actions which taken together implement the Coastal Act provisions. The Local Coastal Land Use Plan (LUP) intends to carry out the policies of the Coastal Act within the local jurisdiction. The entire City of Half Moon Bay lies within the California Coastal Zone. The Half Moon Bay LUP was first certified by the California Coastal Commission in 1985. The LCP was effectively certified by the Coastal Commission in 1996 following approval of the City's Implementation Plan (IP). Both the LUP and the IP have since been amended numerous times, and a comprehensive update of the LUP is currently underway.

The following sections of the LCP are relevant to the City's project for recreational improvements within the Project Site:

- Definition of Sensitive Habitats: Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and as those areas which meet one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tidelands and marshes, (4) coastal and offshore areas containing breeding and/or nesting sites and coastal areas used by migratory and resident water-associated birds for resting and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes……Such areas include riparian areas, wetlands, sand dunes, marine habitats, sea cliffs, and habitats supporting rare, endangered, and unique species. [LUP Policy 3-1(a)]

- Protection of Sensitive Habitats:
    - Prohibit any land use and/or development which would have significant adverse impacts on sensitive habitat areas.
    - All uses shall be compatible with the maintenance of biologic productivity of such areas.
    - Development in areas adjacent to sensitive habitats shall be sited and

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designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. [LUP Policy 3-3]

- Sensitive Habitat Permitted Uses:
    - Permit only resource-dependent or other uses which will not have a significant adverse impact in sensitive habitats.
    - In all sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife and State Department of Fish and Game regulations. [LUP Policy 3-4]

- Sea Cliffs:
    - Permitted Uses: Where nesting or roosting exists, permit only education and research activities. Where nesting or roosting do not exist, permit only the following uses: (1) education and research, (2) limited foot paths, (3) limited recreational rock climbing, (4) road and underground utility construction where no feasible alternative exists, and (5) intake or outfall lines provided that the habitat is not threatened. [LUP Policy 3-19]
    - Permitted Priority Uses, Bluffs: (1) Priority shall be given to coastal dependent and related recreational activities and support facilities, except that camping facilities shall be set back one hundred feet from the beach and bluffs and near-shore areas reserved for day use activities. (2) Priority shall be given to recreational uses that do not require extensive alteration of the natural environment, as both public and private development. [City of Half Moon Bay Zoning Code Section 18.38.065(C)]

- Rare and Endangered Species:
    - Permitted Uses: Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species. [LUP Policy 3-22(a)]

- Unique Species:
    - Permitted Uses: Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to the degree specified by existing governmental regulations. [LUP Policy 3-33(a)]

- Wetland definition: An area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support

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the growth of plants which normally are found to grow in water or wet ground. [City of Half Moon Bay Zoning Code Section 18.38.020(E)]

- Wetlands:
    - Permitted Uses: (1) Education and research (2) Passive recreation such as bird watching (3) Fish and wildlife management activities.
    - Buffer Zone Permitted Uses: The riparian buffer zone uses listed in this title shall apply to wetlands buffer zones. [City of Half Moon Bay Zoning Code Section 18.38.080(A) and (E)]

- Definition of Riparian Corridors: Define riparian corridors by the "limit of riparian vegetation" (i.e. a line determined by the association of plant and animal species normally found near streams, lakes, and other bodies of fresh water: red alder, jaumea, pickleweed, big leaf maple, narrowleaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed. [LUP Policy 3-7. Note: In the original version of the City's LCP, this list of species was adapted from the County's LCP. Not only do several of these species not occur within riparian corridors found in the City of Half Moon Bay, but it is generally acknowledged that the City's LCP definition of riparian corridors is intended to be defined by species *similar to those listed, that are found in riparian situations*.]

- Riparian Corridor Permitted Uses:
    - Within riparian corridors, only the following uses shall be permitted: (1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish and wildlife management activities, (4) trail and scenic overlooks on public land, (5) necessary water supply projects, and (6) restoration of riparian vegetation.
    - Permitted uses within riparian buffer zones include: (1) Uses permitted in riparian corridors; (2) Crop growing and grazing, provided no existing riparian vegetation is removed and no soil is allowed to enter stream channels; and (3) Timbering in "stream side corridors" as defined and controlled by state and county regulations for timber harvesting. [City of Half Moon Bay Zoning Code Section 18.38.075(A) and (E)]

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3.4 Other Statutes, Codes, and Policies Affording Limited Protection

California Native Plant Society

The California Native Plant Society (CNPS) maintains a list of plant species native to California that have low numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Plants of California (CNPS 2014: https://www.cnps.org/cnps/rareplants/inventory/). Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review. The following identifies the definitions of the CNPS listings: https://www.cnps.org/cnps/rareplants/ranking.php

California Rare Plant Rank 1A:	Plants presumed extirpated in California and either rare or extinct elsewhere.
California Rare Plant Rank1B:	Plants rare, threatened, or endangered in California and elsewhere.
California Rare Plant Rank 2A:	Plants presumed extirpated in California, but more common elsewhere.
California Rare Plant Rank 2B:	Plants rare, threatened, or endangered in California, but more numerous elsewhere.
California Rare Plant Rank 3:	Plants about which more information is needed – a review list.
California Rare Plant Rank 4:	Plants of limited distribution – a watch list.

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4.0 BIOLOGICAL SETTING

The Project Site is an open space area that encompasses the marine environment (the sandy beach), adjacent sea cliffs, and vegetated communities consisting of a mosaic of native Coastal prairie, non-native annual grasslands, freshwater wetlands and Coastal scrub, with small areas of planted Monterey cypress. Based on review of the U.S. Department of Agriculture Natural Resources Conservation Service Web Soil Survey (NRCS 2018), the project area was never classified by the Soil Conservation Service and the soil types at the site are not included in the soil survey. Soils on adjacent property to the north are listed as Coastal beaches in the area adjacent to the bluff and Denison clay loam, nearly level, in the area slightly inland (Figure 4). The FEMA floodplain map of 100-year flood zone is shown in Figure 5. Previous wetland evaluations in the area include the studies conducted by the National Wetlands Inventory (see NWI mapping in Figure 6).

The Project Site is biologically connected to the similar North Wavecrest property to the south. North Wavecrest was subject to extensive biological study as part of the Wavecrest Village project in 2004, which did not end up being developed. The studies identified a number of special status species as well as potential suitable habitat for such species including wintering species of raptors, California red-legged frog, San Francisco garter snake, Short-eared Owls, Grasshopper Sparrow, Bryant's Savannah Sparrow, Choris's popcornflower, and Perennial goldfields. Studies and review were done by USFWS, CDFW, CCC, Sequoia Audubon Society, and others. As the Project Site is contiguous and provides similar habitat, these previous studies and data were used to inform this biological assessment.

The Wavecrest and Project Site properties together form an expanse of undeveloped habitat on publicly-owned and private parcels extending from Kelly Avenue on the north to Redondo Beach Road to the south. Gary Deghi of HBG has lived within a couple miles of this expanse of biologically important habitats (including the Project Site) since 1988, and is familiar with ecological aspects of this mosaic of habitats along the Half Moon Bay blufftop. Biological descriptions included in this study are based on review of available literature from the California Natural Diversity Data Base, interviews and discussions with local biologists including ornithologist Alvaro Jaramillo and botanist Toni Corelli (who also both live near the Project Site), observations made during qualitative surveys conducted by HBG biologists on January 30 and June 29, 2018, and visits made by Gary Deghi to the project area over a period spanning 30 years.

4.1 Biological Description of the Project Vicinity

The Project Area supports a strip of Marine Environment along the coastal beach, sea

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cliffs, and a mosaic of grassland, scrub and wetland habitats vegetated primarily with mostly non-native vegetation, although areas immediately adjacent to the bluff edge have a high concentration of native species, including rare plant species listed by the California Native Plant Society (CNPS). Local botanists have designated the habitat along the bluff edge as unique Coastal Terrace Prairie. This blufftop open space in combination with the Wavecrest area immediately to the south, a portion of which was purchased by Peninsula Open Space Trust (POST) in 2007, forms a vacant and undeveloped area that is a combination of preserved public open space and parcels in private ownership.

The ocean bluffs and open fields in this part of Half Moon Bay are an important habitat for wintering species of raptors (birds of prey). The habitat includes grasslands and wetlands for foraging, shrubs for cover, trees for roosting, and a large population of California voles (*Microtus californicus*) that vary in numbers in several-year cycles that provide ample prey for the large variety of birds of prey that winter in this area. The local Audubon chapter (Sequoia Audubon Society) considers Wavecrest and areas west of Railroad Avenue, including the project area, to be the most important habitat for wintering raptors in San Mateo County.

4.2 Biological Description of the Project Site

HBG surveys of the Project Site as part of this study included observations of the composition and distribution of plant species and plant communities, wildlife observations, identification of sensitive habitats, and a comparison of site characteristics for similarity to sites known to support special status species within the area. Robert Perrera (Senior Wetland Scientist) and Gary Deghi (Senior Environmental Scientist/Wildlife Biologist) from HBG conducted a biological review of the site on January 30, 2018 to determine the location of any sensitive habitats, including wetlands, and to review the site with respect to the potential to harbor special status species that could be impacted by activities for the site proposed by the City. HBG completed a preliminary wetland delineation for the property that identified the general locations of areas that could be considered potential wetlands using criteria of the Corps, San Francisco Bay Regional Water Quality Control Board and California Coastal Commission. Gary Deghi of HBG made a summer visit to the site on June 29, 2018.

4.2.1 Plant Communities and Habitats

Vegetation communities are assemblages of plant species growing in an area of similar biological and environmental factors. Vegetation communities and habitats at the project site were identified based on the currently accepted List of Vegetation Alliances and Associations (or Natural Communities List) (CDFW 2010). The list is based on A

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Manual of California Vegetation, Second Edition (Sawyer and Keeler-Wolf 2009), which is the National Vegetation Classification applied to California.

The 48.2-acre Project Site contains seven habitat communities. These include the beach area and the adjacent cliff along the west edge of the site and five vegetated communities within the open field classified according to the Natural Communities List (CDFW 2010). The seven habitat types include the Marine Environment (which includes the sandy beach) (6.0 acres), Sea Cliffs (3.3 acres), Non-native Annual Grassland (31.4 acres), Coastal Freshwater Marsh (5.7 acres), Central Coast Scrub (1.1 acres), Monterey Cypress Forest (0.7 acres) and Coastal Terrace Prairie, which consists of a combination of grassland, scrub and the wetlands in an area close to the bluff edge with a greater percentage of native species, as described below. Figure 7 shows the extent and distribution of habitat types and vegetated community types on the property. A plant list for the Half Moon Bay coastal bluff, including the Project Site, has been compiled by local botanist Toni Corelli, and is included as Table 1.

Marine Environment. The westernmost portion of the Project Site is the Coastal beach that was mapped as Marine Environment (6.0 acres). The Marine Environment was mapped as defined by the USFWS Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al 1979) as follows: "The marine system consists of the open ocean overlying the continental shelf and its associated high energy coastline." Thus, the Marine Environment was mapped to include areas of sandy beach found within the project area. The Marine Environment is classified as an ESHA based on criteria contained within the current LCP.

Sea Cliffs. Adjacent to and just east of the beach are Sea Cliffs (total of about 3.3 acres), which were mapped as the area of steep slope in the interface between the Marine Environment and land-based habitats. Some vegetation is found along the sea cliffs including ice plant (*Carpobrotus edulis*), seaside golden yarrow (*Eriophyllum staechadifolium*), wild radish (*Raphanus sativa*), bristly ox-tongue (*Helminthotheca echioides*), coyote brush (*Baccharis pilularis*), and others. The LCP classifies sea cliffs as an ESHA as sea cliffs are adjacent to the Marine Environment and many sea cliffs provide nesting substrate for seabirds. However, no seabirds are known to nest on the sea cliffs adjacent to the Project Site.

Non-native Grassland. The blufftop area beyond the top of the sea cliff is a mix of vegetated habitat as described above. The most prevalent vegetated habitat type is non-native grassland (approximately 31.4 acres of the site). The non-native grassland habitat on the property is comprised largely of non-native grasses and herbaceous species. Common non-native grass species include perennial ryegrass (*Festuca perennus*), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordaceus*), wild oats

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(*Avena fatua*), rat-tail fescue (*Vulpia myuros*), and foxtail (Hordeum leporinum). Non-native herbaceous plants are also present such as bristly ox-tongue (*Helminthotheca echioides*), black mustard (*Brassica nigra*), wild radish (*Raphanus sativus*), English plantain (*Plantago lanceolata),* cat's ear (*Hypochaeris radicata*), bull mallow (*Malva nicaensis*), field bindweed (*Convolvulus arvensis*), bird's foot trefoil (*Lotus corniculatus*), red-stem filaree (*Erodium cicutarium*), and salsify (*Tragopogon porrifolius),* among others. Some remnant native plants can be found among the non-native grasses and herbaceous plants such Blue-eyed grass (*Sisyrinchium bellum*) and California poppy (*Eschscholzia californica*).

Central Coast Scrub. Scattered coyote brush (*Baccharis pilularis*), a native species, occurs on the site, and in several locations clumps of coyote brush are of sufficient density for classification as Central Coast Scrub. Approximately 1.1 acres of Central Coast Scrub occur in the blufftop fields of the Project Site.

Coastal Freshwater Marsh. Coastal Freshwater Marsh habitat is scattered throughout the non-native grassland and portions of the Coastal Terrace Prairie. These wetland habitats form in low-lying areas of the site and are vegetated with plant species that are adapted for life in ponded or saturated soil conditions. Approximately 5.7 acres of Coastal Freshwater Marsh is found at the site. Vegetation in these areas consists of many species adapted for life in saturated soil conditions including common spikerush (*Eleocharis macrostachya*), spreading rush (*Juncus patens*), brown-headed rush (*Juncus phaeocephalus*), tall flat-sedge (*Cyperus eragrostis*), pennyroyal (*Mentha pulegium*), rabbitsfoot grass (*Polypogon monspeliensis*), curly dock (*Rumex crispus*), hyssop loosestrife (*Lythrum hyssopifolia*), California goldfields (*Lasthenia californica* ssp. *californica*), velvet grass (*Holcus lanatus*), perennial ryegrass (*Festuca perennis*), Choris's popcornflower (*Plagiobothrys chorisianus* var. *chorisianus*), which is a CNPS List 1B plant (see Section 4.2.4), and other species. Five ditches traverse the site between culverts under Railroad Avenue and the top of bluff where they eventually drain into the ocean. These ditches are also vegetated with species adapted to wetland situations including many species found in wetlands throughout the site as well as species such as broadleaf cattail (*Typha latifolia*), common smartweed (*Polygonum* sp.)*,* and California blackberry (*Rubus ursinus)*.

All wetlands within the Project Site would be considered ESHA as suggested by criteria spelled out in the LCP and the Coastal Act.

Coastal Terrace Prairie. The area immediately adjacent to the top of the bluff is a combination of grasslands, wetlands and scrub habitat containing a large percentage of native plants. The preponderance of native plants allows classification of this area as native Coastal Terrace Prairie. Coastal Terrace Prairie is a rare, species-rich habitat type

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occurring along the California Coast. The general boundary of this habitat type within the Project Site has been mapped by local botanist Toni Corelli and is included herein with her permission. According to Ms. Corelli, the remaining Coastal Terrace Prairie in Half Moon Bay is interspersed with the low-growing coastal bluff scrub along the coastal bluff top and in disturbed non-native grasslands. Although not specifically mentioned as a habitat type identified as potential ESHA in the LCP, this rare habitat type within the Project Site is appropriately identified as an ESHA.

The Coastal Terrace Prairie at the Project Site is a highly variable mixture of native perennial grasses and forbs, native and non-native annual forbs, and non-native grasses. Native species found in this habitat type include maritime brome (*Bromus maritimus*), California oat grass (*Danthonia californica*), meadow barley (*Hordeum brachyantherum*) and perennial goldfields (*Lasthenia californica* ssp. *macrantha*), a CNPS List 1B species (see Section 4.2.4). The Coastal Terrace Prairie habitat, with extensive growth of perennial goldfields, occurs on the immediate coastal bluff tops along the Coastside Trail as it extends through the Project Site and laterally covers the blufftops to a width of up to about 300 feet. Many locations along the bluff edge adjacent to the Coastal Trail have been subject to extensive access by trail users, and many of these areas show signs of overuse and trampling of vegetation. These areas within the Coastal Terrace Prairie are prime candidates for revegetation efforts and possible restoration.

4.2.2 Animal Populations

The habitats found in the project area include the presence of standing water on a seasonal basis which can accommodate wildlife adapted to aquatic areas, and grasses and shrubs that provide sites for foraging, nesting and cover for a number of species. Small clumps of Monterey cypress trees provide nesting, roosting and foraging sites for many species as well. Many animal species are specifically adapted to the Marine Environment (including the sandy beach) along the west edge of the Project Area.

The ocean bluffs and open fields within the Project Area provide important foraging area for wintering species of raptors (birds of prey). Factors contributing to the value of this area as a wintering area for raptors are the habitat that includes grasslands and wetlands for foraging, shrubs for cover, trees for roosting, and a large population of California voles that vary in numbers in several-year cycles that provide ample prey for the large variety of birds of prey that winter in this area.

Observations by residents of the neighborhood and area birders and ornithologists demonstrates extensive winter use of these ocean bluffs by Red-tailed Hawk (*Buteo jamaicensis*), Red-shouldered Hawk (*Buteo lineatus*), White-tailed Kite (*Elanus leucurus*), Northern Harrier (*Circus cyaneus*), and American Kestrel (*Falco sparverius*). Other

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species such as Sharp-shinned Hawk (*Accipiter striatus*), Cooper's Hawk (*Accipiter cooperii*), Great Horned Owl (*Bubo virginianus*) and Barn Owl (*Tyto alba*) are also present, but are less common. Peregrine Falcon (*Falco peregrinus*) (nests at Devil's Slide), Merlin (*Falco columbarius*) and Osprey (*Pandion haliaetus*) are observed annually. A population of between one and five Short-eared Owls (*Asio flammeus*) winter at Wavecrest and the surrounding area each year, and these birds are sometimes seen foraging over the fields in the Project Area on winter mornings or evenings. Rare bird of prey species that have been sighted in this area include Golden Eagle (*Aquila chrysaetos*), Prairie Falcon (*Falco mexicanus*), Swainson's Hawk (*Buteo swainsoni*), Ferruginous Hawk (*Buteo regalis*), Rough-legged Hawk (*Buteo lagopus*) and Burrowing Owl (*Athene cunicularia*). Unusual bird numbers during years of peak vole populations have included over 100 White-tailed Kites and at least 15 Barn Owls at one time (September of 2007).

Other common birds include Black Phoebe (*Sayornis nigricans*), Say's Phoebe (*Sayornis saya*), Savannah Sparrow (*Passerculus sandwichensis*), White-crowned Sparrow (*Zonotrichia leucophrys*), Golden-crowned Sparrow (*Zonotrichia atricapilla*), Song Sparrow (*Melospiza melodia*), Western Meadowlark (*Sturnella neglecta*), Red-winged Blackbird (*Aegelaius phoeniceus*), Brewer's Blackbird (*Euphagus cyanocephalus*), House Finch (*Haemorhous mexicanus*) and American Goldfinch (*Spinus tristis*). In addition, a number of rare birds not normally seen in this area have included species such as Red-throated Pipit (*Anthus cervinus*), Bobolink (*Dolichonyx oryzivorus*), Dickcissel (*Spiza Americana*), LeConte's Sparrow (*Ammodramus leconteii*), Lapland Longspur (*Calcarius lapponicus*), Great-tailed Grackle (*Quiscalus mexicanus*), and many others. Grasshopper Sparrow (*Ammodramus savannarum*), and Bryant's Savannah Sparrow (*Passerculus sandwichensis alaudinus,* a subspecies of Savannah Sparrow), both state-designated as species of special concern, nest or potentially nest in the mosaic of grasslands and wetlands in the blufftop grasslands of the area west of Railroad Avenue.

The Marine Environment consisting of the beach and near-shore waters provide habitat for additional bird species adapted to these environments. The beach provides habitat for a variety of shorebirds, gulls, and terns, and the nearshore waters are habitat for species of waterfowl (e.g., scoters), grebes, loons, cormorants, gulls, terns, and seabirds (e.g., shearwaters or alcids). The dunes and beach at Half Moon Bay State Beach just north of the Project Site has been designated under the federal Endangered Species Act as Critical Habitat for the federally-listed threatened Western Snowy Plover (*Charadrius alexandrunus nivosus*) that nests and also winters in the area. Occasionally during the summer, thousands of Sooty Shearwaters (*Ardenna grisea*) can be seen in masse just offshore in large feeding flocks. Whales can often be seen just offshore as well, including humpback whales (*Megaptera novaeangliae*) in the summer and fall and California gray whales (*Eschrichtius robustus*) in the winter and spring.

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Mammals that have been observed in the blufftop fields include coyote (*Canis latrans*), bobcat (*Lynx rufus*), mule deer (*Odocoileus hemionus*), Botta's pocket gopher (*Thomomys bottae*), long-tailed weasel (*Mustela frenata*), raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), California vole, and many others. Common reptiles found in the area include Pacific treefrog (*Pseudacris regilla*), northern alligator lizard (*Elgira coerulea*), western fence lizard (*Sceloporus occidentalis*) and Coast garter snake (*Thamnophis elegans terrestris*). Other sightings include individuals of the federally-listed threatened California red-legged frog (*Rana draytonii*) which has been documented in the Project Site vicinity from fields at Wavecrest, an artificial pond near the end of Seymour Street, and unverified reports from residential yards along Kelly Avenue.

Birds documented during a one-day onsite survey by biologists from HBG in January of 2018 included a number of raptor species including White-tailed Kite, Red-tailed Hawk, Red-shouldered Hawk, Northern Harrier, and American Kestrel. Other birds noted during the survey included Great Egret (*Ardea alba*), Great Blue Heron (*Ardea herodius*), Rock Pigeon (*Columba livia*), Mourning Dove (*Zenaida macroura*), Eurasian Collared-Dove (*Streptopelia decaocto*), Northern Flicker (*Colaptes auratus*), Black Phoebe, Anna's Hummingbird (*Calypte anna*), American Crow (*Corvus brachyrhynchos*), Common Raven (*Corvus corax*), European Starling (*Sturnus vulgaris*), Bewick's Wren (*Thryomanes bewickii*), American Robin (*Turdus migratorius*) , Yellow-rumped Warbler (*Setophaga coronata*), California Towhee (*Melozone crissalis*), Savannah Sparrow, White-crowned Sparrow, Golden-crowned Sparrow, Song Sparrow, Lincoln's Sparrow (*Melospiza lincolnii*), Brewer's Blackbird, Red-winged Blackbird, House Finch, American Goldfinch and House Sparrow (*Passer domesticus*). Western fence lizards were observed, dens of Botta's pocket gopher were scattered throughout the site, and tunnels used by California vole were noted. In addition, birds observed on the beach included Sanderling (*Calidris alba*), Willet (*Tringa semipalmata*), Whimbrel (*Numenius phaeopus*) and California (*Larus californica*) and Western Gulls (*Larus occidentalis*). Birds noted in the near-shore waters included Surf Scoter (*Melanitta perspicillata*), Red-throated Loon (*Gavia stellata*), Pacific Loon (*Gavia pacifica*), Western Grebe (*Aechmophorus occidentalis*) and Double-crested Cormorant (*Phalacrocorax auritus*).

An additional field visit was conducted on June 29, 2018 to review summer conditions. Birds observed within the fields during this field visit included Anna's Hummingbird, Black Phoebe, Barn Swallow (*Hirundo rustica*), Violet-green Swallow (*Tachycineta thalassina*), Tree Swallow (*Tachycineta bicolor*), American Crow, Common Raven, European Starling, Savannah Sparrow (with young), White-crowned Sparrow, Brewer' Blackbird, American Goldfinch, House Finch and House Sparrow. Western Gulls were on the beach and birds in near-shore waters included Surf Scoter, Western Grebe, Red-throated Loon, Double-

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crested Cormorant, Brown Pelican (*Pelecanus occidentalis*), Caspian Tern (*Hydroprogne caspia*), and alcids including Common Murre (*Uria aalge*)(nests at Devil's Slide), Pigeon Guillemot (*Cepphus columba*), and Marbled Murrelet (*Brachyramphus marmoratus*), a federally-listed threatened seabird that nests in old growth forests in the Santa Cruz Mountains and forages in near-shore ocean waters along the coast, including those along the Project Site.

4.2.3 Wetland and Other Waters of the U.S. Delineation

Summary of Regulations Pertaining to Wetlands and Water Courses. The Department of the Army, acting through the Corps, has the authority to permit the discharge of dredge or fill material in waters of the U.S. under Section 404 of the Clean Water Act (CWA). Waters of the U.S. include both wetlands and "other waters of the U.S." Wetlands and other waters of the U.S. are described by U.S. US EPA and Corps regulations (40 CFR § 230.3(s) and 33 CFR § 328.3(a), respectively). US EPA and the Corps define wetlands as *"…those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions*" (US EPA regulations at 40 CFR § 230.3(t); Corps regulations at 33 CFR § 328.3(b)). Both natural and manmade wetlands and other waters are subject to regulation. The geographic extent of other waters of the U.S. is defined by an OHWM in non-tidal waters (33 CFR. §328.3(e)) and by the High Tide Line within tidal waters (33 CFR. §328.3(d)).

The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) also regulates wetlands and other waters as waters of the State under its federally-delegated Section 401 CWA Water Quality Certification program and the Porter-Cologne Water Quality Control Act Program. Waters of the State are defined more broadly than "waters of the US" to mean "any surface water or groundwater, including saline waters, within the boundaries of the state" (Water Code section 13050(e)). The state SWQCB and its Regional Boards routinely rely on the Corps/US EPA jurisdictional determinations as they have no adopted methodology for the identification and delineation of wetlands or other waters of the State.

The CDFW also regulates stream courses under Section of 1602 of the California Fish and Game Code. California Fish and Game Code (FGC) Section 1602 requires any person, state, or local governmental agency, or public utility subject to FGC 1600 thru 1616 to notify CDFW of any proposed activity that may substantially divert or obstruct a river, stream, or lake.

Wetlands in California's Coastal Zone are regulated under the California Coastal Act

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(CCA) of 1976, which is administered by the California Coastal Commission (CCC). Section 30121 of the CCA defines "wetlands" as "lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens." The CCC considers a wetland to be any area that is sufficiently wet for a long enough period of time to promote the formation of hydric soils or a predominance of hydrophytic vegetation. Title 14 of the California Code of Regulations (CCR) Section 13577 designates the following features to define the upper limits of wetlands: (i) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; (ii) the boundary between soil that is predominantly hydric and soil that is predominantly non hydric; or (iii) in the case of wetlands without vegetation or soil, the boundary between land that is flooded or saturated at some time each year and land that is not. The CCC staff has developed a wetland identification and delineation methodology based on the CCR definition. The methodology requires that a one parameter approach be followed to identify and delineate the geographic extent of wetland boundaries. The parameter used can be either (1) the presence of hydric soils, or (2) the presence of a predominance of hydrophytes.

The Half Moon Bay LCP defines wetlands as "…areas where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground." (City of Half Moon Bay Zoning Code Chapter 18.20).

The Coastal Act also regulates development in riparian habitats that form along freshwater watercourses including perennial and intermittent streams, lakes, and other bodies of fresh water. The California Coastal Act requires that buffer zones be established for environmentally sensitive habitat areas such as wetland and riparian habitats. These buffer zones are to be measured from the landward edge of wetlands and from the landward edge of riparian vegetation or edge of the bank of a stream.

Preliminary Wetland and Other Waters of the U.S. Delineation-Methodology
On January 30, 2018, Robert Perrera and Gary Deghi of HBG conducted an initial reconnaissance investigation of the study area for the presence of wetlands and other "waters of the U.S." potentially subject federal jurisdiction under the Clean Water Act and jurisdiction of the State of California under the California Coastal Act.

HBG reviewed the site in accordance with the following: The California Coastal Act and Title 14 of the CCR; the Code of Federal Regulations definitions of jurisdictional waters; the Corps' 1987 *Wetlands Delineation Manual* (1987 Manual); the Corps' 2008 *Regional Supplement to Corps of Engineers Wetland Delineation Manual: Arid West, Version 2.0*

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(Arid West Regional Supplement); and supporting guidance documents. The review included an investigation of existing land forms, vegetation, hydrology, and soil conditions, but consisted of a preliminary review of the area for wetland habitats. A formal wetland delineation defining precise boundaries of wetlands was not conducted and a technical report that could be submitted to the Corps of Engineers or other federal or state agencies for verification of wetland boundaries has not been prepared.

Preliminary Wetland and Other Waters of the U.S. Delineation-Results

Areas that would be considered wetlands under both the California Coastal Act and Section 404 of the CWA were found on the property. A preliminary map of these resources can be found in Figure 8. Wetlands were found in drainage ditches that cross the Project Area at five locations and were also found in low elevation areas throughout the site between Poplar Street and Kelly Avenue. A total of 5.7 acres of vegetated wetlands and drainages were found within the Study Area as shown in Figure 8. All wetlands were found to satisfy criteria of the Corps of Engineers under the Clean Water Act and of the California Coastal Act. According to the Cowardin et al. (1979) criteria the 5.7 acres of vegetated wetlands are palustrine emergent seasonal wetlands.

4.2.4 Special Status Species

Sensitive species include those species listed by the federal and state governments as endangered, threatened, or rare or candidate species for these lists. Endangered or threatened species are protected by the federal Endangered Species Act of 1973 as amended, the California Native Plant Protection Act of 1977, and the California Endangered Species Act of 1970. The CEQA provides additional protection for unlisted species that meet the “rare” or “endangered” criteria defined in Title 14, California Code of Regulations Section 15380.

CDFW maintains records for the distribution and known occurrences of sensitive species and habitats in the California Natural Diversity Database (CNDDB). The CNDDB is organized into map areas based on 7.5-minute topographic maps produced by the US Geological Survey. All known occurrences of sensitive species and important natural communities are mapped on the quadrangle maps. The database gives further detailed information on each occurrence, including specific location of the individual, population, or habitat (if possible) and the presumed current state of the population or habitat. The project site is located in the Half Moon Bay 7.5-minute quadrangle. A search of the CNDDB for records of occurrence of special status animals and plants and natural communities indicated that a number of special status species are known to occur in the vicinity of the project site. CNDDB observations in the Project Area are included in Figure 9.

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Special Status Animal Species. A number of special status species are known to occur in the vicinity of the Project Area. The most notable of these are the federally-listed threatened California red-legged frog and endangered San Francisco garter snake. A description of these species and their history in the project area is described below.

Many of the raptor species mentioned in the site description are also species with special status. The White-tailed Kite, which is common in the project vicinity in winter, is a California Fully Protected Species. Swainson's Hawk, rare in the area, is state-listed as threatened. Raptor species that are designated as species of concern in California for nesting habitat or are on the California Watch List, or are designated as USFWS bird species of conservation concern include regularly-occurring species in the project area such as Northern Harrier, Sharp-shinned Hawk, Cooper's Hawk and Short-eared Owl, and the rare Prairie Falcon and Osprey, all of which occur in the area in winter and are not breeding species at this location. Though of concern for nesting, both the California Department of Fish and Wildlife and the California Coastal Commission indicated during review of the Wavecrest Village project that the wintering population of Short-eared Owls in this area is regionally significant and worthy of protection (personal communication by Gary Deghi with John Dixon of California Coastal Commission and Carl Wilcox of California Department of Fish and Wildlife in 2003).

Several of the raptor species are state-designated species of special concern or USFWS bird species of conservation concern for both nesting and wintering habitat including Golden Eagle, Ferruginous Hawk and Merlin. Merlin is seen on the bluffs every year and the grasslands west of the Project Area are an important wintering habitat for this species. Ferruginous Hawk is seen occasionally and Golden Eagles have been observed but are rare. Peregrine Falcon was at one time federally-listed and state-listed as endangered; the species has recently been delisted from both the federal and state Endangered Species Acts, but remains a species of concern in California and a USFWS bird species of conservation concern.

Other bird species designated as state species of special concern and as USFWS bird species of conservation concern found on the Half Moon Bay bluffs are the Loggerhead Shrike (*Lanius ludovicianus*), San Francisco Common Yellowthroat (*Geothlypis trichas sinuosa*), Grasshopper Sparrow and Bryant's Savannah Sparrow (see discussion below pertaining to the two sparrow species). Loggerhead Shrike occurs on the bluffs some years during the winter. San Francisco Common Yellowthroat has nested in the riparian corridor at the south end of the Wavecrest area, but no nesting habitat for this species occurs within the Project Site. Grasshopper Sparrow and Bryant's Savannah Sparrow (a subspecies of Savannah Sparrow), both state-designated as species of special concern, nest or potentially nest in the mosaic of grasslands and wetlands in the blufftop grasslands of the area west of Railroad Avenue (see discussion below pertaining to these

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sparrow species). The federally-listed threatened California red-legged frog and federally-listed endangered San Francisco garter snake either occur or have suitable habitats in the Project Area, and their potential presence in the area is of relevance with respect to potential plans by the City for the parcels. These two species are also discussed in greater detail below.

California Red-legged Frog

The California red-legged frog (CRLF, *Rana draytonii)* is a federally-listed threatened species and California species of special concern. The historical range of the California red-legged frog extended from the vicinity of Point Reyes National Seashore in Marin County southward to northwestern Baja California, Mexico and inland to approximately Redding in Shasta County (61 Federal Register 25813). The frog has sustained a 70 percent reduction in its geographic range. The project area is not part of the critical habitat designated under the Endangered Species Act for the CRLF.

California red-legged frogs have been observed in aquatic and terrestrial habitats, including marshes, streams, lakes, reservoirs, ponds and other permanent, or near permanent, sources of water. Although they occur in ephemeral streams or ponds, CRLF are expected to thrive in permanent deep-water pools with dense stands of overhanging willows and emergent vegetation, and suitable sites for basking. However, they have been observed in a variety of aquatic environments, including stock ponds and artificial pools with little to no vegetation. California red-legged frogs usually are observed near water, but can move long distances over land between water sources during the rainy season.

The life cycle and patterns of movement of the CRLF have evolved along with the local California climate of wet, cool winters and dry, warm summers. With the onset of the winter rains, CRLF move from dry-season refuges to ponds and streams that can support breeding and successful tadpole development (generally from December to April). Tadpoles generally take until late summer or early fall to complete metamorphosis, and then the maturing young frogs (metamorphs) move to aquatic areas to take cover from predators. Adult frogs often remain year-round at perennial ponds with deep water, but some depart for dry season refuges once breeding is over. Juveniles (frogs that are older than metamorphs but not yet sexually mature) disperse widely over the landscape during the first winter, and will take residence in almost any water source. During the dry months of summer and fall, CRLF seek suitable dry season refuge sites that may include deep water holes in drying streams, springs and spring boxes, seeps, and ground squirrel burrows. To find these refuges, frogs will travel several hundred yards where suitable refuges are abundant and up to three miles in moist coastal areas.

The project area would be considered a habitat suitable to support the species, and it is

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entirely possible that individuals of California red-legged frog use the area as a dispersal habitat. The combination of grasslands and wetlands on the bluffs of western Half Moon Bay were long thought by local naturalists and wildlife biologists to be suitable habitat for CRLF. The presence of CRLF was not documented from this area until 2004 when biologist Chris Giorni of Tree Frog Treks provided photographic evidence of a California red-legged frog that he found from the nearby Wavecrest Village site on June 7, 2004. Since that time CRLF have been observed by knowledgeable individuals in other blufftop locations near the Project Site, such as within an artificial pond near the end of Seymour Street (Steve Foreman of LSA, personal communication, 2018), and there are unverified reports of CRLF in residential yards along Kelly Avenue. Blufftop reports further north include a number of sightings between Pilarcitos Creek and Frenchmans Creek where there is a breeding pond at the Caltrans wetland mitigation site near the sewer treatment plant at the end of Bev Cunha Country Road.

San Francisco Garter Snake

The federally- and state-listed endangered San Francisco garter snake (SFGS, *Thamnophis sirtalis tetrataenia*) is one of eleven recognized subspecies of the common garter snake (*Thamnophis sirtalis*). The San Francisco garter snake is endemic to the San Francisco Peninsula and is known only from San Mateo County, California. Historically, the SFGS was found from approximately the San Francisco County line south along the eastern and western bases of the Santa Cruz Mountains to at least upper Crystal Springs Reservoir and along the Coast south to Ano Nuevo Point. Because much of its range lies within an intensively urbanized area, the subspecies is primarily threatened by urban development, freeway and road construction, trampling, and loss and alteration of suitable habitat.

San Francisco garter snakes are observed most often in the vicinity of standing water, including ponds, lakes, marshes and sloughs. However, temporary ponds and other seasonal water bodies are also utilized. Emergent and bankside vegetation such as cattail (*Typha* sp.), bulrush (*Scirpus* sp.) and spike rush (*Juncus* sp.) are preferred cover. The interface between stream and pond habitats and grasslands is used for basking, and nearby dense vegetation of water often provides escape cover. San Francisco garter snakes remain close to areas of standing water with significant emergent vegetation, but essential breeding habitat for the species also includes open grassy uplands and shallow marshland with adequate emergent vegetation and the presence of both Pacific tree frog and California red-legged frog (McGinnis 1984). The species also uses the dens of burrowing mammals as winter hibernacula and as cover much of the year (Larsen 1994).

The only known sightings of SFGS in Half Moon Bay are of an individual that was found near the mouth of Pilarcitos Creek during environmental review of the Coastal Trail

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around 1990, and of another individual found along Pilarcitos Creek near downtown Half Moon Bay in June of 2004. The species occurs in the Pilarcitos Creek watershed near Crystal Springs Reservoir, and many herpetologists suspect the species may occur along Pilarcitos Creek between Half Moon Bay and Crystal Springs within areas that have not been surveyed. Due to the preferred habitat types of SFGS, the project area would be considered a habitat suitable to support the species.

Grasshopper Sparrow
Grasshopper Sparrow (*Ammodramus savannarum*) occurs in grasslands across North America and ranges from southern Canada to as far south as Ecuador. Grasshopper Sparrows are common only in the Great Plains, but numbers are in decline due to loss of habitat, conversion of pasture to row crops, and fire suppression. Grasshopper Sparrows in California prefer moderately open, short to middle-height grassland habitats with scattered shrubs (Shuford and Gardali 2008). In California, agricultural and urban development has fragmented habitats within the range of the species, and Grasshopper Sparrow has been designated in the state as a species of special concern. Suitable habitat for Grasshopper Sparrow can be found throughout the mosaic of grassland, wetland and coastal scrub habitats on the ocean bluffs between Kelly Avenue and Redondo Beach Road, including the area of the Project Site. Although they have been observed in the area West of Railroad Avenue, nesting has not been documented (Alvaro Jaramillo, personal communication 2018).

Bryant's Savannah Sparrow
Bryant's Savannah Sparrow (*Passerculus sandwichensis alaudinus*) is an endemic subspecies of the widespread Savannah Sparrow that is designated as a species of special concern in California primarily due to its limited range. Bryant's Savannah Sparrow is restricted to a narrow coastal strip between Humboldt Bay and Morro Bay, with a population center around the San Francisco Bay. This sparrow occupies low tidally influenced habitats, adjacent ruderal areas, moist grasslands within and just above the fog belt, and, infrequently, drier grasslands. Loss and degradation of coastal marshes and grasslands with the range of the species have reduced available habitat and caused local extirpations. Bryant's Savannah Sparrow is a California-designated species of special concern. Bryant's Savannah Sparrow has been documented as a breeding species in the mosaic of blufftop grasslands and wetlands between Kelly Avenue on the north and Redondo Beach Road on the south, including areas of the Project Site (Alvaro Jaramillo, personal communication 2018).

Special Status Plant Species. A Special status plant species include: (i) species that are listed or proposed for listing as threatened or endangered under the federal Endangered Species Act; (ii) species that are listed, or proposed for listing by the state of California as threatened or endangered under the California Endangered Species Act;

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(iii) plants considered by the California Native Plant Society (CNPS) to be rare, threatened, or endangered in California and elsewhere; and (iv) plant species that meet the definition of rare or endangered under CEQA.

Although there is a high percentage of non-native vegetation on the Project Site, the Coastal Terrace Prairie and Coastal Freshwater Marsh habitats include a number of native species, and these habitats on the site support known populations of special status plants. Special status plant species found on the Half Moon Bay bluffs and also within the Project Site are Choris's popcornflower (*Plagiobothrys chorisianus* var. *chorisianus*) and perennial goldfields (*Lasthenia californica* ssp. *macrantha*).

Choris's popcornflower
Choris's popcornflower (*Plagiobothrys chorisianus* var. *chorisianus)* is an annual dicot native and endemic to California. The species is known from coastal prairie, chaparral, northern coastal scrub and wetland/riparian habitats, but almost always occurs under natural conditions in wetlands. Choris's popcornflower is known from populations in Alameda, Santa Cruz, San Mateo, and San Francisco Counties. The species is listed by the California Native Plant Society (CNPS) on list 1B.2 (species considered to be rare, threatened or endangered in California and elsewhere). Reports in the CNDDB show that Choris's popcornflower occurs within wetlands scattered throughout various locations on the ocean bluff in Half Moon Bay, including the Project Site. The mapped locations of Choris's popcornflower on the Project Site within in CNDDB are shown in Figure 9. The areas mapped in Figure 9 encompass the maximum known distribution of the plants on the Project Site as the exact boundary of the populations vary from year to year.

Perennial goldfields
Perennial goldfields (*Lasthenia californica* ssp. *macrantha*) is an annual dicot that is native and near-endemic to California (found only slightly beyond California borders). The species is known from primarily from Coastal scrub habitats but occasionally occurs in wetlands. The species has been recorded in San Luis Obispo, San Mateo, Marin, Sonoma, and Mendocino Counties. The species is listed by the California Native Plant Society (CNPS) on list 1B.2 (species considered to be rare, threatened or endangered in California and elsewhere). Perennial goldfields are known from Central Coast Scrub and pockets of wetlands scattered throughout various locations on the ocean bluff in Half Moon Bay, usually close to the edge of the coastal bluffs. Reports in the CNDDB show that perennial goldfields is known from the Project Site in areas at the edge of the coastal bluff near the Coastal Trail. The mapped locations of Choris's popcornflower on the Project Site within in CNDDB are shown in Figure 9. The areas mapped in Figure 9 encompass the maximum known distribution of the plants on the Project Site as the exact boundary of the populations vary from year to year.

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4.2.5 Environmentally Sensitive Habitat Areas

ESHAs are defined in Section 30107.5 of the Coastal Act as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Areas that would be defined as an ESHA are present within the Project Site. ESHAs within the Project Site include the Marine Environment (areas on the beach), the Sea Cliffs, Coastal Terrace Prairie, all wetlands on the Project Site, and the known mapped locations of Choris's popcornflower and perennial goldfields. A map showing the location of potential ESHAs on the Project Site is shown in Figure 10.

Although breeding habitats for federally-listed CRLF and SFGS are not present, the Project Site constitutes potential dispersal habitat for either species and the entire site could be considered a potential ESHA for this resource as well. The entire Project Site also provides suitable nesting habitat for Bryant's Savannah Sparrow and Grasshopper Sparrow, two bird species considered as state species of special concern. In addition, the entire Project Site is part of a regionally important habitat for wintering populations of birds of prey.

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5.0 BIOLOGICAL EVALUATION

5.1 Sensitive Habitats

ESHAs, as defined by Section 30107.5 of the Coastal Act are present on the Project Site and must be accommodated and protected for any recreational development to be considered by the City of Half Moon Bay at this time for the area. The City is not considering any active recreation improvements in conflict with ESHA protection. ESHAs or Potential ESHAs within the Project Site include the Marine Environment (areas on the beach), the Sea Cliffs, all wetlands on the Project Site, the Coastal Terrace Prairie along the bluff edge (combination of grassland, scrub and wetlands), and the known mapped locations of Choris's popcornflower and perennial goldfields. Although breeding habitats for federally-listed CRLF and SFGS are not present, the Project Site constitutes potential dispersal habitat for either species and the entire site could be considered a potential ESHA for this resource as well. Potential ESHAs would require further site-specific study to make a final determination of constitution of ESHA. The entire Project Site also provides suitable nesting habitat for Bryant's Savannah Sparrow and Grasshopper Sparrow, two bird species considered as state species of special concern. In addition, the entire Project Site is part of a regionally important habitat for wintering populations of birds of prey.

Examples of the kinds of improvements being contemplated by the City of Half Moon Bay include improvements to the parking area at the end of Poplar Street, access down the ocean bluff to the beach near the parking lot, improvements to the bike path along Poplar Street between Railroad Avenue and the parking area along the top of the ocean bluff, and a possible relocation of the Coastal Trail to the east by 100 to 150 feet to circumvent and/or accommodate anticipated blufftop erosion that has the potential to compromise the Coastal Trail in its current location.

Although the intent of the City in design of recreational improvements is to avoid ESHAs and biologically important areas to the maximum extent possible, ESHAs or potential ESHAs are scattered throughout the site and it may not be possible to achieve total avoidance of such areas. The California Coastal Act and the City's LCP generally prohibit development that would adversely impact ESHA and requires that impacts to ESHAs be minimized to the maximum extent feasible and mitigated where avoidance is not possible. Permitted uses within ESHAs and their buffer areas include resource-dependent uses, education and research, trails and scenic overlooks on public lands, and fish and wildlife management.

Marine Environment/Sea Cliffs and Bluffs. The only contemplated improvements that could impact ESHA in the form of the Marine Environment (i.e., the beach) or Sea Cliffs

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and Bluffs would be any improvement for pedestrian access from the area of the existing parking lot down to the beach area. Coastal dependent and related recreational uses, such as the Coastal Trail and beach accessways, are permitted priority uses within areas of bluffs and sea-cliffs. Existing access is present, and the design of any improved beach access could minimize impact to ESHA by limiting any improvements as much as possible to the existing footprint of the existing access, as well as to stabilize or at least minimize human-caused erosion due to inadequate vertical access.

> **Design Consideration #1:** Design any new beach access to minimize impacts to ESHA by limiting any improvements as much as possible to the existing footprint of the existing access, or so as to be a longer-term sustainable design.

Coastal Freshwater Marsh/Wetlands. Improvements or any expansion of the existing parking area could encroach into areas of wetland. Other improvements of a linear nature (improvements to the bike lane adjacent to Poplar Street or, more importantly, a relocation of the Coastal Trail to an alignment further inland) have the potential to conflict with the location of existing wetlands and also with ESHA associated with the Coastal Terrace Prairie that runs along the top of the bluff for a distance of up to 300 feet inland. Any improvements to the parking area, bike lane or relocation of the Coastal Trail has the potential for impacts to CRLF and SFGS, and the development of a mitigation plan related to protection of these species would be necessary (see Section 5.3).

One option for expansion of the existing parking lot would be to expand the lot within City-owned property to the east of the existing lot. A review of Figure 8 indicating the location of wetlands as defined by HBG in a preliminary wetland delineation, shows that the area immediately east of the existing parking lot is almost entirely wetland. Expansion of the parking to the east of the existing lot would require fill in wetlands. Such fill in wetlands for an expanded parking lot would require significant encroachment into a wetland area that would be considered as an ESHA according to the California Coastal Act and the City's LCP. Such fill in wetlands would aslo require a Section 404 permit from the Corps and Section 401 water quality certification or Waste Discharge Requirements from the SFBRWQCB. To avoid wetland impacts, alternate parking lot expansion locations that do not contain wetlands should be considered. The area to the south of the existing parking lot contains the closed Half Moon Bay landfill, which is owned and maintained by the County of San Mateo. Studies of the contents of the landfill and best methods for capping would need to occur prior to any improvements in this area.

> **Design Consideration #2:** If recreational plans of the City for the Project Area include expansion of the existing parking lot, alternative locations for expansion

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of the lot should be considered to avoid expansion into a wetland area that would be potentially considered as an ESHA under the Coastal Act and the City's LCP. An alternative would be to enter into negotiations with the owner of the adjacent property to the south (the old landfill property owned by the County of San Mateo) to determine the feasibility of parking lot expansion into that area (an area that does not appear to contain wetlands).

Based on the results of the preliminary wetland delineation conducted by HBG for this report (see Figure 8), it can be seen that construction associated with the Coastal Trail has a high probability of impacting wetlands. However, it is difficult to know for certain exactly where encroachment into wetlands would occur or to what extent, or how a detailed design would be able to avoid such encroachments, until a detailed delineation of wetlands is prepared according to Army Corps and California Coastal Act criteria.

Design Consideration #3: Prepare a detailed wetland delineation of the property to determine precise boundaries of wetlands at the site that potentially satisfy criteria for regulation as wetlands/waters of the U.S. or waters of the State of California (including wetlands defined by the California Coastal Act).

Once a detailed wetland delineation has been prepared, an alignment for any new infrastructure, including a relocated Coastal Trail, can be developed that either avoids wetlands or that minimizes impacts to wetland habitats to the maximum extent possible. Based on the preliminary wetland map as seen in Figure 8, total avoidance of wetlands may not be possible. Once avoidance of the maximum extent of wetlands has been demonstrated, further minimization of wetland impacts can be achieved by placing the Coastal Trail on a boardwalk created by establishing decking supported by footings. Such decking would preclude permanent impacts of filling wetlands, and would allow some wetland functions to continue as water flow could be maintained beneath the trail and movement of small animals (small mammals, reptiles or amphibians) could be maintained.

Design Consideration #4: Based on the detailed wetland delineation, define placement of proposed recreational features in such a way as to maximize avoidance of wetlands.

Design Consideration #5: Once an alignment for the relocated Coastal Trail with the least impact to wetlands has been defined, consider additional means to achieve minimization of wetlands impacts through the use of a boardwalk created by establishing decking supported by footings in wetland areas or through other measures that preserve some wetland functions.

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Design Consideration #6: If design of recreational improvements cannot achieve complete avoidance of wetlands, the City should apply for any permits necessary to comply with state or federal regulations pertaining to protection of wetlands. Such permits may include the Coastal Development Permit, a Section 404 wetland fill permit from the San Francisco District of the U.S. Army Corps of Engineers, and Section 401 water quality certification or Waste Discharge Requirements from the San Francisco Bay Regional Water Quality Control Board. Such permit applications would need to include an impact evaluation and may require a wetland mitigation plan to ensure that no net loss of acreage or functions and values to these areas occurs.

Although all aquatic habitats on the Project Site were mapped as wetlands, there are five drainages that traverse the site from east to west and that eventually drain down the Sea Cliff and onto the beach and the Pacific Ocean. All five of these drainages are vegetated with wetland vegetation. All five would also likely be considered as a streambed with a bed and bank that would be subject to the California Fish and Game Code Section 1602 jurisdiction of CDFW. The current alignment of the Coastal Trail passes over the drainages at four culverted crossings. Any new crossing of these drainages could require permits from the Corps and SFBRWQCB as described above, and also a 1602 Lake and Streambed Notification from CDFW.

Design Consideration #7: If possible, design the alignment of the relocated Coastal Trail to pass over the five drainages using existing culverted crossings. If relocation of the Coastal Trail requires that new culverted crossings be established, use arched culverts where feasible to minimize impacts. The City should obtain necessary permits for such crossings from the San Francisco District of the U.S. Army Corps of Engineers, SFBRWQCB and CDFW.

Coastal Terrace Prairie. The current alignment of the Coastal Trail traverses the edge of the blufftop within an area completely located within the Coastal Terrace Prairie habitat, which is concentrated in areas closest to the bluff edge. If the Coastal Trail were to be relocated further inland, it is likely that Coastal Terrace Prairie habitat would be impacted by trail construction. As the native vegetation in the Coastal Terrace Prairie is concentrated in areas near the bluff edge and the existing Coastal Trail, it is entirely possible that a new trail alignment approximately 100 feet inland would result in less impacts to the native vegetation comprising this habitat type than found with the current alignment. Relocation of the trail too far inland has the potential to cause fragmentation of an important winter raptor foraging area (see Section 5.2).

The relocation of the Coastal Trail to a point further inland creates an opportunity to restore the area of the existing alignment of the Coastal Trail by removal of the existing

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paved trail and replanting the area with seeds of native Coastal Terrace Prairie species. The net amount of paved surface associated with the Coastal Trail will not increase due to the relocation of the trail as long as the amount of construction area is limited to the minimum amount necessary and pavement associated with the prior Coastal Trail in the existing location is removed during the construction process and the area is replanted with local, native species. Degradation of the Coastal Terrace Prairie habitat from off-trail access by users of the Coastal Trail could be reduced by establishing a fence (e.g., split rail) on either side of the Coastal Trail that would restrict pedestrian access to natural areas beyond the Trail and limit access to the bluff edge through a series of overlooks access by short trails off of the Coastal Trail. Any revegetation or restoration efforts after removal of the existing Coastal Trail should include revegetation of areas along the bluff edge degraded by excessive pedestrian access.

Design Consideration #8: Consider an alignment for a relocated Coastal Trail that avoids habitat impacts to the maximum extent possible while providing a sufficient buffer from erosion areas and a user-friendly design. Such a trail alignment could swing away from the current alignment to avoid key areas of erosion encroaching near the trail (especially in areas of erosion gullies) and use one of many informal pedestrian paths that can be found in the vacant field. Many of these informal paths are perpendicular to the coastline and would be of limited use, but some are parallel to the coastline and could be incorporated into the alignment of a relocated Coastal Trail to limit new impacts to the Coastal Terrace Prairie habitat.

Design Consideration #9: Vegetation removal and ground disturbance associated with the construction and paving of a relocated Coastal Trail should be limited to the minimum amount necessary for the new trial.

Design Consideration #10: The paving for the existing trail should be removed and the area of the old trail near the edge of the blufftop should be restored to original grade, treated for erosion control using best management practices, and replanted with seeds of local, native Coastal Terrace Prairie species.

Design Consideration #11: Any development plan for recreational improvements proposed by the City (especially along the Coastal Trail) should include development and implementation of a revegetation and restoration plan for the Project Area. The revegetation and restoration plan should include recommendations for full restoration of the project area, including the location of the old Coastal Trail after its removal, areas along the bluff edge degraded by excessive pedestrian usage, and areas in need of invasive plant removal. The alignment of the old Coastal Trail should be treated as per Design Consideration

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#9, and revegetation efforts of that area should include restoration of areas of the Coastal Terrace Prairie along the top of the bluff that have been degraded by excessive use by pedestrians. Native seed mix should include native Coastal Terrace Prairie species (including Choris's popcornflower and perennial goldfields (see Section 5.3, Special Status Plant Species). The restoration plan should include recommendations for invasive plant removal (throughout the Project Area, if possible) to prevent the area from becoming overrun with unwanted species such as bristly ox-tongue (*Helminthotheca echioides*), bird's-foot trefoil (*Lotus corniculatus*), or yellow glandweed (*Parentucellia viscosa*).

Design Consideration #12: A relocated Coastal Trail should include split rail or other fencing on either side of the trail to restrict pedestrian access into Environmentally Sensitive Habitat Areas. Interpretive signage should be placed at regular intervals along the trail explaining the nature of the significant natural resource areas along the Coastal Trail. Access to the bluff edge could be arranged using short trail segments, also with split rail fencing on either side of the trail, extending to several overlooks.

5.2 Animal Populations

Project construction would occur in an area with potential Environmentally Sensitive Habitat Areas (EHSAs) that are important for wildlife, including special status species as addressed in Section 5.3. Loss of vegetation associated with construction activity, most notably reconstruction of the Coastal Trail to a new inland location from the current alignment, would result in disruption of existing wildlife. Some bird roosting, nesting, and foraging areas within the various vegetated habitats will be eliminated. Some reptiles, amphibians and small mammals adapted the urban habitats within this disturbed site may be temporarily displaced to similar habitats nearby capable of accommodating these species.

Winter Raptor Foraging Area. The Project Site and surrounding area is a well-documented foraging area for wintering raptor species (birds of prey). The current alignment of the Coastal Trail along the edge of the blufftop leaves a large, mostly undisturbed foraging area for birds of prey and other species within the area west of Railroad Avenue. The current use of the Coastal Trail near the bluff edge does not seem to be an impediment to use of the vacant field as a winter foraging area for raptor species, nor does the less intensive use of informal trails running through the field to the Coastal Trail from the Alsace-Lorraine neighborhood east of Railroad Avenue. It is anticipated that the number of users of the Coastal Trail will remain fairly constant even after relocation so disturbances in the foraging habitat resulting from the number of people using the area would not change. However, moving the Coastal Trail towards the

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middle of the vacant field could result in an increase in trail users within raptor foraging areas that could result in fragmentation of the winter raptor habitat. Relocation of the trail 100 to 150 feet would not likely create significant disturbances by trail users within the raptor foraging habitat area as the Coastal Trail would still be fairly close to the blufftop edge. Relocation of the Coastal Trail to an alignment at least 300 feet further inland in an attempt to avoid the Coastal Terrace Prairie habitat that extends from the top of bluff to about 300 feet inland would cause the relocated trail to be constructed at a location more to the middle of the field where trail users could cause disturbances to the winter populations of foraging raptor species and result in fragmentation of the habitat used by these species.

> **Design Consideration #13:** Do not attempt to establish a relocated Coastal Trail at an inland location that would allow complete avoidance of the Coastal Terrace Prairie habitat. A trail located to avoid the Coastal Terrace Prairie would need to be established at least 300 feet from the bluff edge, which would fragment a regionally important winter raptor foraging area.

> **Design Consideration #14:** Implement Design Consideration #8 related to trail alignment, #9 related to limiting vegetation removal, #9 and #10 to remove the existing paved trail near the edge of the blufftop and restore and revegetate the area of the old trail, #11 to implement a revegetation and restoration plan including removal of invasive species, and #12 to limit access to sensitive habitat areas, all of which will be advantageous to preservation and enhancement of habitat for wintering raptors in the Project Area.

Nesting Birds. Nesting bird species protected by the federal Migratory Bird Treaty Act and/or California Fish and Game Code could be impacted during project construction. The removal of shrubs, grasses and other vegetation during the February 1 to August 31 breeding season for nesting birds could result in mortality of nesting avian species if they are present. Many species of raptors (birds of prey) are sensitive to human incursion and construction activities, and it is necessary to ensure that nesting raptor species are not present in the vicinity of construction sites.

> **Design Consideration #15:** If feasible, construction work for recreational improvements should take place outside of the February 1 to August 31 breeding window for nesting birds. If construction is to be conducted during the breeding season, a qualified biologist should conduct a pre-construction breeding bird survey in areas of suitable habitat within 15 days prior to the onset of construction activity. If bird nests are found, appropriate buffer zones should be established around all active nests to protect nesting adults and their young from construction disturbance. In general, CDFW recommends a 250-foot

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construction exclusion zone around the nests of active passerine songbirds during the breeding season, and a 500-foot buffer for nesting raptors. Buffer zones should be maintained until it can be documented that either the nest has failed or the young have fledged.

Water Quality. Grading, placement of fill material and other ground-disturbing activities associated with construction could promote erosion and allow elevated levels of sediment to wash into nearby aquatic areas downstream, resulting in potential indirect impacts to fish and wildlife resources. Construction activities on the project site would involve disturbance and exposure of soils through grading and removal of vegetative cover, installation of infrastructure, and other activities. These activities would result in exposure of soil to runoff, potentially causing erosion and entrainment of sediment in the runoff. If not managed properly, the runoff could cause elevated levels of contaminants and increased sedimentation and turbidity in surface waters beyond the borders of the Project Site, resulting in degradation of water quality of downstream water bodies. However, the requirement for the implementation of a Stormwater Pollution Prevention Plan (SWPPP), with identification of proper construction techniques and Best Management Practices (BMPs) will minimize adverse effects associated with these activities. BMPs will include installation of silt fence and straw wattles at appropriate locations along the work area to protect nearby aquatic areas from increased sedimentation. Furthermore, standard techniques to control contaminants in stormwater such as oil and grease traps will be employed to mitigate water quality concerns, especially associated with any improvements to the parking area at the west end of Poplar Street.

Design Consideration #16: Best Management Practices and all requirements as detailed in the Stormwater Pollution Prevention Plan shall be implemented to control erosion and migration of sediments off-site. Implementation of water quality controls shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. In addition, vegetation shall only be cleared from the permitted construction footprint. Areas cleared of vegetation, pavement, or other substrates shall be stabilized as quickly as possible to prevent erosion and runoff.

5.3 Special Status Species

California Red-legged Frog and San Francisco Garter Snake. Breeding habitat for CRLF and SFGS does not occur on the Project Site, but the Project Site provides suitable dispersal habitat for either species. Work associated with access to the beach at the end

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of Poplar Street would not impact either species, but work around the parking lot and, most notably construction associated with relocation of the Coastal Trail to a point inland from its current location would require grading and soil disturbance that could harm an individual of either species if present.

Design Consideration #17: Implement Design Consideration #8 related to trail alignment, #9 related to limiting vegetation removal, #9 and #10 to remove the existing paved trail near the edge of the blufftop and restore and revegetate the area of the old trail, #11 to implement a revegetation and restoration plan including removal of invasive species, and #12 to limit access to sensitive habitat areas, all of which will be advantageous to preservation and enhancement of habitat for CRLF and SFGS in the Project Area.

Design Consideration #18: The City should implement a construction plan to protect federally-listed CRLF and SFGS during construction that includes the following elements:

- **Construction Timing.** All construction work involving vegetation removal or ground disturbance should be conducted during the dry season between April 15 and October 15 when CRLF and SFGS are least likely to be dispersing across the landscape.

- **Preconstruction Surveys.** Prior to initiation of any construction on the blufftop requiring vegetation clearing or ground disturbance of any kind, a qualified biologist should conduct preconstruction surveys for California red-legged frogs and San Francisco garter snakes. One night-time survey and one day-time survey should be conducted. The night-time survey should be conducted the night before work begins, followed by the day-time survey the morning before work begins. If a CRLF or SFGS is found, the U.S. Fish and Wildlife Service and the CDFW will be notified immediately.

- **Exclusion Fencing.** Once preconstruction surveys are completed and it is known with certainty that CRLF and SFGS are not present with construction work areas, the work area should be protected with exclusion fencing to ensure that individuals of CRLF or SFGS do not wander into the work area during the construction period. Exclusion fencing should consist of a properly installed silt fence with stakes facing toward the work area so reptiles and amphibians cannot use the stakes to make their way over the fence.

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- **Worker Training.** All workers involved in the clearing of vegetation or other construction should participate in a training session led by a qualified biologist prior to initiation of work. This training session should include information on the ecology and identification of CRLF and SFGS, information related to the Endangered Species Act and penalties associated with harm done to an individual of a listed species, and the need to stop work and inform the on-site biologist in the event of a potential sighting.

- **Biological Construction Monitoring.** Even if preconstruction surveys are negative, a qualified biologist should remain on-site during all work involving vegetation clearing and ground disturbance to help ensure that no CRLF or SFGS are harmed. The biological monitor will check the integrity of the exclusion fence, search for CRLF or SFGS that may have wandered into the work area, and monitor construction to ensure impacts to the species do not occur. If a CRLF or SFGS is found on the site within the work area, a biologist with a proper take permit from the USFWS may move the individual out of harm's way, otherwise construction should be halted until the individual has left the project area of its own volition.

Grasshopper Sparrow and Bryant's Savannah Sparrow. Both of these sparrows are California-designated species of special concern that have the potential to nest on the Project Site. Construction work resulting in removal of an active nest for either these species would result in direct impacts to these species and work conducted in close proximity to an active nest could result in indirect impacts from nest disturbance.

Design Consideration #19: Implement Design Consideration #8 related to trail alignment, #9 related to limiting vegetation removal, #9 and #10 to remove the existing paved trail near the edge of the blufftop and restore and revegetate the area of the old trail, #11 to implement a revegetation and restoration plan including removal of invasive species, and #12 to limit access to sensitive habitat areas, all of which will be advantageous to preservation and enhancement of habitat for Grasshopper Sparrow and Bryant's Savannah Sparrow in the Project Area.

Design Consideration #20: Bird nesting surveys required prior to construction work involving vegetation removal or ground disturbance as required in Design Consideration #15 should include a provision to search for nests of these two California-designated species of special concern. If nests are found, buffer zones around the nest should be established and maintained as described in Design

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Consideration #15.

Special Status Plant Species. A relocated Coastal Trail to an alignment further inland to avoid areas of soil erosion along the edge of the blufftop would likely impacts areas known to be occupied by populations of either the Choris's popcornflower or perennial goldfields (both CNPS list 1B.2 species).

Design Consideration #21: Areas of known populations of Choris's popcornflower or perennial goldfields as mapped in Figure 10 (representing the maximum area where plants could occur given year-to-year variation in population locations) should be avoided to the extent possible in planning for the alignment of a relocated Coastal Trail.

Design Consideration #22: Implement Design Consideration #8 related to trail alignment, #9 related to limiting vegetation removal, #9 and #10 to remove the existing paved trail near the edge of the blufftop and restore and revegetate the area of the old trail, #11 to implement a revegetation and restoration plan, including revegetation with a native seed mix to include seeds of Choris's popcornflower and perennial goldfields and removal of invasive species, and #12 to limit access to sensitive habitat areas, all of which will be advantageous to preservation and enhancement of populations of Choris's popcornflower and perennial goldfields in the Project Area.

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ATTACHMENT 1.

Figures

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Figure 9. Special Status Species Information from the CNDDB
Figure 10. Potential Environmentally Sensitive Habitat Areas (ESHAs) on the Project Site

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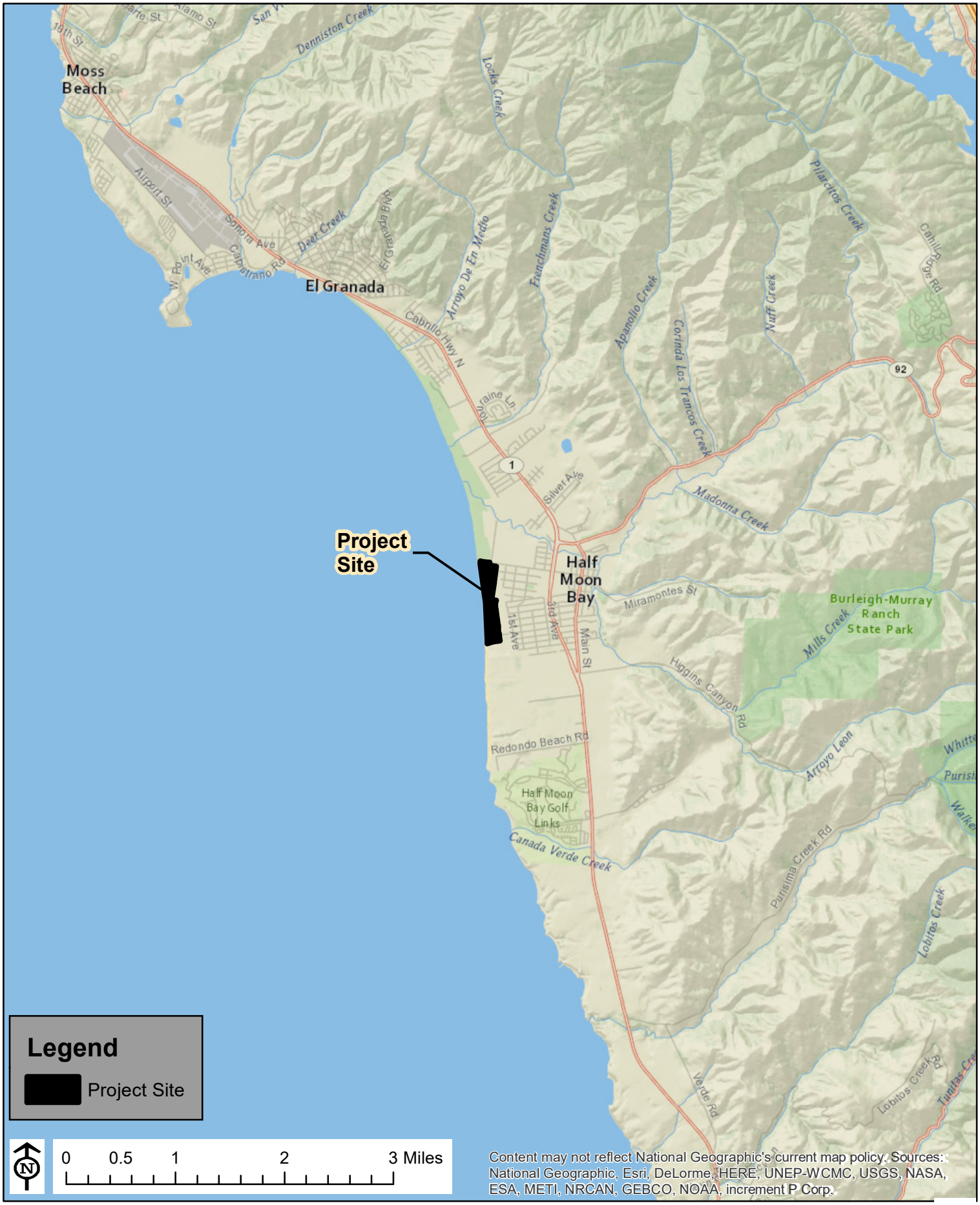

Figure 1. Project Site Location Map

Preliminary Biological Evaluation for City-Owned Parcel West of Railroad Avenue
City of Half Moon Bay, San Mateo County, California

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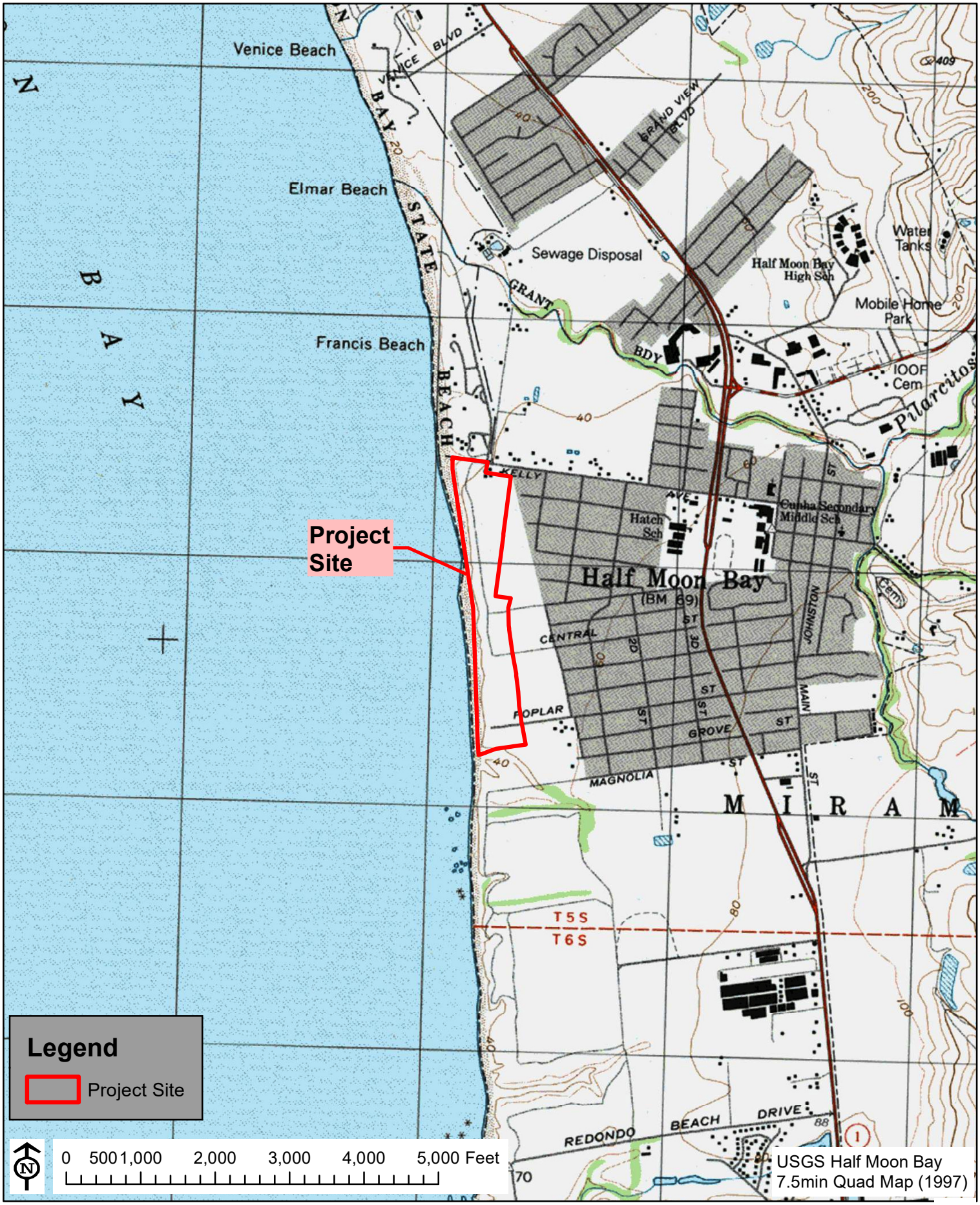

Figure 2. USGS Topographic Map of the Project Area

Preliminary Biological Evaluation for City-Owned Parcel West of Railroad Avenue
City of Half Moon Bay, San Mateo County, California

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Figure 3. Aerial Image of the Project Site

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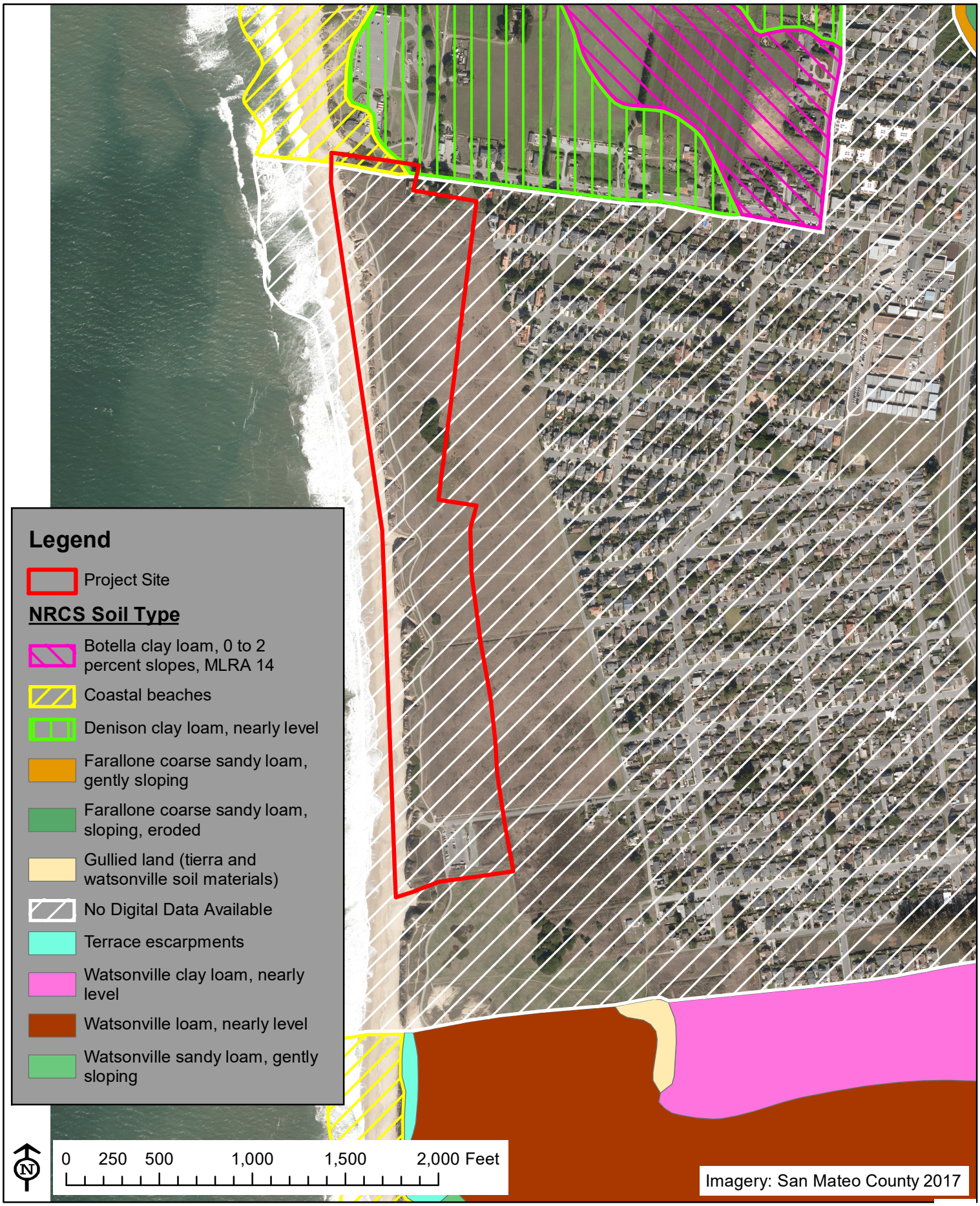

Figure 4. NRCS Soil Map of the Project Site

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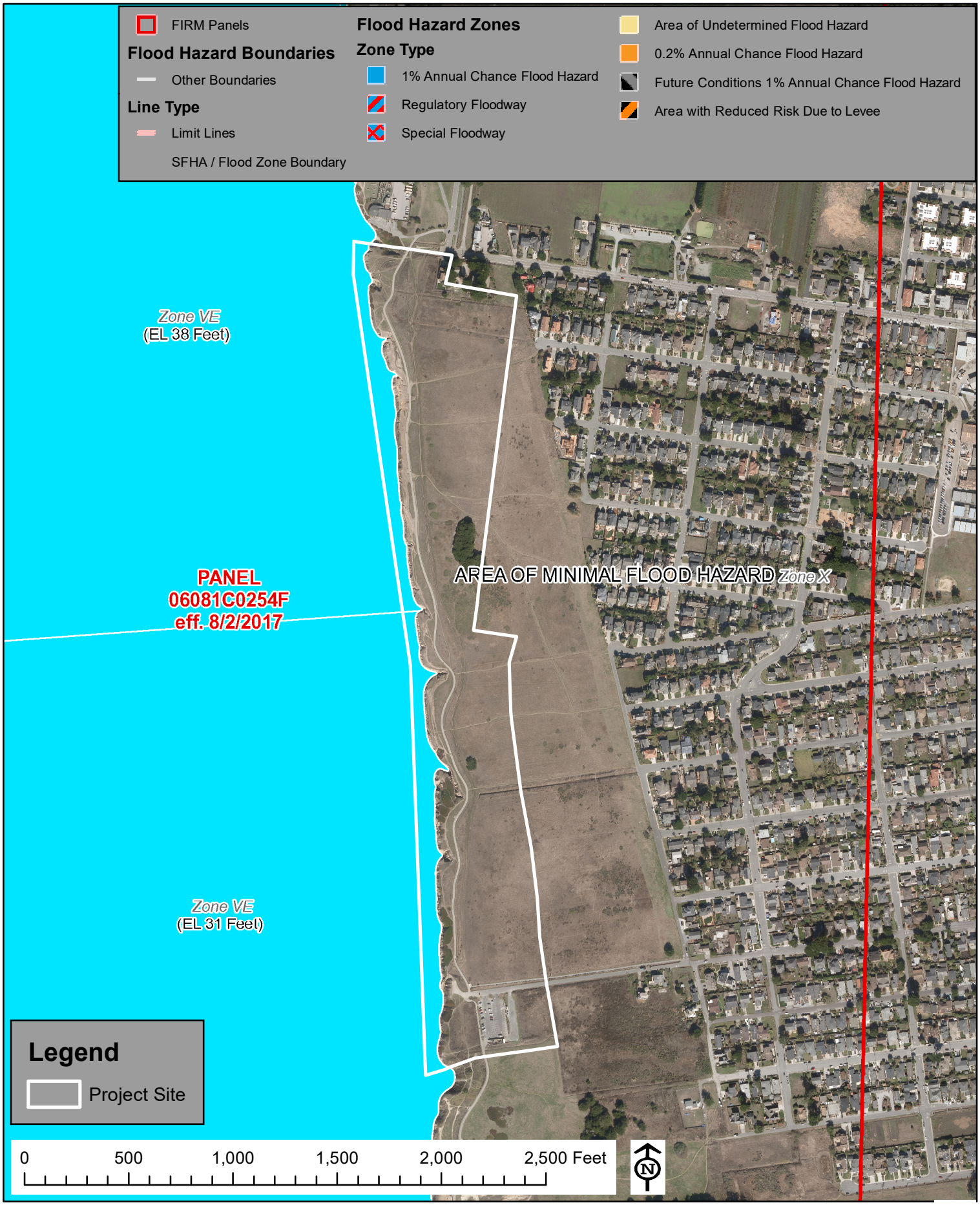

Figure 5. FEMA Map of 100-year Floodplain

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City of Half Moon Bay, San Mateo County, California

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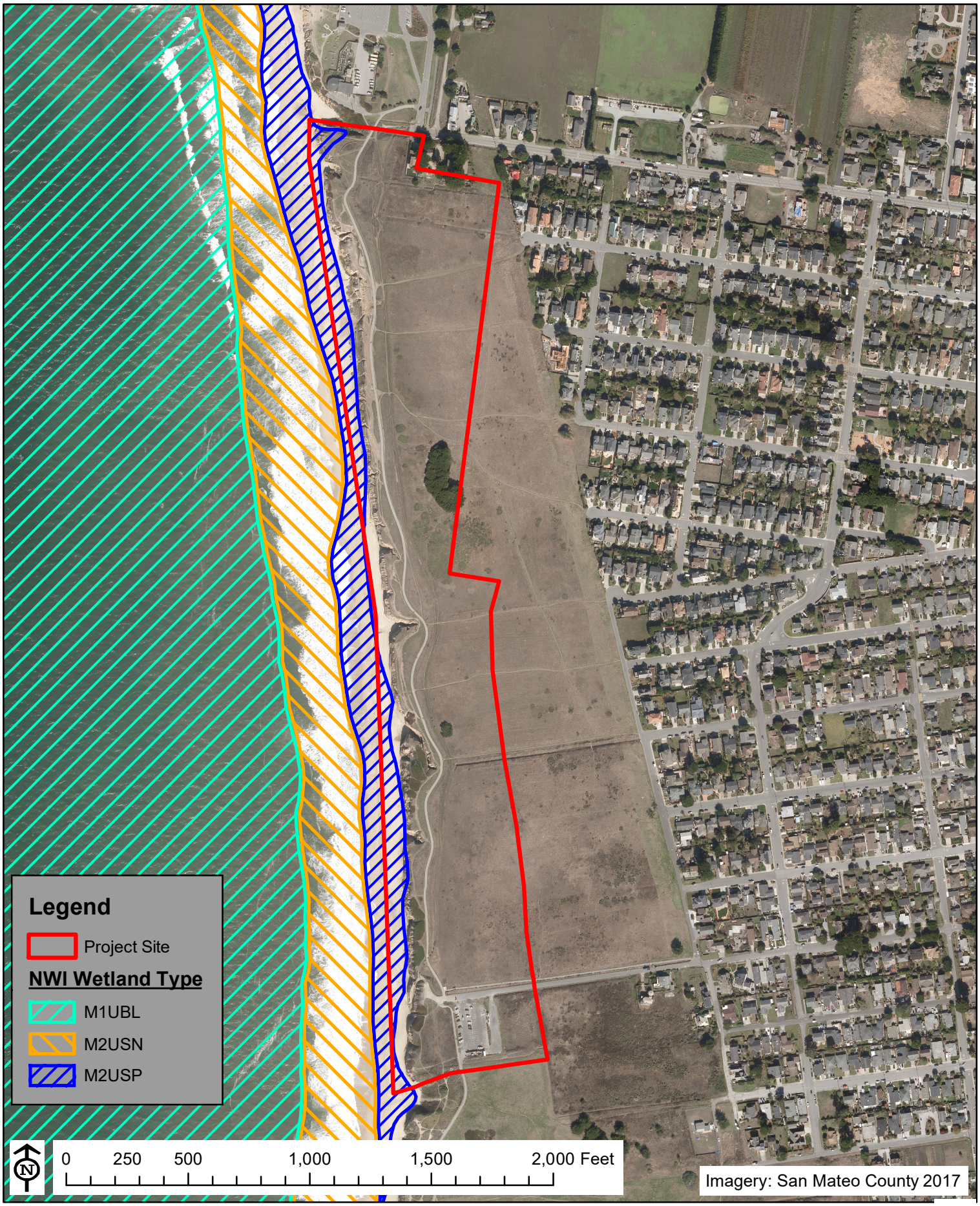

Figure 6. National Wetlands Inventory Map of Wetlands in the Project Area

Preliminary Biological Evaluation for City-Owned Parcel West of Railroad Avenue
City of Half Moon Bay, San Mateo County, California

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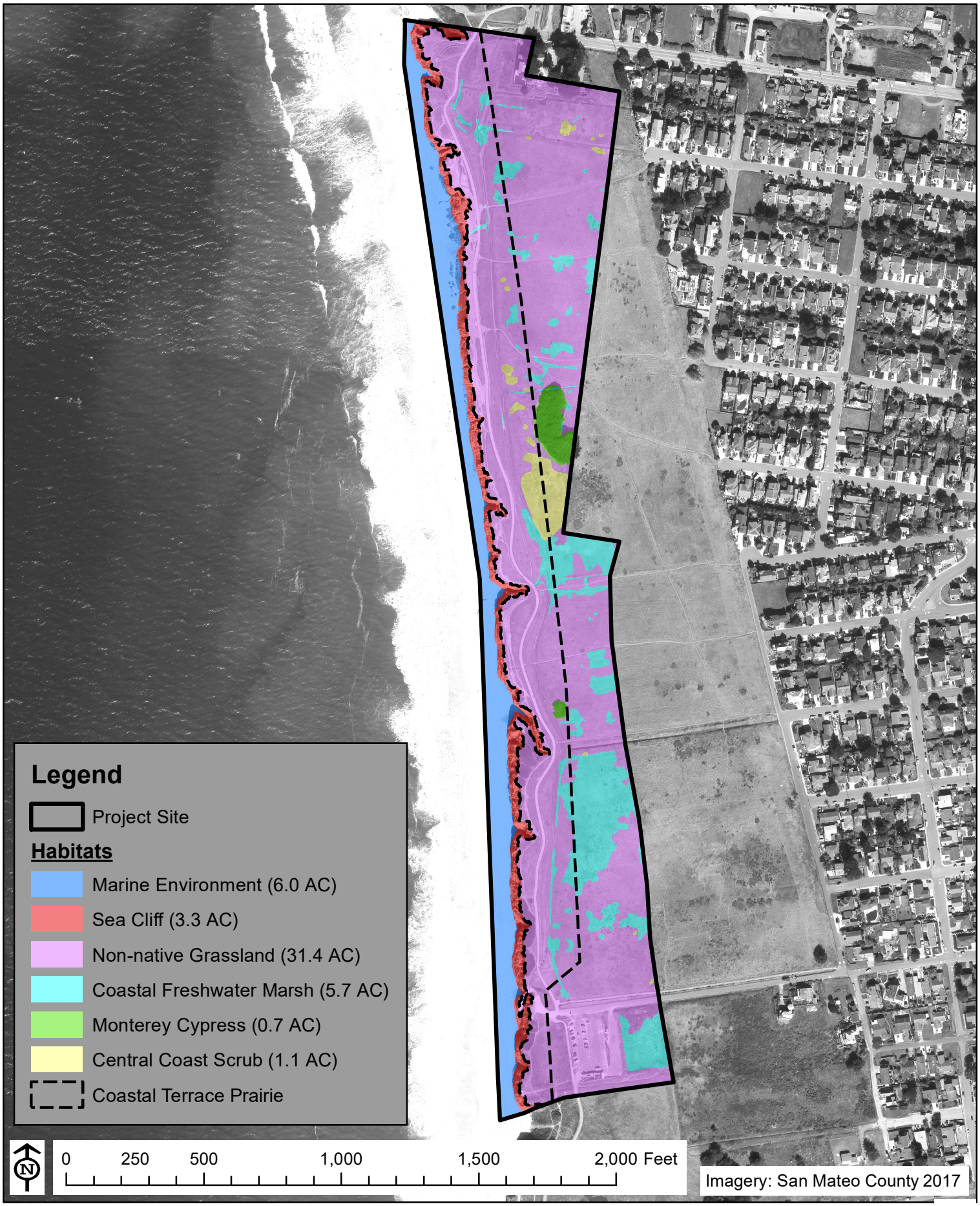

Figure 7. Map of Project Site Habitats

Preliminary Biological Evaluation for City-Owned Parcel West of Railroad Avenue
City of Half Moon Bay, San Mateo County, California

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Figure 8. Preliminary Map of Wetlands Potentially Subject to California Coastal Act Jurisdiction

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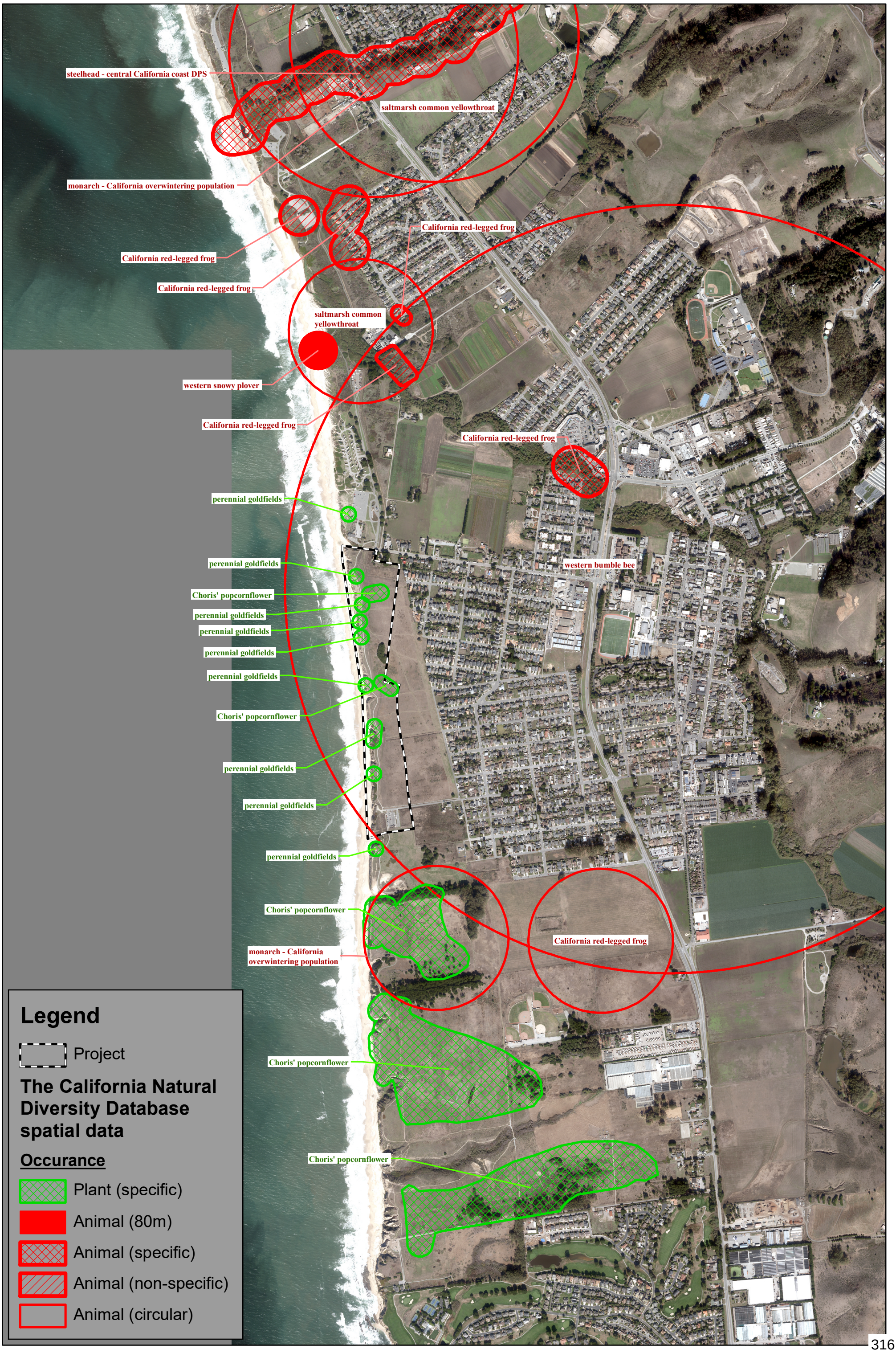

Figure 9. Special Status Species Information from the CNDDB

Preliminary Biological Evaluation for City-Owned Parcel West of Railroad Avenue
City of Half Moon Bay, San Mateo County, California

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Figure 10. Potential Environmentally Sensitive Habitat Areas (ESHAs) on the Project Site

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City of Half Moon Bay, San Mateo County, California

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ATTACHMENT 2.

Tables

Table 1. Plant list for the Project Area

Table 2. Special Status Plants with Potential to Occur in the Vicinity of the Project Site, Half Moon Bay, California

Table 3. Special Status Animal Species that Have Been Reported in the Vicinity of the Project Site, Half Moon Bay, California

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Table 1. Plant List for Project Site

FAMILY	SCIENTIFIC NAME	COMMON NAME
Agavaceae	*Chlorogalum pomeridianum var. pomeridianum*	Soap plant/amole
Aizoaceae	*Carpobrotus chilensis*	Sea fig (non-native)
Aizoaceae	*Carpobrotus edulis*	Freeway iceplant (non-native)
Aizoaceae	*Tetragonia tetragonoides*	New Zealand spinach (non-native)
Alliaceae	*Allium triquetrum*	Three square onion (non-native)
Amaryllidaceae	*Amaryllis belladonna*	Naked ladies (non-native)
Amaryllidaceae	*Narcissus pseudonarcissus*	Daffodil (non-native)
Apiaceae	*Conium maculatum*	Poison hemlock (non-native)
Apiaceae	*Eryngium armatum*	Coastal button celery/coyote thistle
Apiaceae	*Foeniculum vulgare*	Fennel (non-native)
Araceae	*Arum italicum*	Italian arum (non-native)
Araceae	*Zantedeschia aethiopica*	Calla lily (non-native)
Asphodelaceae	*Aloe maculata*	Aloe
Asteraceae	*Achillea millefolium*	Yarrow
Asteraceae	*Ambrosia chamissonis*	Beach bur
Asteraceae	*Artemisia pycnocephala*	Coastal sagewort
Asteraceae	*Baccharis pilularis ssp. consanguinea*	Coyote brush
Asteraceae	*Baccharis pilularis ssp. pilularis*	Coyote brush (low growing)
Asteraceae	*Cirsium vulgare*	Bull thistle (non-native)
Asteraceae	*Cotula coronopifolia*	Brass buttons (non-native)
Asteraceae	*Deinandra corymbosa*	Coast tarweed
Asteraceae	*Delairea odorata*	Cape ivy/German ivy (non-native)
Asteraceae	*Erigeron bonariensis*	Flax leaved horseweed (non-native)
Asteraceae	*Erigeron canadensis*	Horseweed
Asteraceae	*Erigeron glaucus*	Seaside daisy
Asteraceae	*Helminthotheca echioides*	Bristly ox tongue (non-native)
Asteraceae	*Hypochaeris glabra*	Smooth cat's ear (non-native)
Asteraceae	*Hypochaeris radicata*	Rough cat's ear (non-native)
Asteraceae	*Lasthenia californica ssp. californica*	California goldfields
Asteraceae	*Lasthenia californica ssp. macrantha*	Perennial goldfields
Asteraceae	*Lasthenia minor*	Coastal goldfields
Asteraceae	*Madia sativa*	Coast madia/coast tarweed
Asteraceae	*Matricaria discoidea*	Pineapple weed/rayless chamomile (non-native)
Asteraceae	*Pseudognaphalium luteoalbum*	Weedy cudweed (non-native)
Asteraceae	*Pseudognaphalium stramineum*	Cotton batting plant
Asteraceae	*Senecio minimus*	Coastal burnweed (non-native)
Asteraceae	*Senecio vulgaris*	Common groundsel (non-native)
Asteraceae	*Silybum marianum*	Milk thistle (non-native)

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FAMILY	SCIENTIFIC NAME	COMMON NAME
Asteraceae	*Soliva sessilis*	Common soliva (non-native)
Asteraceae	*Sonchus asper ssp. asper*	Prickly sow thistle (non-native)
Asteraceae	*Sonchus oleraceus*	Common sow thistle (non-native)
Asteraceae	*Symphyotrichum chilense*	Common California aster
Asteraceae	*Tragopogon porrifolius*	Salsify/oyster plant (non-native)
Azollaceae	*Azolla filiculoides*	American water fern
Boraginaceae	*Amsinckia intermedia*	Common fiddleneck
Boraginaceae	*Amsinckia spectabilis var. spectabilis*	Seaside fiddleneck
Boraginaceae	*Borago officinalis*	Borago (non-native)
Boraginaceae	*Plagiobothrys chorisianus var. chorisianus*	Choris' popcornflower
Brassicaceae	*Brassica rapa*	Turnip/field mustard (non-native)
Brassicaceae	*Cakile edentula*	Sea rocket (non-native)
Brassicaceae	*Cakile maritima*	European sea rocket (non-native)
Brassicaceae	*Cardamine oligosperma*	Few seeded bitter cress
Brassicaceae	*Hirschfeldia incana*	Mediterranean mustard (non-native)
Brassicaceae	*Lepidium didymum*	Lesser wart cress (non-native)
Brassicaceae	*Lepidium nitidum*	Shining peppergrass
Brassicaceae	*Lepidium strictum*	Wayside peppergrass
Brassicaceae	*Raphanus sativus*	Radish (non-native)
Caryophyllaceae	*Cerastium glomeratum*	Sticky mouse ear chickweed (non-native)
Caryophyllaceae	*Polycarpon tetraphyllum var. tetraphyllum*	Four leaved allseed (non-native)
Caryophyllaceae	*Sagina decumbens ssp. occidentalis*	Western pearlwort
Caryophyllaceae	*Silene gallica*	Small flower catchfly/windmill pink (non-native)
Caryophyllaceae	*Spergularia macrotheca var. leucantha*	White sticky sand spurrey
Caryophyllaceae	*Spergularia macrotheca var. macrotheca*	Pink sticky sand spurrey
Caryophyllaceae	*Spergularia rubra*	Purple sand spurrey (non-native)
Chenopodiaceae	*Atriplex prostrata*	Fat hen/spearscale (non-native)
Chenopodiaceae	*Chenopodium californicum*	California goosefoot
Convolvulaceae	*Convolvulus arvensis*	Bindweed/orchard morning glory (non-native)
Crassulaceae	*Crassula connata*	Pygmy weed
Cupressaceae	*Hesperocyparis macrocarpa*	Monterey cypress planted
Cyperaceae	*Carex harfordii*	Harford's or Monterey sedge
Cyperaceae	*Cyperus eragrostis*	Tall cyperus
Cyperaceae	*Eleocharis acicularis var. acicularis*	Needle spike rush
Cyperaceae	*Eleocharis macrostachya*	Common spike rush
Cyperaceae	*Isolepis cernua*	Low club rush
Dipsacaceae	*Dipsacus species*	Teasel
Euphorbiaceae	*Euphorbia crenulata*	Chinese caps
Euphorbiaceae	*Euphorbia helioscopia*	Wartweed

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FAMILY	SCIENTIFIC NAME	COMMON NAME
Euphorbiaceae	*Mercurialis annua*	Annual mercury (non-native)
Fabaceae	*Acacia longifolia*	Sydney golden wattle (non-native)
Fabaceae	*Acmispon wrangelianus*	Chile trefoil
Fabaceae	*Albizia lophantha*	Plume acacia (non-native)
Fabaceae	*Lotus corniculatus*	Bird's foot trefoil (non-native)
Fabaceae	*Lupinus variicolor*	Lindley's varied lupine
Fabaceae	*Medicago polymorpha*	California burclover (non-native)
Fabaceae	*Melilotus indicus*	Indian melilot/sourclover (non-native)
Fabaceae	*Trifolium angustifolium*	Narrow leaved clover (non-native)
Fabaceae	*Trifolium barbigerum*	Bearded clover
Fabaceae	*Trifolium campestre*	Hop clover (non-native)
Fabaceae	*Trifolium fragiferum*	Strawberry clover (non-native)
Fabaceae	*Trifolium fucatum*	Bull clover
Fabaceae	*Trifolium glomeratum*	Clustered clover (non-native)
Fabaceae	*Trifolium subterraneum*	Subterranean clover (non-native)
Fabaceae	*Trifolium variegatum*	Vargiegated clover
Fabaceae	*Vicia benghalensis*	Purple vetch (non-native)
Fabaceae	*Vicia sativa ssp. nigra*	Narrow leaved vetch (non-native)
Fabaceae	*Vicia sativa ssp. sativa*	Spring vetch (non-native)
Fabaceae	*Vicia tetrasperma*	Sparrow vetch (non-native)
Gentianaceae	*Zeltnera davyi*	Davy's centaury
Geraniaceae	*Erodium botrys*	Ong beaked storksbill (non-native)
Geraniaceae	*Erodium moschatum*	White stemmed storksbill (non-native)
Geraniaceae	*Geranium dissectum*	Cut leaved geranium (non-native)
Iridaceae	*Chasmanthe floribunda*	African cornflag (non-native)
Iridaceae	*Iris germanica*	Bearded iris (non-native)
Iridaceae	*Romulea rosea var. australis*	Rosy sandcrocus (non-native)
Iridaceae	*Sisyrinchium bellum*	Western blue eyed grass
Iridaceae	*Watsonia marginata*	Watsonia
Juncaceae	*Juncus bufonius var. bufonius*	Toad rush
Juncaceae	*Juncus occidentalis*	Western rush
Juncaceae	*Juncus patens*	Spreading rush
Juncaceae	*Juncus phaeocephalus var. phaeocephalus*	Brownheaded rush
Lamiaceae	*Mentha pulegium*	Pennyroyal (non-native)
Linaceae	*Linum bienne*	Narrow leaved flax (non-native)
Lythraceae	*Lythrum californicum*	California loosestrife
Lythraceae	*Lythrum hyssopifolia*	Grass poly (non-native)
Malvaceae	*Malva nicaeensis*	Bull mallow (non-native)
Malvaceae	*Malva sylvestris*	High mallow (non-native)
Malvaceae	*Sidalcea malviflora ssp. malviflora*	Checkerbloom/checkermallow
Melianthaceae	*Melianthus major*	Honey flower
Montiaceae	*Calandrinia ciliata*	Red maids
Montiaceae	*Claytonia perfoliata ssp. perfoliata*	Miner's lettuce
Myrsinaceae	*Anagallis arvensis*	Scarlet pimpernel (non-native)
Myrtaceae	*Eucalyptus globulus*	Blue gum (non-native)

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FAMILY	SCIENTIFIC NAME	COMMON NAME
Onagraceae	*Camissoniopsis cheiranthifolia ssp. cheiranthifolia*	Beach evening primrose
Onagraceae	*Epilobium brachycarpum*	Panicled willow herb
Onagraceae	*Epilobium ciliatum ssp. ciliatum*	Common willow herb
Onagraceae	*Epilobium ciliatum ssp. watsonii*	Watson's willow herb
Onagraceae	*Epilobium densiflorum*	Dense flowered willow herb
Onagraceae	*Oenothera elata ssp. hookeri*	Hooker's evening primrose
Onagraceae	*Taraxia ovata*	Sun cup
Orobanchaceae	*Parentucellia viscosa*	Yellow glandweed (non-native)
Oxalidaceae	*Oxalis pes*	Caprae Bermuda buttercup (non-native)
Papaveraceae	*Eschscholzia californica*	California poppy
Pinaceae	*Pinus radiata*	Monterey pine
Plantaginaceae	*Callitriche marginata*	California water starwort
Plantaginaceae	*Plantago coronopus*	Cut leaved plantain (non-native)
Plantaginaceae	*Plantago lanceolata*	English plantain (non-native)
Plumbaginaceae	*Armeria maritima ssp. californica*	Sea pink
Poaceae	*Avena barbata*	Slender wild oat (non-native)
Poaceae	*Avena fatua*	Wild oat (non-native)
Poaceae	*Avena sativa*	Cultivated oat (non-native)
Poaceae	*Briza minor*	Annual or small quaking grass (non-native)
Poaceae	*Bromus carinatus*	California brome
Poaceae	*Bromus carinatus var. carinatus*	California brome
Poaceae	*Bromus diandrus*	Ripgut grass (non-native)
Poaceae	*Bromus hordeaceus*	Soft chess (non-native)
Poaceae	*Bromus maritimus*	Maritime brome
Poaceae	*Cortaderia jubata*	Jubata grass (non-native)
Poaceae	*Cynodon dactylon*	Bermuda grass (non-native)
Poaceae	*Danthonia californica*	California oat grass
Poaceae	*Distichlis spicata*	Salt grass
Poaceae	*Festuca bromoides*	Brome fescue (non-native)
Poaceae	*Festuca myuros*	Rattail sixweeks grass (non-native)
Poaceae	*Festuca perennis*	Rye grass (non-native)
Poaceae	*Holcus lanatus*	Common velvet grass (non-native)
Poaceae	*Hordeum brachyantherum ssp. brachyantherum*	Northern barley
Poaceae	*Hordeum marinum ssp. gussoneanum*	Mediterranean barley (non-native)
Poaceae	*Hordeum murinum ssp. glaucum*	Smooth barley (non-native)
Poaceae	*Hordeum murinum ssp. leporinum*	Hare barley/farmer's foxtail (non-native)
Poaceae	*Poa annua*	Annual bluegrass (non-native)
Poaceae	*Polypogon interruptus*	Ditch beard grass (non-native)
Poaceae	*Polypogon monspeliensis*	Annual beard or rabbitfoot grass (non-native)
Polemoniaceae	*Navarretia squarrosa*	Skunkweed
Polygonaceae	*Eriogonum latifolium*	Seaside wild buckwheat
Polygonaceae	*Polygonum aviculare ssp. depressum*	Common knotweed (non-native)

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FAMILY	SCIENTIFIC NAME	COMMON NAME
Polygonaceae	*Rumex acetosella*	Sheep sorrel (non-native)
Polygonaceae	*Rumex crispus*	Curly dock (non-native)
Polygonaceae	*Rumex pulcher*	Fiddle dock (non-native)
Polygonaceae	*Rumex salicifolius*	Willow dock
Polygonaceae	*Rumex transitorius*	Willow dock
Ranunculaceae	*Ranunculus californicus*	California buttercup
Rosaceae	*Fragaria chiloensis*	Beach strawberry
Salicaceae	*Salix lasiolepis*	Arroyo willow
Tropaeolaceae	*Tropaeolum majus*	Garden nasturtium (non-native)
Typhaceae	*Typha latifolia*	Broad-leaved cattail

Source: Toni Corelli, botanist, Half Moon Bay, California.

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Table 2. Special-Status Plants with Potential to Occur in the Vicinity of the Project Site, Half Moon Bay, California

SPECIES	STATUS FED/STATE/CNPS[2]	HABITAT	OCCURRENCE ON THE PROJECT SITE
PLANTS			
San Mateo thorn-mint *(Acanthomintha duttonii)*	FE/CE/1B.1	Chaparral, valley and foothill coastal scrub, vernal pools. Endemic from very uncommon San Mateo serpentine vertisol clays. 50-200m.	Not present. Suitable habitat not present on site.
Blasdale's bent grass (*Agrostis blasdalei*)	-/-/1B.2	Coastal dunes, coastal bluff scrub, coastal prairie. Sandy or gravelly soil close to rocks; often in nutrient-poor soil with sparse vegetation. 5-105m	Not present. Suitable habitat not present on site.
Franciscan onion (*Allium peninsulare franciscanum*)	-/-/1B.2	Found in cismontane woodland and valley and foothill grassland in clay soils and serpentine on dry hillsides. 100-300m.	Not present. Suitable habitat not present on site.
Bent-flowered fiddleneck (*Amsinckia lunaris*)	-/-/1B.2	Cismontane woodland and valley and foothill grassland. 50-500m.	Not present. Suitable habitat not present on site.
Anderson's manzanita (*Arctostaphylos andersonii*)	-/-/1B.2	Broadleaved upland forest, chaparral, North Coast coniferous forest, open sites, redwood forest. 180-800m..	Not present. Suitable habitat not present on site.
Kings Mountain manzanita (*Arctostaphylos regismontana*)	-/-/1B.2	Broadleaved upland forest, chaparral, North Coast coniferous forest, on granitic or sandstone outcrops. 305-730m.	Not present. Suitable habitat not present on site.
Montara manzanita (*Arctostaphylos montaraensis*)	-/-/1B.2	Slopes and ridges in chaparral and Coastal scrub. 150-500m.	Not present. Suitable habitat not present on site.
Coastal marsh milk-vetch (*Astragalus pycnostachyus* var. *pycnostachyus*)	-/-/1B.2	Found in mesic sites in dunes or along streams in coastal dunes and coastal salt marshes. 0-30m.	Not present. Suitable habitat not present on site.

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SPECIES	STATUS FED/STATE/CNPS[2]	HABITAT	OCCURRENCE ON THE PROJECT SITE
Pappose tarplant (*Centromadia parryi ssp. parryi*)	--/--/1B.2	Found in mesic and often alkaline site in coastal prairie, meadows and seeps, coastal salt marsh and valley and foothill grasslands. 2-420m	Not present. Suitable habitat not present on site.
Points Reyes salty bird's beak (*Chloropyron maritimum* spp. *palustre*)	-/-/1B.2	Usually in coastal salt marsh with *Salicornia, Distichlis, Jaumea, Spartina,* etc. 0-15m.	Not present. Suitable habitat not present on site.
San Francisco Bay spineflower (*Chorizanthe cuspidata cuspidata*)	-/-/1B.1	Found on sandy soil on terraces and slopes within coastal bluff scrub, coastal dunes, coastal prairie and coastal scrub. 5-550m.	Not present. Suitable habitat not present on site.
Franciscan thistle (*Cirsium andrewsii*)	-/-/1B.2	Found in Coastal bluff scrub. Boadleafed upland forest, coastal prairie on ultramafic soils. –150m	Not present. Suitable habitat not present on site.
Fountain thistle (*Cirsium fontinale fontinale*)	-/-/1B.2	Endemic to serpentine seeps in valley and foothill grassland and chaparral in San Mateo County. 90-180m.	Not present. Suitable habitat not present on site.
San Francisco collinsia (*Collinsia multicolor*)	FE/CE/1B.1	Found in closed-cone coniferous forest and coastal scrub. Usually on decomposed mudstone shale mixed with humus. 30-250m.	Not present. Suitable habitat not present on site.
Western leatherwood (*Dirca occidentalis*)	-/-/1B.2	On brushy slopes and mesic sites mostly in mixed evergreen and foothill woodland communities. 30-550m.	Not present. Suitable habitat not present on site.
San Mateo woolly sunflower (*Eriophyllum latilobum*)	-/-/1B.2	Endemic to cismontane woodland in San Mateo County, often on roadcuts and serpentine. 45-150m.	Not present. Suitable habitat not present on site.

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SPECIES	STATUS FED/STATE/CNPS[2]	HABITAT	OCCURRENCE ON THE PROJECT SITE
Hillsborough chocolate lily (*Fritillaria biflora ineziana*)	FE/CE/1B.1	Endemic to serpentine cismontane woodland, valley and foothill grassland of San Mateo County.	Not present. Suitable habitat not present on site.
Fragrant fritillary *(Fritillaria liliacea)*	-/-/1B.1	Coastal scrub, valley and foothill grassland, coastal prairie, often on ultramafic soils. 3-410m.	Not present. Suitable habitat not present on site.
San Francisco gumplant (*Grindelia hirsutula var. maritima*)	-/-/3.2	Coastal bluff scrub and grasslands. 15-400m.	Not present. Suitable habitat not present on site.
Short-leaved evax (*Hesperevax sparsiflora* var. *brevifolia)*	-/-/1B.2	Sandy bluffs and flats in Coastal bluff scrub, coastal dunes. 0-200M.	Not present. Suitable habitat not present on site.
Marin western flax *(Hesperolinon congestum)*	FT/CT/1B.1	Chaparral, valley and foothill grassland. Found in serpentine barrens and serpentine grassland and chaparral. 31-365m.	Not present. Suitable habitat not present on site.
Kellogg's horkelia *(Horkelia cuneata* ssp. *sericea)*	-/-/1B.1	Closed-cone coniferous forest, coastal scrub. Old dunes, coastal sandhills; generally under 200 m.	Not present. Suitable habitat not present on site.
Point Reyes horkelia (*Horkelia marinensis*)	-/-/1B.2	Coastal dunes, coastal prairie and coastal scrub; in sandy flats and dunes of grassland or scrub habitats near the coast. 5-30m.	Not present. Suitable habitat not present on site.

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SPECIES	STATUS FED/STATE/CNPS[2]	HABITAT	OCCURRENCE ON THE PROJECT SITE
Perennial goldfields (*Lasthenia californica* ssp. *macrantha)*	-/-/1B.2	Coastal bluff scrub, cosatal dunes and cosatal scrub. 5-520m.	Present. This species occurs at the site along the edge of the coastal bluff within Coastal Prairie habitat. Guidelines for avoidance of populations, minimization of impacts, and restoration of degraded areas included herein.
Coast yellow leptosiphon (*Leptosiphon croceus*)	-/-/1B.1	Coastal bluff scrub and coastal prairie. (10-150m).	Not present. Suitable habitat not present on site.
Rose leptosiphon (*Leptosiphon rosaceus*)	-/-/1B.1	Coastal bluff scrub. 0-100m.	Not present. Suitable habitat not present on site.
Crystal Springs lessingia (*Lessingia arachnoidea*)	-/-/1B.2	Grassy slopes, roadsides in serpentine soils of coastal sage scrub, valley and foothill grassland and cismontane woodland. 60-200m.	Not present. Suitable habitat not present on site.
Ornduff's meadowfoam *(Limnanathes douglasii* ssp. *ornduffi*)	-/-/1B.1	Agricultural fields. Meadows nad seeps. 10-20m.	Not present. Suitable habitat not present on site.
Arcuate bush mallow (*Malacothamnus arcuatus*)	-/-/1B.2	Found in gravelly alluvium in chaparral. 80-355m.	Not present. Suitable habitat not present on site.
Davidson's bush mallow (*Malacothamnus davidsonii*)	-/-/1B.2	Sandy washes in coastal scrub, riparian woodland and chaparral. 180-855m.	Not present. Suitable habitat not present on site.
Marsh microseris (*Microseris paludosa*)	-/-/1B.1	Closed-cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland. 5-300m.	Not present. Suitable habitat not present on site.

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SPECIES	STATUS FED/STATE/CNPS[2]	HABITAT	OCCURRENCE ON THE PROJECT SITE
Woodland woollythreads (*Monolopiagracilens*)	-/-/1B.2	Chaparral, valley and foothill grasslands (serpentine), cismontane woodland, broadleaved upland forests, North Coast coniferous forest. Found in grassy sites in openings in sandy to rocky soils. Often seen on serpentine after burns but may have only weak affinity to serpentine. 100-1200m.	Not present. Suitable habitat not present on site.
White-rayed pentachaeta (*Pentachaeta bellidiflora)*	FE/CE/1B.1	Mostly on soils derived from serpentine bedrock or open, dry rocky slopes and grassy areas of valley and foothill grassland. 35-620m.	Not present. Suitable habitat not present on site.
Choris's popcornflower *(Plagiobothrys chorisianus)*	-/-/1B.2	Grassy and moist places, coastal scrub, chaparral; < 100m.	Present. This species occurs at the site in seasonal wetlands within Coastal Prairie and Non-naitve grassland habitat. Guidelines for avoidance of populations, minimization of impacts, and restoration of degraded areas included herein.
Oregon polemonium *(Polemonium carneum)*	-/-/2B.2	Found in Coastal prairie, coastal scrub and lower montane coniferous forest. 0-1830m.	Not present. Suitable habitat not present on site.
Hickman's cinquefoil (*Potentilla hickmanii*)	FE/CE/1B.1	Open habitats within closed cone coniferous forest, coastal bluff scrub, freshwater marsh, meadows and seeps, wetlaneds. 10-149m.	Not present. Suitable habitat not present on site.
Chaparral ragwort *(Senecio aphanactis)*	-/-/1B.2	Known from foothill woodland and chaparral habitats. 15-800m.	Not present. Suitable habitat not present on site.

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SPECIES	STATUS FED/STATE/CNPS[2]	HABITAT	OCCURRENCE ON THE PROJECT SITE
San Francisco campion (*Silene verecunda veracunda*)	-/-/2B.2	Often on mudstone or shale in coastal scrub, valley and foothill grassland, coastal bluff scrub, chaparral and coastal prairie. 30-645m.	Not present. Suitable habitat not present on site.
Saline clover (*Trifolium depauperatum* var. *hydrophilum*)	-/-/1B.2	Found in mesic alkaline sites in marshes and swamps, valley and foothill grassland and vernal pools. 0-300m.	Not present. Suitable habitat not present on site.
San Francisco owl's clover (*Triphysaria floribunda*)	-/-/1B.2	Coastal prairie, valley and foothill grassland, on both serpentine and non-serpentine. 10-160m.	Not present. Suitable habitat not present on site.
Long-beard lichen *(Usnea longissima)*	-/-/4.3	North Coast coniferous forest, broadleaved upland forest. Grows in the "redwood zone" on a variety of trees including big leaf maple, oaks, ash, Douglas fir and bay. 0-700 m in California.	Not present. Suitable habitat not present on site.

1. Source: California Natural Diversity Data Base, Natural Heritage Division, California Department of Fish and Wildlife for the Half Moon Bay 7.5 Minute Quadrangle Map and surrounding areas, information dated May 2018.

2. Status Codes:

FE	Federal-listed Endangered
FT	Federal-listed Threatened
FPE	Federal Proposed Endangered
FPT	Federal Proposed Threatened
CE	California State-listed Endangered

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CT	California State-listed Threatened
CR	California Rare
FP	California Fully Protected
CSC	California Species of Special Concern

California Rare Plant Rank 1A:	Plants presumed extirpated in California and either rare or extinct elsewhere.
California Rare Plant Rank 1B:	Plants rare, threatened, or endangered in California and elsewhere.
California Rare Plant Rank 2A:	Plants presumed extirpated in California, but more common elsewhere.
California Rare Plant Rank 2B:	Plants rare, threatened, or endangered in California, but more numerous elsewhere.
California Rare Plant Rank 3:	Plants about which more information is needed – a review list.
California Rare Plant Rank 4:	Plants of limited distribution – a watch list.

CNPS Threat Ranks

0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

0.3-Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

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Table 3. Special Status Animal Species that Have Been Reported in the Vicinity of the Project Site, Half Moon Bay, California

SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE AT THE PROJECT SITE
Monarch Butterfly *(Danaus plexippus)* (Wintering sites)	-/CR	Winter roost sites extend along the coast from northern Mendocino to Baja California. Roosts are typically located in wind-protected groves of Eucalyptus, Monterey pine or Monterey cypress, with nectar and water sources nearby.	Not present. No suitable habitat exists at the site to support an overwintering site. Nearest overwintering site was one in the eucalyptus grove within Wavecrest near the end of Magnolia Avenue in the early '90s.
Western bumble bee *(Bombus occidentalis)*	--/--	This species was once common and widespread, but the species has declined precipitously from Central California to Southern British Columbia, perhaps from disease.	Not present. Suitable habitat not present at the site.
Steelhead - Central CA Coast ESU *(Oncorhynchus mykiss)*	FT/--	Well-oxygenated streams with riffles; loose, silt-free gravel substrate. ESU encompasses drainages in San Francisco and San Pablo Bays east to the Napa River.	Not present. Nearest historic steelhead spawning stream is Pilarcitos Creek. Pilarcitos Creek, Frenchmans Creek and Arroyo Leon are designated Critical Habitat for Steelhead.
California Red-legged Frog (*Rana draytonii)*	FT/CSC	Mostly in lowlands and foothills in/near permanent sources of deep water but will disperse far during and after rain. Prefers shorelines with extensive vegetation.	Possible. No breeding habitat at the site but suitable dispersal habitat is present. CRLF have been documented in the project vicinity at Wavecrest, an artificial pond at the end of Seymour Avenue, and in unverified reports along Kelly Avenue. Guidelines to avoid upland dispersal habitat and minimize construction impacts is included herein.

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SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE AT THE PROJECT SITE
Santa Cruz black salamander *(Aneides niger)*	--/CSC	Mixed deciduous and coniferous woodlands and coastal grasslands in San Mateo, Santa Cruz and Santa Clara Counties. Adults are found under rocks, talus, and damp woody debris.	Not present. Suitable habitat not present at the site. Nearest occurrence is at Huddart Park in Woodside.
California giant salamander *(Dicamptodon ensatus)*	--/CSC	Known from wet coastal forests near streams and seeps from Mendocino County south to Monterey County and east to Napa County. Aquatic larvae are found in cold, clear streams, occasionally in lakes and ponds. Adults are found in wet forests under rocks and logs near streams and lakes.	Not present. Suitable habitat not present at the site. Nearest occurrence is at the end of Purisima Creek Road near Purisima Creek Redwoods Open Space Preserve. Also known from the Tunitas Creek watershed southeast of Half Moon Bay.
Western Pond Turtle (*Emmys marmorata*)	-/CSC	Aquatic turtle of ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites and suitable upland habitat for egg-laying (sandy banks or grassy open fields).	Not present. Suitable habitat not present at the site. No known records for this species within Half Moon Bay.

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SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE AT THE PROJECT SITE
San Francisco Garter Snake *(Thamnophis sirtalis tetrataenia)*	FE/CE,CFP	Found in vicinity of freshwater marshes, ponds and slow moving streams in San Mateo County. Prefers dense cover and water depths of at least one foot. Also requires uplands near aquatic habitats.	Possible. No breeding habitat at the site but suitable dispersal habitat is present. SFGS has been documented within Pilarcitos Creek. Guidelines to avoid upland dispersal habitat and minimize construction impacts is included herein.
Northern Harrier (*Circus cyaneus)* (nesting)	-/CSC	Coastal salt marsh and freshwater marsh; nests and forages in grasslands; nests on ground in shrubby vegetation, usually at marsh edge.	Present in winter. Suitable winter foraging habitat for raptor species is found at the Project Site. This is a regularly occurring species at the Project Site and nearby Wavecrest in winter.
White-tailed Kite (*Elanus caeruleus*) (nesting)	-/CFP	Open grassland and agricultural areas throughout Central California.	Present in winter. Suitable winter foraging habitat for raptor species is found at the Project Site. This is a regularly occurring species at the Project Site and nearby Wavecrest in winter.
Sharp-shinned Hawk (*Accipiter striatus*) (nesting)	-/WL	Breeds in ponderosa pine, black oak, riparian deciduous, mixed conifer, and Jeffrey pine habitats. Prefers, but not restricted to, riparian habitats. All habitats except alpine, open prairie, and bare desert used in winter.	Present in winter. Suitable winter foraging habitat for raptor species is found at the Project Site. This is a regularly occurring species at the Project Site in winter.

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SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE AT THE PROJECT SITE
Cooper's Hawk (*Accipiter cooperii*) (nesting)	-/WL	Nests primarily in deciduous riparian forests; forages in open woodlands.	Present in winter. Suitable winter foraging habitat for raptor species is found at the Project Site. This is a regularly occurring species at the Project Site in winter.
Ferruginous Hawk (*Bueto regalis*) (Wintering)	BCC/WL	Inhabits open country. Winters in small number along California coast and inland valleys.	Possible in winter. Suitable winter foraging habitat for this species is found at the Project Site. This species is observed annually over the coastal bluffs in Half Moon Bay and coastal San Mateo County.
Swainson's Hawk (*Buteo swainsoni*) (nesting)	BCC/CT	Breeds in stands with few trees in juniper-sage flats, riparian areas and oak savannah. Requires suitable adjacent foraging areas such as grasslands or alfalfa or grain fields supporting rodent populations.	Unlikely. Suitable foraging habitat is present at the site. Although rare on the coast, this species has been observed on the Half Moon Bay coastal bluffs during fall migration and the winter over the last couple of decades.
Golden Eagle (*Aquila chrysaetos*) (nesting and wintering)	BCC/WL,CFP	Typically frequents rolling foothills, mountain areas, sage-juniper flats and desert.	Unlikely. Occasionally found in Half Moon Bay in winter.
American Peregrine Falcon (*Falco peregrinus*) (nesting)	Delisted, BCC/Delisted, CFP	Inhabits open wetlands near cliffs, also occurs in some cities where nests on buildings and bridges.	Possible. Species nests at Devils Slide and winters in the area. Occasionally found foraging in Half Moon Bay.
Merlin (*Falco columbarius*) (wintering)	-/WL	Breeds in Canada, winters in a variety of California habitats, including grasslands, savannahs, wetlands, etc.	Possible in winter. Suitable winter foraging habitat for this species is found at the Project Site. This species is observed annually during winter over the coastal bluffs in Half Moon Bay.

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SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE AT THE PROJECT SITE
Western Snowy Plover (*Charadrius alexandrinus nivosus*) (nesting)	FT,BCC/CSC	Found on sandy beaches or marine and estuarine shores; also salt pond levees and shores of large alkali lakes; requires sandy, gravelly or friable soil substrate for nesting. Threatened due to beachfront development, human disturbance, off-leash dogs and other factors.	Possible (on the beach). Nests at Half Moon Bay State Beach, which is designated as critical habitat. Also winters on beaches in the area (40 to 60 winter at Half Moon Bay State Beach each winter). Species could be found on the beach adjacent to the site in winter.
Marbled Murrelet (*Brachyramphus marmoratus*) (nesting)	FT/CE	Nests inland along the coast from Eureka to Oregon border and from Half Moon Bay to Santa Cruz in old growth redwood dominated forests, often in Douglas fir, up to six miles inland. Feeds on the ocean near shore.	Possible (off-shore waters). This species breeds in the San Francisco Watershed in forests located within four miles of Half Moon Bay. During the breeding season foraging birds can be found just offshore from Half Moon Bay. Observed in near-shore waters by HBG during field reviews at the site.
Short-eared Owl (*Asio flammeus)* (nesting)	-/CSC	Found in marshes, both freshwater and salt; lowland meadows; irrigated alfalfa fields. Tule patches/full grass needed for nesting and daytime seclusion. Nests on dry ground in a depression concealed in vegetation.	Present. A population of up to five individuals winters annually along the coastal bluffs of the Project Site and Wavecrest. Wavecrest and the Project Site form a regionally important wintering site for the species in San Mateo County. Although the species of concern designation protects nesting sites, CDFW and CCC staff have recommended conservation of the Half Moon Bay coastal bluffs to protect this wintering site for the species.

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SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE AT THE PROJECT SITE
Burrowing owl (*Athene cunicularia*)	BCC/CSC	Found in open dry annual or perennial grasslands, deserts and scrublands characterized by low growing vegetation. This species is a subterranean nester, dependent upon burrowing mammals, most notably the California ground squirrel.	Not present. Suitable habitat not present at the site mainly due to lack of ground squirrel burrows. This species has occurred along the ocean bluffs in Half Moon Bay, most recently at Half Moon Bay State Beach.
Olive-sided Flycatcher *(Contopus cooperi)* (nesting)	BCC/CSC	Uncommon to common, summer resident in a wide variety of forest and woodland habitats below 2800 meters throughout California. Requires large, tall trees, usually conifers, for nesting and roosting sites.	Not present. No suitable nesting habitat is present at the stie. A fairly common nesting species in Half Moon Bay, but in areas with taller trees, particularly on the inland side of the City where taller eucalyptus and cypress occur.
Loggerhead Shrike (*Lanius ludovicianus*)	BCC/CSC	Habitat includes open areas such as desert, grasslands and savannah. Nests in thickly foliaged trees or tall shrubs. Forages in open habitats, which contain trees, fence posts, utility poles, and other perches.	Possible. Suitable winter habitat is present at the site. This species is sometimes observed in small numbers on the coastal bluffs in Half Moon Bay in winter and during migration.

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SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE AT THE PROJECT SITE
Purple Martin (*Progne subis*)	--/CSC	Uses a variety of wooded, low-elevation habitats throughout California. Uses hardwood and hardwood-conifer habitats as well as riparian habitats. Now a rare and local breeder on the coast and in interior mountain ranges.	Unlikely. This species nests approximately four miles from Half Moon Bay along Skyline Boulevard. The birds likely forage at times near the mouth of Pilarcitos Creek.
San Francisco Common Yellowthroat (*Geothlypis trichas sinuosa*)	BCC/CSC	Requires thick continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.	Not present. Suitable habitat not present at the site. Nearest breeding by this species is in riparian habitats at Wavecrest and near the mouth of Pilarcitos Creek.
Yellow Warbler *(Septophaga petechia*) (Nesting)	BCC/CSC	Breeds in deciduous riparian woodlands, widespread during fall mitigation.	Not present. Suitable breeding habitat is not present at the site. The species is common in Half Moon Bay during fall migration.
Grasshopper Sparrow (*Ammodramus savannarum*)	--/CSC	Found in dense grasslands, especially those with a variety of grasses and tall forbs and scattered shrubs for singing perches.	Present. Suitable habitat for this species can be found throughout the ocean bluffs between Kelly Avenue and Redondo Beach Road. Has been observed on the site but nesting has not been documented. Guidelines for avoidance of habitat and minimization of construction impacts included herein.

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SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE AT THE PROJECT SITE
Bryant's Savannah Sparrow (*Passerculus sandwichensis alaudinus*)	--/CSC	Occupies low tidally influenced habitats, adjacent ruderal areas, moist grasslands within and just above the fog belt, and, infrequently drier grasslands.	Present. Suitable habitat for this species can be found throughout the ocean bluffs between Kelly Avenue and Redondo Beach Road, including the area of the Project Site. Nesting has been documented at the site. Guidelines for avoidance of habitat and minimization of construction impacts included herein.
Large-billed Savannah Sparrow (*Passerculus sandwichensis rostratus*) (wintering)	--/CSC	Breeding habitat limited to open, low salt marsh vegetation, including grasses, pickleweed, etc. around the mouth of the Colorado River and adjacent coastlines of the uppermost Gulf of California. Winters along shorelines.	Not present. Has been known to winter at Pillar Point Harbor. Could occur on the beach adjacent to the Project Site, but unlikely.
San Francisco Dusky-Footed Woodrat *(Neotoma fuscipes annectens)*	-/CSC	Found in forested habitats of moderate canopy and moderate to dense understory.	Not present. No suitable habitat is present at the stie. More likely to occur in forested areas on the inland side of the City where taller eucalyptus and cypress occur.
American badger (*Taxidea taxus*)	-/CSC	Drier open stages of most shrub, forest, and herbaceous habitats; needs sufficient food, friable soils and open, uncultivated ground.	Not present. No suitable habitat is present at the site. Nearest documented occurrences are in the hills northeast of Half Moon Bay.
Pallid bat *Antrozous pallidus*	--/CSC	Roosts primarily in oak woodland and ponderosa pine habitats; forages in open areas.	Not present. Suitable habitat not present at the site.

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SPECIES	STATUS FED/STATE	HABITAT	OCCURRENCE AT THE PROJECT SITE
Townsend's Big-eared Bat *(Corynorhinus townsendii)*	--/CCT,CSC	Found in desert scrub and coniferous forests. Roost in caves or abandoned mines and occasionally are found to roost in buildings.	Not present. Suitable habitat not present at the site.

1. Sources:

California Department of Fish and Game. November 1990. California's Wildlife, Volume II, Birds.

California Department of Fish and Wildlife, Natural Heritage Division. California Natural Diversity Data Base for the Half Moon Bay 7.5 Minute Quadrangle Map and surrounding areas, May 2018.

California Department of Fish and Wildlife. Special Animals List. July 2017.

Jaramillo, Alvaro. 2016. Notes submitted to the City of Half Moon Bay regarding the General Plan Update.

Sequoia Audubon Society. May 2001. San Mateo County Breeding Bird Atlas.

Shuford, David W. and Thomas Gardali, editors. 2008. California Bird Species of Special Concern. Western Field Ornithologists and California Department of Fish and Game.

2. Status Codes:

FE Federally-listed Endangered
FT Federally-listed Threatened
FPE Federally-proposed Endangered
FPT Federally-proposed Threatened

CE California State-listed Endangered
CT California State-listed Threatened
CCT Candidate California State-listed Threatened
CR California Rare

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BCC USFWS Bird Species of Conservation Concern

FP California Fully Protected
CSC CDFW Species of Special Concern
WL CDFW Watch List Species

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City of Half Moon Bay
Community Development Director Review
EMERGENCY COASTAL DEVELOPMENT PERMIT ISSUANCE
PDP-18-092 – December 21, 2018

PERMIT ISSUANCE

Approval of PDP-18-092, an Emergency Coastal Development Permit (CDP) application by the City of Half Moon Bay Public Works Department to remove and replace an existing deteriorated corrugated metal storm drain pipe near the top of the sloped beach access trail at Poplar Beach. Immediate repairs are necessary to avoid significant erosion in the area surrounding the deteriorated pipe that could be caused by winter storm events, as well as to avoid potential public safety hazards for the beach accessway and the beach area below the corroded pipe.

Drainage pipe replacement is hereby approved for immediate implementation, subject to the Conditions of Approval contained in Attachment 1 and the approved plans contained in Attachment 2.

APPROVED

Jill Dever Ekas,
Community Development Director

12-21-2018
Date

PROJECT SUMMARY

Owner:	City of Half Moon Bay
Applicant:	City of Half Moon Bay Public Works Department
Project Planner:	Brittney Cozzolino, Associate Planner (650) 750-2014
Requested Permits:	Emergency Coastal Development Permit to remove and replace deteriorated drainage pipe.
Site Location:	Western terminus of Poplar Street near accessway to Poplar Beach, APN 064-410-010

Local Coastal Land Use Plan/General Plan:	Regional Public Recreation
Local Coastal Implementation Plan/Zoning:	Open Space – Passive (OS-P)
Environmental Determination:	Statutorily exempt pursuant to Public Resources Code Section 21080(b) and California Code of Regulations Section 15269, Emergency Projects.
Water:	Not applicable to an emergency repair project.
Sewer:	Not applicable to an emergency repair project.
Right of Appeal:	This permit allows a limited amount of work to address an emergency situation. As such, the Emergency Coastal Development Permit is not appealable. A follow up Coastal Development Permit is required. When that permit is considered by the City, any aggrieved person may appeal that decision within ten (10) working days of the date of the decision. This site is located within the Coastal Appeal Zone; therefore, the City's final action is appealable to the California Coastal Commission.

BACKGROUND

Project Description: There is an existing buried 15" corrugated metal pipe that runs from the drainage ditch at the beginning of the access path leading to Poplar Beach beneath and across the path and day lights on the bluff face. The corrugated metal pipe has experienced significant erosion in recent years and the access trail down to Poplar Beach may be impassable if further erosion continues unabated. Immediate action is necessary to remove and replace the deteriorated pipe prior to upcoming winter storm events.

The replacement project entails removing the existing buried corrugated pipe from the exposed drainage ditch to the bluff face and installing a new 15" corrugated high density polyethylene pipe (HDPE) in the same general alignment. The new pipe will extend down from the point of daylighting to the cliff ledge below for additional support and to reduce outfall velocity. A rock splash pad will be placed below the pipe head for energy dissipation. Small mechanized equipment such as a Bobcat will be necessary to install the rock splash pad on the beach, and minor sand movement will be required to provide equipment access at the bottom of the beach access trail as there is currently a small drop-off. Beach access will be temporarily closed during project construction for no more than 5 days. The project site will be restored to its previous condition immediately following project construction, including restoration and revegetation of

any disturbed native vegetation. Wood split-rail fencing will be installed in the project area with signage to keep the public away from the hazardous bluff edge.

Site & Surroundings Properties: The site is located at the western terminus of Poplar Street, near the top of the beach access trail down to Poplar Beach. The project site is surrounded by the Poplar Beach Blufftop Park, the California Coastal Trail, Poplar Beach and the Pacific Ocean, and the Poplar Beach public parking lot.

Requirements for Emergency Permits: Municipal Code 18.20.040 B. establishes requirements for Emergency Coastal Development Permits. The information to be reported during the emergency, if possible, or to be reported fully in any case after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective, or preventive work required to deal with the emergency; and
5. The circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.

Granting of Emergency Permits: Municipal Code 18.20.040 C. provides the parameters under which the Community Development Director may act on an Emergency CDP. Generally, the Director may act as quickly as deemed appropriate upon reasonable terms and conditions. In cases where public notice can be made, it shall be provided. In this case, public notice will be provided in advance of project implementation through the Half Moon Bay Community eNews, a weekly email newsletter, and Nextdoor, an online neighborhood social network, as well as through site posting at the project location.

Municipal Code 18.20.040 C. also includes the findings that must be made in order to grant an Emergency CDP. The findings and Community Development Director's determinations are listed below:

1. Finding: An emergency exists and requires action more quickly than permitted by the procedures for administrative permits or for ordinary permits, and the development can and will be completed within thirty days unless otherwise specified by the terms of the permit.

   Director's Determination: Due to the potential risks to public access and safety, which will be exacerbated by winter storm events, immediate action is warranted to mitigate the existing hazardous condition of the deteriorated drainage pipe. The emergency work will begin the first week of January 2019, weather permitting, and will be completed within 5 days. The City of Half Moon Bay Public Works Department will apply

for a follow-up coastal development permit that addresses both drainage and access improvements at this specific location.

2. Finding: Public comment on the proposed emergency action has been reviewed if time allows:

   Director's Determination: Public notification will be provided at least 5 days prior to the emergency work commencement as described above. Public comment will be reviewed and considered as time allows.

3. Finding: The work proposed would be consistent with the requirements of the coastal program.

   Director's Determination: The Local Coastal Program, in implementation of the California Coastal Act, provides guidance to ensure protection of coastal resources including sensitive habitat areas and public access and recreation. These primary goals of the City's LCP are supported by this emergency work to prevent any impacts to public access and safety, as well as impacts to the sensitive bluff top and bluff edge from erosion caused by the existing malfunctioning drainage pipe. Temporary beach closure is necessary to accomplish this project; however, this impact is considered insignificant as it will be no longer than 5 days, will occur during the winter when beach access demand is at its lowest, and will allow public access safety improvements to occur from project implementation. Temporary disturbance of the blufftop and beach area will be fully restored after project implementation such that no impacts to sensitive habitat will occur.

Figure 1. Project Location

Figure 2. Corroded Drainage Pipe from Blufftop

Figure 3. Corroded Drainage Pipe from Beach

Figure 4. Interior of Deteriorated Drainage Pipe

ANALYSIS

Construction Impacts: Construction will require temporary closure of the beach access trail, temporary sand movement on the beach to allow access for small mechanized equipment, and temporary disturbance of the blufftop to remove and replace the section of buried pipe. Beach access closure is limited to no more than 5 days, and all temporarily disturbed areas will be fully restored to their previous condition immediately upon project completion.

Biological Resources: The project site is near a biologically sensitive area, but project impacts will be limited to the area of the alignment of the existing drainage pipe. This area consists of an informal dirt trail and the bluff face where the drainage pipe currently daylights. This replacement project will reduce potential for impacts to sensitive habitat areas from erosion and will restore any disturbed areas to their previous condition immediately upon project completion.

Conformance with the Local Coastal Land Use Plan/General Plan and the Zoning Code: The primary purpose of the Local Coastal Land Use Plan/General Plan designation, Regional Public Recreation, and the Zoning designation, Open Space – Passive (OS-P), is to protect and preserve sensitive habitat areas and coastal recreational areas. The replacement of this deteriorated drainage pipe will prevent potential risks to public safety, public access and recreation, and the sensitive bluff face and blufftop area surrounding the drainage pipe location, thereby supporting the intent of this land use and zoning.

Other Key Issues: The California Coastal Commission has been notified of the emergency situation and the intent to process an Emergency Coastal Development Permit. This staff report will be provided to the Coastal Commission as well as to the Half Moon Bay Planning Commission at their next regularly scheduled meeting on January 8, 2019 pursuant to Half Moon Bay Municipal Code Section 18.20.040(D). A follow-up permit will be required pursuant to Municipal Code Section 18.20.040(E).

ENVIRONMENTAL DETERMINATION

The project is statutorily exempt from environmental review under the California Environmental Quality Act pursuant to the California Code of Regulations Section 15269, Emergency Projects, which states in relevant part:

The following emergency project are exempt from the requirements of CEQA. [...]

(b) Emergency repairs to publicly or privately-owned serviced facilities necessary to maintain service essential to the public health, safety or welfare.

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.

Public Resources Code Section 21080(b) also exempts emergency work, as follows:

(b) This division does not apply to any of the following activities: [...]

(2) Emergency repairs to public service facilities necessary to maintain service. [...]

(4) Specific actions necessary to prevent or mitigate an emergency.

CONCLUSION

Based on the above analysis, staff concludes that the proposed emergency project is consistent with the Zoning Ordinance and Local Coastal Program, is compatible with surrounding uses, and conforms to the requirements of the California Environmental Quality Act. The Community Development Director has approved the Emergency Coastal Development Permit based on the required findings as stated in this report and subject to Condition of Approval in Attachment 1.

ATTACHMENTS

1. Conditions of Approval
2. Project Plans

ATTACHMENT 1
CONDITIONS OF APPROVAL
Community Development Director Emergency Coastal Development Permit
PDP-18-092
Poplar Beach Drainage Pipe Replacement Project

A. The following Conditions shall apply to the Emergency CDP:

1. CONFORMANCE WITH CONDITIONS OF APPROVAL. The permittee shall conduct the "Project" in full conformance with these Conditions of Approval.

2. CONFORMANCE WITH THE MUNICIPAL CODE. No part of this approval shall be construed to permit a violation of any part of the Half Moon Bay Municipal Code.

B. The following conditions shall be implemented prior to and/or during project implementation:

1. SIGNED CONDITIONS OF APPROVAL. The City Engineer shall sign the conditions of approval and ensure their implementation.

2. TEMPORARY ACCESS IMPACTS. Temporary beach access closure shall occur for no more than five (5) days. Access to the California Coastal Trail and the Poplar Beach public parking lot shall not be impaired.

3. BEST MANAGEMENT PRACTICES. Any contractors working on the project shall implement the following best management practices to minimize potential impacts to the surrounding blufftop and beach habitat:
   a. During construction activities, equipment storage and staging areas shall be located in the public parking area such that there are no impacts to Coastal Trail access or the surrounding sensitive habitat areas, and such that the impacts to public parking areas are minimized.
   b. All mechanized equipment used during construction will be checked prior to project implementation for oil, fuel, and coolant leaks.
   c. All vehicles and equipment shall be kept clean. Excessive build-up of oil and grease shall be prevented.
   d. Prior to the commencement of construction, the limits of the construction zone shall be clearly marked and fenced to prevent any impacts to the surrounding sensitive habitat area.

4. CONSTRUCTION HOURS. Construction work shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday; 8:00 a.m. to 6:00 p.m. Saturdays; and 10:00 a.m. to 6:00 p.m. Sundays and holidays, except as expressly authorized by the City Manager in conformance with Section 14.40.020 of the Half Moon Bay Municipal Code.

5. REVEGETATION OF DISTURBED AREAS. Immediately following construction, any areas disturbed by temporary construction impacts shall be revegetated with a standard erosion

control native seed mix. The native seed mix shall be locally sourced and suited to the conditions and habitat types of the surrounding project area.

C. The following conditions shall be implemented as part of the follow up Coastal Development Permit for this Emergency Permit issuance:

1. PROCESSING AND ISSUANCE OF A COASTAL DEVELOPMENT PERMIT. Within 60 days of issuance of this permit, the permittee shall submit a Coastal Development Permit application that addresses long-term drainage solutions for this specific project area. The application shall address the emergency work completed and the completion date, measures implemented to avoid impacts to coastal resources, and the estimated schedule for implementation of a long-term drainage solution for the project site.

D. Validity and Expiration of Permits

1. PERMIT EXPIRATION. The Emergency Coastal Development Permit (ECDP) shall expire sixty (60) days from the date of the approval letter is issued, unless the applicant has obtained an extension of the permit.
2. PERMIT RUNS WITH THE LAND. The approval runs with the land and the rights and obligations thereunder, including the responsibility to comply with conditions of approval, shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned or revoked.

PERMITTEE'S CERTIFICATION:

I have read and understand and hereby accept and agree to implement the foregoing conditions of approval of the Emergency Coastal Development Permit.

APPLICANT:

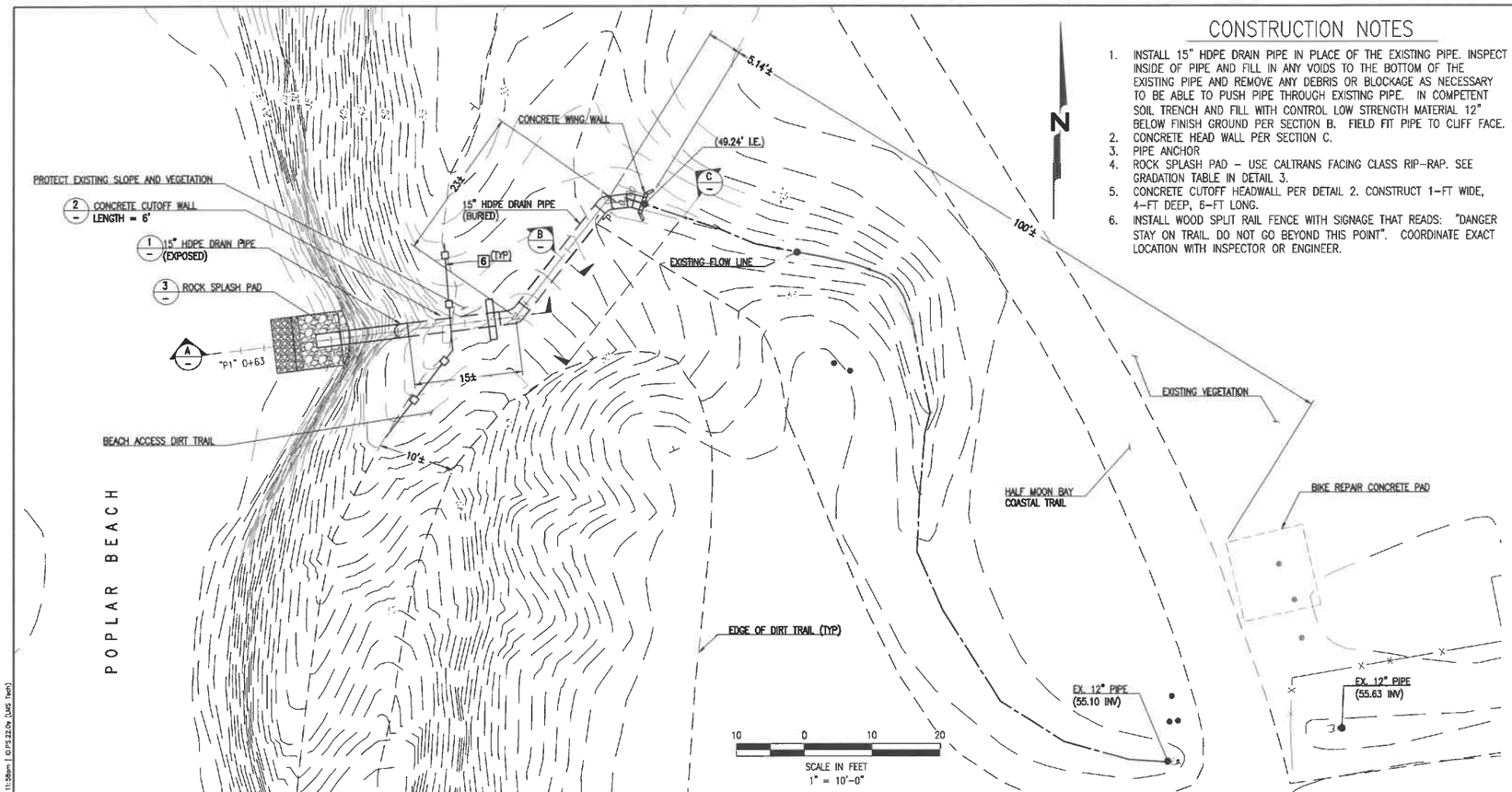
Mazie Bozorgi — 12/21/2018

(Signature) (Date)

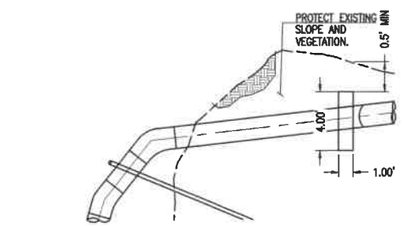
ATTACHMENT 2

CONSTRUCTION NOTES

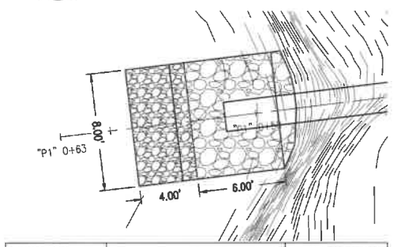
1. INSTALL 15" HDPE DRAIN PIPE IN PLACE OF THE EXISTING PIPE. INSPECT INSIDE OF PIPE AND FILL IN ANY VOIDS TO THE BOTTOM OF THE EXISTING PIPE AND REMOVE ANY DEBRIS OR BLOCKAGE AS NECESSARY TO BE ABLE TO PUSH PIPE THROUGH EXISTING PIPE. IN COMPETENT SOIL TRENCH AND FILL WITH CONTROL LOW STRENGTH MATERIAL 12" BELOW FINISH GROUND PER SECTION B. FIELD FIT PIPE TO CLIFF FACE.
2. CONCRETE HEAD WALL PER SECTION C.
3. PIPE ANCHOR
4. ROCK SPLASH PAD – USE CALTRANS FACING CLASS RIP-RAP. SEE GRADATION TABLE IN DETAIL 3.
5. CONCRETE CUTOFF HEADWALL PER DETAIL 2. CONSTRUCT 1-FT WIDE, 4-FT DEEP, 6-FT LONG.
6. INSTALL WOOD SPLIT RAIL FENCE WITH SIGNAGE THAT READS: "DANGER STAY ON TRAIL. DO NOT GO BEYOND THIS POINT". COORDINATE EXACT LOCATION WITH INSPECTOR OR ENGINEER.
7. INSTALL GRATE AT CONCRETE WING WALL WITH HINGES FOR MAINTENANCE.
8. DURING CONSTRUCTION PROVIDE SIGNAGE TO READ: BEACH ACCESS CLOSED DURING CONSTRUCTION WORK–NO PEDESTRIAN ACCESS FROM MO/DAY/YR TO MO/DAY/YR. INSTALL AND MAINTAIN AT LEAST 4 SIGNS ON BARRICADES OR POST AND REMOVE AFTER CONSTRUCTION IS COMPLETE.



DRAIN PIPE LAYOUT PLAN VIEW

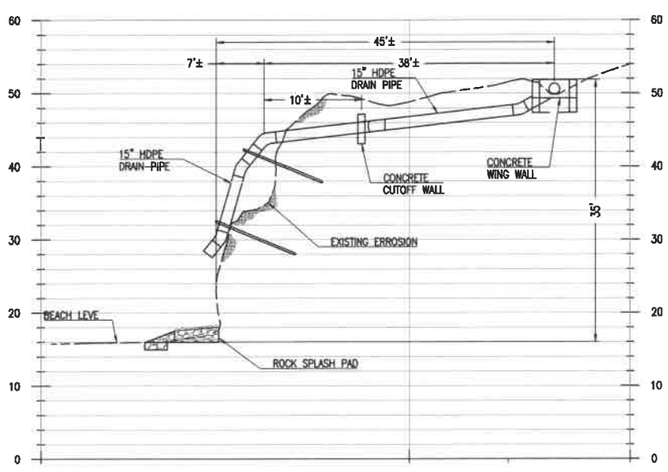


2 CUTOFF WALL – ELEVATION DETAIL
NTS

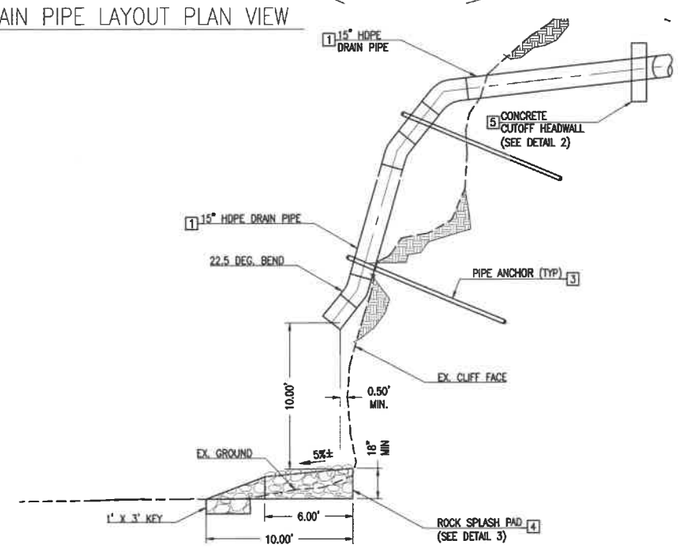


ROCK SIZE	TYPICAL GRADATION (%>)	SPECIFICAITON
200 LB.	2	0 – 5
75 LB.	65	50 – 100
25 LB.	94	90 – 100

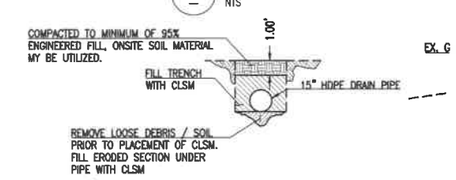
3 ROCK SPLASH PAD – PLAN DETAIL
NTS



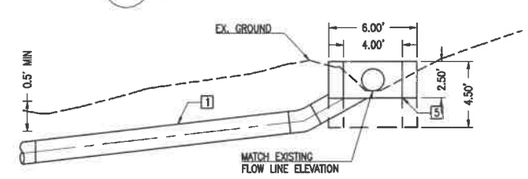
1 15" DRAIN PIPE – PROFILE
1"=10'



A DRAIN PIPE – SECTION
1"=5'



B TRENCH – SECTION
NTS



C WING WALL & DRAIN PIPE – SECTION
NTS

30% SUBMITTAL
PRELIMINARY
FOR REVIEW
NOT FOR CONSTRUCTION
DATE: 12/03/2018

811 Know what's below. Call before you dig.

NCE
501 Canal Blvd., Suite I
Richmond, Ca. 94804
(510) 215-3620 * Fax (510) 215-2898

REGISTERED PROFESSIONAL ENGINEER FRANZ G. HALDIMANN No. C 84725 EXP. 06/30/19 CIVIL STATE OF CALIFORNIA

POPLAR BEACH EMERGENCY DRAINAGE REPAIRS

OWNER

VIVIR·TRABAJAR·JUGAR EN HALF MOON BAY

NO.	DATE	DESCRIPTION

PROJECT NO:	561.08.55
DESIGNED BY:	PRS
DRAWN BY:	PRS
CHECKED BY: Ckd By	DATE: Ckd Date
DATE:	12/19/2018

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SHEET TITLE

EMERGENCY DRAIN PIPE REPAIR

DRAWING

FIG. 1

SHEET 1 OF 1

File: P:\Active Projects\Half Moon Bay – 561\561.08.55 – Poplar Beach Access & Drainage Repair\CAD\Sheets\Poplar Beach Drainage.dwg | Layout: Layout1 | Printed Dec 19, 2018 @ 11:59am | ID PS 22.0x (JMS Test)

City of Half Moon Bay
Community Development Director Review
EMERGENCY COASTAL DEVELOPMENT PERMIT ISSUANCE
PDP-19-024– March 26, 2019

PERMIT ISSUANCE

Approval of PDP-19-024, an Emergency Coastal Development Permit (CDP) application by the City of Half Moon Bay Public Works Department to place temporary safety fencing along the eroding bluff edge at Poplar Beach Blufftop Park between Poplar Street and Kelly Avenue. Immediate safety measures are necessary to protect the public from coming too close to the actively eroding bluff edge, which has become more vulnerable to erosion after significant winter rain events. The temporary fencing will not block public access to or along the Coastal Trail or down to Poplar Beach or Francis State Beach.

Temporary safety fencing is hereby approved for immediate implementation, subject to the Conditions of Approval contained in Attachment 1 and the approved plans contained in Attachment 2.

APPROVED

Jill Ekas

Jill Dever Ekas,
Community Development Director

3/25/2019
Date

PROJECT SUMMARY

Owner:	City of Half Moon Bay
Applicant:	City of Half Moon Bay Public Works Department
Project Planner:	Brittney Cozzolino, Associate Planner (650) 750-2014
Requested Permits:	Emergency Coastal Development Permit to install temporary safety fencing.

Local Coastal Land Use Plan/General Plan:	Regional Public Recreation
Local Coastal Implementation Plan/Zoning:	Open Space – Passive (OS-P)
Environmental Determination:	Statutorily exempt pursuant to Public Resources Code Section 21080(b) and California Code of Regulations Section 15269, Emergency Projects.
Water:	Not applicable to an emergency safety project.
Sewer:	Not applicable to an emergency safety project.
Right of Appeal:	This permit allows a limited amount of work to address an emergency situation. As such, the Emergency Coastal Development Permit is not appealable. A follow up Coastal Development Permit is required. When that permit is considered by the City, any aggrieved person may appeal that decision within ten (10) working days of the date of the decision. This site is located within the Coastal Appeal Zone; therefore, the City's final action is appealable to the California Coastal Commission.

BACKGROUND

Project Description: The span of coastal bluffs between Poplar Street and Kelly Avenue provides a popular public access and recreation area, with access to Poplar Beach and Francis State Beach as well as a segment of the California Coastal Trail. The bluffs have been actively eroding, caused both naturally due to wave action and storm events as well as human impacts from informal trails and drainage channels. A study conducted by NCE Engineering and Environmental Services in 2017 confirmed the unstable bluff conditions and need for trail retreat and drainage management in the project area. As such, the City has begun planning efforts for the Poplar Beach Gateways Plan to address long-term trail retreat, bluff stabilization, and habitat restoration along the bluffs between Poplar Street and Kelly Avenue.

The recent heavy winter storm events have exacerbated this condition and further destabilized the bluff edge. As the informal trails lead from the formal Coastal Trail right up to the bluff edge in many locations, immediate action is necessary to fence these areas off and prevent the public from coming too close to the actively eroding bluff edge. The temporary safety fencing will not block public access to or along the Coastal Trail or down to Poplar Beach or Francis State Beach.

The safety fencing will remain in place until the City Engineer determines it can be removed or replaced with new fencing or other safety preventions. The Poplar Beach Gateways Plan, which is currently underway and anticipated for adoption in 2019, is considered the follow-up action to address long-term access and safety improvements in this project area. This plan will likely include a combination of trail retreat, split-rail fencing, habitat restoration areas, dedicated overlook points, and educational signage to protect public safety and prevent access to dangerous areas of high bluff erosion.

Site & Surrounding Properties: The project site is located along the bluff edge of Poplar Beach Blufftop Park between Poplar Street and Kelly Avenue. The site is surrounded by the California Coastal Trail, the beach and ocean, and the public beach parking lots for Poplar Beach and Francis State Beach.

Requirements for Emergency Permits: Municipal Code 18.20.040 B. establishes requirements for Emergency Coastal Development Permits. The information to be reported during the emergency, if possible, or to be reported fully in any case after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective, or preventive work required to deal with the emergency; and
5. The circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.

Granting of Emergency Permits: Municipal Code 18.20.040 C. provides the parameters under which the Community Development Director may act on an Emergency CDP. Generally, the Director may act as quickly as deemed appropriate upon reasonable terms and conditions. In cases where public notice can be made, it shall be provided. In this case, public notice was provided in advance of project implementation through the Half Moon Bay Community eNews, a weekly email newsletter, and Nextdoor, an online neighborhood social network.

Municipal Code 18.20.040 C. also includes the findings that must be made in order to grant an Emergency CDP. The findings and Community Development Director's determinations are listed below:

1. <u>Finding:</u> An emergency exists and requires action more quickly than permitted by the procedures for administrative permits or for ordinary permits, and the development can and will be completed within thirty days unless otherwise specified by the terms of the permit.

   <u>Director's Determination:</u> Due to the potential risks to public access and safety, which have been exacerbated by winter storm events, immediate action is warranted to temporarily fence off the eroding bluff edge. The emergency work began on March 22,

2019 and was completed within three days. The Poplar Beach Gateways Plan, which is currently underway and anticipated for adoption in 2019, is considered the follow-up action to address long-term access and safety improvements in this project area.

2. Finding: Public comment on the proposed emergency action has been reviewed if time allows:

   Director's Determination: Public notification was provided at least 5 days prior to the emergency work commencement as described above. No comments have been received as of the date of this staff report. Public comment will be reviewed and considered as time allows. The City Council also received a detailed presentation by the City Engineer at their televised public meeting on March 19, 2019, at which Council acknowledged the emergency project and did not direct any other course of action other than to ensure that the public is well informed.

3. Finding: The work proposed would be consistent with the requirements of the coastal program.

   Director's Determination: The Local Coastal Program, in implementation of the California Coastal Act, provides guidance to ensure protection of coastal resources including sensitive habitat areas and public access and recreation. These primary goals of the City's LCP are supported by this emergency work to prevent any impacts to public access and safety, as well as impacts to the sensitive bluff top and bluff edge from erosion caused by public access. Although the temporary safety fencing will prevent public access along the informal bluff edge trails, this action is necessary to prevent an emergency and protect public safety. These informal trails have exacerbated bluff erosion and allow the public to get dangerously close to the actively eroding bluff edge. The temporary fencing will not block public access to or along the Coastal Trail or down to Poplar Beach. Long-term public access and safety improvements will be addressed through the Poplar Gateways Plan, which will likely include a combination of split-rail fencing, habitat restoration areas, dedicated overlook points, and educational signage to protect public safety and prevent access to dangerous areas of high bluff erosion.

Figure 1. Project Location

Figure 2. Photo of Temporary Fencing

Figure 3. Example of Informal Trails Near Bluff Edge

Figure 4. Example of Public Safety Concerns

ANALYSIS

Construction Impacts: Construction will involve placement of temporary mesh fencing along the bluff edge. The fencing is light-weight and secured by posts with negligible impact. No mechanized equipment will be used. The fencing will remain in place until the City Engineer determines it can be removed or replaced with new fencing or other safety preventions.

Biological Resources: The project site is within a biologically sensitive area, but project impacts will be limited to areas of informal trails where no sensitive vegetation exists. This emergency project will reduce potential for further impacts to sensitive habitat areas from informal public

access. The Poplar Beach Gateways Plan will address habitat restoration along with long-term solutions for public access and safety improvements.

Conformance with the Local Coastal Land Use Plan/General Plan and the Zoning Code: The primary purpose of the Local Coastal Land Use Plan/General Plan designation, Regional Public Recreation, and the Zoning designation, Open Space – Passive (OS-P), is to protect and preserve sensitive habitat areas and coastal recreational areas. The temporary safety fencing will reduce potential risks to public safety, public access and recreation, and the sensitive bluff face and blufftop area, thereby supporting the intent of the land use plan and zoning.

Other Key Issues: The California Coastal Commission has been notified of the emergency situation and the intent to process an Emergency Coastal Development Permit. This staff report will be provided to the Coastal Commission as well as to the Half Moon Bay Planning Commission at their next regularly scheduled meeting on March 26, 2019 pursuant to Half Moon Bay Municipal Code Section 18.20.040(D). A follow-up permit will be required pursuant to Municipal Code Section 18.20.040(E).

ENVIRONMENTAL DETERMINATION

The project is statutorily exempt from environmental review under the California Environmental Quality Act pursuant to the California Code of Regulations Section 15269, Emergency Projects, which states in relevant part:

The following emergency project are exempt from the requirements of CEQA. […]

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.

Public Resources Code Section 21080(b) also exempts emergency work, as follows:

(b) This division does not apply to any of the following activities: […]

(4) Specific actions necessary to prevent or mitigate an emergency.

CONCLUSION

Based on the above analysis, staff concludes that the proposed emergency project is consistent with the Zoning Ordinance and Local Coastal Program, is compatible with surrounding uses, and conforms to the requirements of the California Environmental Quality Act. The Community Development Director has approved the Emergency Coastal Development Permit based on the required findings as stated in this report and subject to Condition of Approval in Attachment 1.

ATTACHMENTS

1. Conditions of Approval

ATTACHMENT 1
CONDITIONS OF APPROVAL
Community Development Director Emergency Coastal Development Permit
PDP-19-024
Poplar Beach Blufftop Park Temporary Safety Fencing

A. The following Conditions shall apply to the Emergency CDP:

1. CONFORMANCE WITH CONDITIONS OF APPROVAL. The permittee shall conduct the "Project" in full conformance with these Conditions of Approval.
2. CONFORMANCE WITH THE MUNICIPAL CODE. No part of this approval shall be construed to permit a violation of any part of the Half Moon Bay Municipal Code.

B. The following conditions shall be implemented prior to and/or during project implementation:

1. SIGNED CONDITIONS OF APPROVAL. The Public Works Director shall sign the conditions of approval and ensure their implementation.
2. TEMPORARY ACCESS IMPACTS. Temporary access impacts shall be limited to blockage of the informal trails and bluff edge on the western side of the California Coastal Trail. Access to the California Coastal Trail, Poplar Beach, Francis State Beach, and the respective public beach parking lots shall not be impaired.
3. BEST MANAGEMENT PRACTICES. Any contractors working on the project shall implement the following best management practices to minimize potential impacts to the surrounding blufftop and beach habitat:
   a. During installation of the temporary fencing, equipment storage and staging areas shall be located such that there are no impacts to Coastal Trail access or the surrounding sensitive habitat areas, and such that the impacts to public parking areas are minimized.
4. CONSTRUCTION HOURS. Construction work shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday; 8:00 a.m. to 6:00 p.m. Saturdays; and 10:00 a.m. to 6:00 p.m. Sundays and holidays, except as expressly authorized by the City Manager in conformance with Section 14.40.020 of the Half Moon Bay Municipal Code.
5. REVEGETATION OF DISTURBED AREAS. Immediately following construction, any areas disturbed by temporary construction impacts shall be revegetated with a standard erosion control native seed mix. The native seed mix shall be locally sourced and suited to the conditions and habitat types of the surrounding project area.

C. The following conditions shall be implemented as part of the follow up Coastal Development Permit for this Emergency Permit issuance:

1. PROCESSING AND ISSUANCE OF A COASTAL DEVELOPMENT PERMIT. The permittee shall actively work to complete the Poplar Gateways Plan and submit a Coastal Development Permit application that addresses long-term erosion control measures and public access and safety solutions for this specific project area in the first phase of plan implementation. The Poplar Gateways Plan and follow-up permit application shall address the emergency work completed and the completion date, measures implemented to avoid impacts to coastal resources, and the estimated schedule for implementation of a long-term public access and safety solution for the project site.

D. Validity and Expiration of Permits

1. PERMIT EXPIRATION. Because the follow-up Coastal Development Permit and long-term planning for erosion and hazard mitigation and public access is underway, this Emergency Coastal Development Permit (ECDP) shall remain valid until a more permanent approach can be implemented.
2. PERMIT RUNS WITH THE LAND. The approval runs with the land and the rights and obligations thereunder, including the responsibility to comply with conditions of approval, shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned or revoked.

PERMITTEE'S CERTIFICATION:

I have read and understand and hereby accept and agree to implement the foregoing conditions of approval of the Emergency Coastal Development Permit.

APPLICANT:

(Signature) 3/25/19 (Date)