CITY COUNCIL AGENDA
SPECIAL MEETING
CITY OF HALF MOON BAY

WEDNESDAY, SEPTEMBER 30, 2020

REMOTE PARTICIPATION (SEE NEXT PAGE)

Adam Eisen, Mayor
Robert Brownstone, Vice Mayor
Deborah Penrose, Councilmember
Harvey Rarback, Councilmember
Debbie Ruddock, Councilmember

6:00 PM

This agenda contains a brief description of each item to be considered. Those wishing to address the City Council on any matter not listed on the Agenda, but within the jurisdiction of the City Council 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 a Public Hearing matter will be called forward at the appropriate time during the Public Hearing consideration.

Please Note: Anyone wishing to present materials to the City Council, please submit seven copies to the City 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/

SPECIAL REMOTE PROTOCOLS

In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location to help stop the spread of COVID-19. This meeting will be conducted entirely by remote participation, in compliance with the Governor's Executive Order N-29-20 allowing for deviation of teleconference rules required by the Ralph M. Brown Act.

This meeting will be conducted via Zoom Webinar. Members of the public are welcome to login into the webinar as Attendees. During any public comment portions, attendees may use the "raise your hand" feature and will be called upon and unmuted when it is their turn to speak. The meeting will also be streamed on Channel 27, on pacificcoast.tv, on Facebook in English at www.facebook.com/cityofhalfmoonbay and in Spanish at www.facebook.com/halfmoonbayrecreation. Please click to join the webinar: https://zoom.us/j/96352691297 or join by phone at 669-900-9128, using Webinar ID 963-5269-1297.

CONVENE SPECIAL MEETING / ROLL CALL

1. PUBLIC HEARING ITEMS

1.A. LOCAL COASTAL LAND USE PLAN PUBLIC HEARING (CONTINUED FROM SEPTEMBER 29, 2020)

Staff Recommendation: For the first of two scheduled and duly noticed hearings on the 2020 Local Coastal Land Use Plan Update, staff recommends that the City Council receive a presentation, hold a public hearing, conduct a discussion, and provide direction to staff on the Land Use Plan Update and final recommended revisions (Exhibit A of the resolution). Council should then continue the public hearing to their regular meeting on October 6, 2020 at 7:00 PM. For the second hearing on the 2020 Local Coastal Land Use Plan Update, which is scheduled and duly noticed for October 6, staff recommends that the City Council complete its deliberations and adopt a resolution to approve and adopt the 2020 Local Coastal Land Use Plan Update, as recommended to be revised pursuant to Exhibit A of the resolution to this staff report.

STAFF REPORT

DRAFT RESOLUTION

ATTACHMENT 2

ATTACHMENT 3

Memo to CC_09.30.2020

ADJOURN SPECIAL MEETING

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **September 29, 2020 continued to September 30, 2020**

TO: Honorable Mayor and City Council

VIA: Bob Nisbet, City Manager

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

TITLE: **LOCAL COASTAL LAND USE PLAN PUBLIC HEARING**

RECOMMENDATION:
Due to lack of a quorum, this 2020 Local Coastal Land Use Plan Update item was continued from Tuesday September 29, 2020 to Wednesday, September 30, 2020 at 6:00 PM.

For the first of two scheduled and duly noticed hearings on the 2020 Local Coastal Land Use Plan Update, staff recommends that Council receive a presentation, hold a public hearing, conduct a discussion, and provide direction to staff on the Land Use Plan Update and final recommended revisions (Exhibit A of the resolution). Council should then continue the public hearing to their regular meeting on October 6, 2020 at 7:00 PM.

For the second hearing on the 2020 Local Coastal Land Use Plan Update, which is scheduled and duly noticed for October 6, staff recommends that Council complete its deliberations and adopt a resolution to approve and adopt the 2020 Local Coastal Land Use Plan Update, as recommended to be revised pursuant to Exhibit A of the resolution to this staff report.

FISCAL IMPACT:
There is no direct fiscal impact associated with the adoption of the 2020 Local Coastal Land Use Plan Update ("LUP update"). The LUP update has been funded through the Capital Improvement Program budget and three grants. Most of the work has been conducted by City staff with support from the City Attorney.

STRATEGIC ELEMENT:
This action supports all of the elements of City Council's strategic plan including Infrastructure and Environment, Healthy Communities and Public Safety, Fiscal Sustainability, and Inclusive Governance.

BACKGROUND:
The City lies entirely within the coastal zone and is therefore subject to the California Coastal Act. The City implements the Coastal Act through its Local Coastal Land Use Plan (LUP), which specifies the allowable kinds, locations and intensities of development in the City's jurisdiction, and the resource protection and development policies necessary to meet the requirements of the Coastal Act. The California Coastal Commission first approved the City's LUP in 1985. It was last updated in 1993 and effectively certified with the complete Local Coastal Program when the Commission approved the Implementation Plan in 1996.

This 2020 LUP update comprises the City's reexamined and updated policy approach for carrying out the Coastal Act and guiding review of coastal development projects in a manner that addresses changed conditions since certification of the 1996 LUP. The updated LUP reflects current conditions and community priorities and anticipates future needs with a new planning horizon of 2040. The LUP includes updated requirements to protect wetlands, riparian corridors, and other sensitive habitat areas; protect and maximize public access to and along the shoreline; concentrate new development in existing developed areas and assure adequate public services for new growth; protect and support agricultural lands and their operations; preserve scenic landscapes and cultural resources; minimize risks of environmental hazards; and provide for certain priority land uses, such as recreational facilities, visitor-serving uses, and affordable housing. The updated LUP also addresses several topics that were not yet concerns or otherwise were not acknowledged in the 1996 LUP including climate change, sea level rise, and environmental justice. Specific strategies for these new and updated topics are discussed in more detail in the following section of this staff report.

Because the entire City of Half Moon Bay is located within the Coastal Zone, the 1996 LUP noted that the City's Land Use Plan "constitutes not only the Coastal Element of the City's General Plan, but also every other element of the City's General Plan with the exception of the Housing Element." 1996 LUP, Ch. 1, p. 1, § 2.1. Since that time, the state regulations governing general plans have changed, and the City has supplemented the policies in the LUP with additional, standalone General Plan elements, including the Safety, Noise, Circulation, and Park and Recreation Elements. The City's current Housing Element was certified by the Department of Housing and Community Development (HCD) in 2015.

In fall 2013, the City initiated a collaborative process to update the policies in both the LUP and the standalone General Plan elements. While the policies in the LUP are intended to focus on Coastal Act requirements and guiding review of coastal development projects, the policies in the standalone General Plan elements are intended to be supportive of and consistent with the LUP. Topics addressed primarily in the standalone General Plan elements rather than the LUP include emergency preparedness and response strategies, affordable housing obligations, and historic resource protection.

Early in the update process, a General Plan Advisory Committee was formed and established Guiding Principles for the update as follows:

1. Maintain Half Moon Bay's small-town character and quality of life, and strengthen community connections through activities and improved public gathering places.
2. Enhance the city's scenic visual quality and coastal landscape setting, and ensure protection of environmental and surrounding agricultural resources through conservation and sustainable development.
3. Foster a complete and balanced community, with enhanced local commercial options, business incubation and growth, and diverse residential opportunities.
4. Promote pedestrian, bicycle, and transit mobility; increased connectivity between the city's neighborhoods; and enhanced coastal and open space access.
5. Encourage Downtown vitality with a more diverse array of uses and amenities.
6. Promote visitation and the city's development as a hub for the Midcoast. Gracefully accommodate tourism, balancing it with local needs and the community's character.

The General Plan Advisory Committee's contribution to the process was significant and set the stage for the Planning Commission to build on these principles. The Planning Commission confirmed the LUP update's hierarchy of priorities for land development and conservation in 2017 with a special focus on residential, commercial, and agricultural land uses. City Council priorities also provided the basis for many new concepts introduced in the LUP update to address the City's housing needs, Town Center focus, community involvement, and sustainability and resilience planning.

With these foundational elements, the City conducted extensive community outreach including neighborhood listening sessions, open houses, public workshops, and surveys to develop a first public draft of the LUP update in 2016. Response to public comments on this first public draft, new Planning Commission working drafts with oversight from an ad hoc committee, additional responses to public comments on the Planning Commission drafts (chapters published in 2018-2019), and a series of eleven televised Planning Commission study sessions and one joint Planning Commission/City Council study session over the last two years have brought us to where we are today. Throughout this time frame, staff has been actively meeting with and receiving comments from property owners, stakeholder groups, Coastal Commission staff, and other interested parties.

The full final draft LUP update was completed as of August 3, 2020 and is available online at www.planhmb.org. The attachments to this staff report include a draft resolution, a memorandum on the LUP update's compliance with the Housing Crisis Act of 2019 (SB 330), written public comment letters and emails. Final recommended revisions based on additional Coastal Commission staff input received and staff research since Planning Commission approval of the LUP update on September 8th are provided in Exhibit A of the resolution. The following section describes these final recommended revisions further.

DISCUSSION:

Policy Approaches

The following discussion provides an overview of the primary policy approaches in this LUP update. They were developed to specifically meet community needs, support Planning Commission direction, and implement City Council priorities.

Housing Strategies: Facilitating a diverse range of housing that is more sustainable, affordable, and appropriate for the needs of the local community is a cornerstone of the LUP update. Policies to achieve this include the following:

- Workforce Housing Overlay: The overlay creates affordable housing sites for agriculture, specified churches, public schools, and State parklands. The intent is to provide housing for the workforce serving Coastal Act Priority Uses or that is otherwise employed on the coastside in typically lower paying jobs. In additional to providing affordable housing options in land use designations that would not otherwise allow such housing units, the Workforce Housing Overlay is also intended to reduce vehicle trips by providing housing closer to places of employment on the coast. Farmworker housing associated with the Workforce Housing Overlay is a Coastal Act Priority Use in and of itself, as it is considered an agricultural use.

- Local Priority Uses: As a separate category from Coastal Act Priority and Non-Priority Uses, Local Priority Uses comprise affordable housing for extremely low, very low, and low income households including as provided for through the Workforce Housing Overlay. Infrastructure reservations for water supply and sewer treatment capacity are established for these uses, which would qualify for the affordable housing water connections established with the Crystal Springs pipeline project.

- Town Center: This LUP update increases development capacity in the Town Center for approximately 23 acres of land currently in the Residential – Medium Density land use designation to the Residential – High Density land use designation to provide for expanded multi-family housing options.

- Mobile Home Parks: This LUP update proposes to re-designate the Hilltop Mobile Home Park and adjacent parcels known as “Goat Hill” from the Light Industrial to the Mobile Home Park land use designation. This will facilitate expansion of this mobile home park and protect this land for affordable housing opportunities.

- Planned Development (PD) Provisions for Housing Affordability: Policy 2-57 provides several provisions for housing affordability for new residential development in the PD land use designations. The policy encourages multi-unit development such as garden apartments and live-work units, or smaller single-family units, including cottages. The policy also carries forward the existing LCP’s below market rate requirement for projects that include more than 10 units to provide at least 20% of the units as deed restricted affordable to lower income households.

- Light Industrial Mixed-Use Development: Options for mixed-use development are introduced through a live-work provision in the Light Industrial land use designation at up to 5 units/acre. The vacant Highway 92 fronting parcels in the former Andreotti PD are identified as suitable for a live-work use.

Town Center: The LUP update aims to incentivize and concentrate future development in the Town Center to support a vibrant downtown with a diverse mix of businesses, shops, housing types, and public spaces. Strategies introduced through policies to achieve this also further support housing and include the following:

- Transfer of Development Rights: The transfer of development rights program (Policy 2-22) provides a means to increase density for new residential and non-residential development within the Town Center by transferring rights to development from lots within PD designations outside of the Town Center.

- Lot Retirement: The lot retirement program (Policy 2-21) generally requires the retirement of one lot whenever a new lot is created through subdivision, but provides an exemption for lots created to develop deed restricted affordable housing.

- Minimum Density: Policy 2-67 requires a minimum density of 16 residential units per acre in the Residential – High Density land use designation.

- Water Connections for Mixed-Use or Change of Use: Policy 2-31 establishes that new non-priority uses in Town Center located in a development with an existing priority use do not require a new non-priority water connection if the existing water connection will adequately serve both uses.

- Shopping Center Retrofit: Policy 2-36 provides allowances for mixed-use retrofit and residential conversion options in North Downtown commercial centers.

- PD Density: Policy 2-54 allows a higher base residential density for Town Center PDs.

- Town Center Agriculture Conversion: Policy 4-9 considers allowances for converting prime and non-prime agricultural land to a new non-agricultural use in the Town Center.

- Permitted Uses: Policy 2-81 permits residential or mixed-use development in the Commercial – General, Commercial – Visitor Serving, and in certain cases, Light Industrial land use designations.

Infrastructure Strategies: The LUP update addresses the existing and potential infrastructure capacity constraints on the water, sewer, circulation, and stormwater systems in the City and strategies for reducing such constraints, including:

- Infrastructure reservations are established for Coastal Act Priority and Local Priority Uses to ensure sufficient water supply and sewer capacity is available for these uses, and that such uses are not precluded by development of Non-Priority Uses, for the maximum theoretical buildout scenario. Farmworker housing may qualify for either Coastal Act or Local Priority Use infrastructure reservations.

- Replacement of reserve land use designations (Urban Reserve and Open Space Reserve) in acknowledgement that the remaining capacity for new residential units is supported through Town Center development, neighborhood infill lots, and buildout of Planned Developments. The reserve designations are replaced with either a new Rural Coastal land use designation intended to support agricultural land uses, or a new Open Space for Conservation land use designation intended to protect lands with habitat value, steep slopes, and/or conservation easements.

- Emphasis on Town Boulevard improvements to address traffic flow issues without compromising community character. The Town Boulevard includes both Highway 1 and Highway 92 within city limits and can be implemented in a range of ways depending on the specific segment. Town Boulevard improvements may include lower speed limits, roundabouts, grade separations, safe pedestrian crossings, and multi-modal improvements.

- Recognizing that sewer treatment capacity for peak wet weather flow is likely constrained after the 2040 planning horizon, policies support system improvements that reduce infiltration and inflow as well as the development of a recycled water facility.

- Recognizing that the water system is more constrained by the amount of available water connections rather than the availability of actual water supply, policies support the potential for new water connections if necessary to support development of lower intensity Coastal Act Priority Uses and Local Priority Uses. New connections for Non-Priority Uses would be supported only where certain conservation requirements are met or after a reclaimed water supply is developed in conjunction with a determination that other infrastructure capacities are adequate.

- Recognizing that the existing circulation system is already constrained, policies discourage new higher trip generating uses north of Highway 92 where the system is most impacted and require that all higher trip generating uses provide some form of multi-modal improvements to offset traffic impacts.

Agriculture Support: The LUP update provides several methods for preserving agricultural operations and supporting their continued economic viability, including:

- Replacing the Urban Reserve and Open Space Reserve land use designations with a new Rural Coastal land use designation that allows expanded primary, ancillary, compatible, and supplemental uses for agricultural operations (Policies 4-6, 4-7, 2-88, 2-89, and 2-90).

- Supporting expanded farmworker housing opportunities (Policy 4-4) through the Workforce Housing Overlay.

- Establishing allowances for supplemental uses such as agritourism, farm stands, small-scale farm lodging, research and development facilities, and temporary and seasonal uses on up to 20% of the parcel or contiguous parcels under common ownership with an existing agricultural operation (Policy 4-8).

- Offering Williamson Act contracts and agricultural conservation easements as *voluntary incentives* for ensuring continued agriculture land use (Policy 4-3).

- Supporting expedited permitting for minor activities and development with no habitat impacts, as well as reduced permit fees (Policy 4-5 and 2-11).

Planned Developments: Staff's original approach was to update the Planned Development (PD) policies with a more realistic vision for how these sites could develop given known site constraints such as the presence of sensitive habitat areas, hazard zones, and visual corridors. However, input from PD landowners and Coastal Commission staff indicated that these updated policies were too specific and could preclude flexible master planning based on more site-specific studies. The final draft LUP update therefore takes the following approach to PDs:

- Substantially Developed PDs: Several substantially developed PDs are re-designated to reflect their actual land uses. These include Casa Mira (Miramar), Andreotti, Main Street Park, and South Wavecrest.

- Undeveloped PDs: Policies for the substantially undeveloped PDs are simplified to provide flexibility in master planning. One substantially undeveloped PD, the L.C. Smith Estate property, is proposed for the Commercial – General land use designation.

- No New PDs: The previous draft of the LUP included three potential new PDs to support better study and encourage discussion of these areas. For various reasons, none of them are moving forward. Thus, all previously proposed PDs are removed from this draft. These include Upper Grandview/Glencree (reverts to the current condition of Medium Density Residential); Stone Pine Conservation Corridor (proposed to be resdesignated from Urban Reserve to Public Facilities and Institutions); and Dolores (Planning Commission final draft resdesignated from Residential - Medium Density to Residential - Low Density due to land and infrastructure constraints; however, following numerous comments from stakeholders, staff is now recommending that the area retain the Residential – Medium Density designation).

Habitat and Open Space Preservation: The environmentally sensitive habitat area (ESHA) policies and buffer requirements have been updated to reflect current standards and Coastal Commission guidance, supplemented by updated high-resolution citywide biological mapping. In addition, several land use strategies expand on the habitat protection policies contained in Chapter 6: Natural Resources, to further protect open space and sensitive habitat areas. Specific strategies include:

- ESHA policies are revised to rely on strong site-specific evidence from required biological studies for the purposes of ESHA identification and buffer policy application.

- A new *Open Space for Conservation* land use designation is introduced and applied to several parcels that are either under public ownership, land trust ownership, or have been permanently protected through open space deed restrictions. These include the Guerrero PD, the City and Sewer Authority Midcoast properties on Bev Cunha Country Road, a portion of the City-owned Glencree property, Beachwood, Pacific Ridge Areas A and B, and several large parcels previously within the North Wavecrest PD boundary.

- The Urban/Rural boundary line is adjusted such that the large parcels to the northeast and above Nurserymen's Exchange are not included within the urban boundary. These parcels are also included in the Open Space for Conservation land use designation to further ensure open space protection, reflecting the development constraints in these areas including both natural resources and hazards (the sites are within the very high fire severity zone and steeply sloped).

Social Equity and Environmental Justice: The LUP update highlights the Coastal Commission's recently adopted Environmental Justice Policy in Chapter 1: Introduction and Framework. This policy addresses tribal concerns, meaningful engagement and participation in the planning process, coastal access, housing, local government, accountability and transparency, climate change, and habitat and public health. The LUP also includes a new foundation policy (Policy 1-5) to ensure that Half Moon Bay's LCP implementation decisions are viewed through the lens that this perspective brings. The Environmental Justice Policy also provides support for the Workforce Housing Overlay, infrastructure reservations for Local Priority Uses, and the focus on lower-cost visitor serving and housing options in Planned Developments.

Coastal Access and Recreation: Benefitting from the overlapping planning process, public engagement, and final adoption of the City's Parks Master Plan and Bicycle and Pedestrian Master Plan, the LUP update addresses a breadth of coastal access and recreation opportunities. Updated mapping is provided as consistent with these two Master Plans and identifies planned and potential areas of coastal access and recreation improvements. Updated policies address the need to provide coastal access for all in conjunction with the new foundational environmental justice policy in Chapter 1, including through provision of lower-cost visitor serving opportunities. The need for advanced multi-modal options, alternative modes of transportation, and Town Boulevard improvements is also emphasized to address traffic concerns, as also covered in the Public Works chapter.

Environmental Hazards: Significant new topics including climate change and sea level rise are introduced in the LUP update. The Environmental Hazards chapter acknowledges the need to consider best available science in planning decisions for development in potentially hazardous areas, and includes the most recent sea level rise projections from the Ocean Protection Council's 2018 Sea-Level Rise Guidance. Updated mapping of different types of environmental hazards are provided, including from the City's 2016 Sea Level Rise Vulnerability Assessment. Updated policies include requirements for bluff and beach setbacks, restrictions on new shoreline protective devices, and assumption of risk where development is permitted in potentially hazardous areas. Updated maps and policies also address fire risk and standards for fuel modification, including to avoid impacts to sensitive habitat areas.

Cultural Resources: The LUP update includes a new tribal consultation policy consistent with Coastal Commission guidance, and updated mapping to reflect potentially sensitive archaeological resource areas and to support improved implementation of the updated policies.

Scenic and Visual Resources: The LUP update includes updated mapping and photographs to identify scenic and visual resource areas consistent with Coastal Act structure. Updated policies address community values including enhancement of dark night skies, protection of public views of the ocean and upland slopes, and improvement of visually degraded areas where feasible.

Planning Commission Action

At their duly noticed hearing on September 8, 2020, the Planning Commission recommended approval of the Land Use Plan update with a few additional changes beyond the revisions recommended by staff. The following summarizes their action.

Requests for future clarification (no changes to the document):

- Policy 2-6. Diversity of Housing Types. What does "with equitable access to environmental benefits" mean? Staff asked for clarification from Coastal Commission staff as this language was suggested by them, and understands that this is meant to be a broad statement primarily applicable to coastal access and coastal recreation.
- Chapter 7 narrative on base flood elevation, page 7-38. Coastal Commission staff clarified the stated range is 19-38 feet. Staff confirmed this information with available FEMA flood maps. The Planning Commission requested more information about how this will be used as a planning tool or in policy decisions, and staff will follow up with the Commission in the future.

Requests for changes to the document for City Council (in strikethrough/underline):

- Policy 5-64. Coastal-dependent and Recreational Uses. Define coastal-dependent development and uses to mean any development or use which requires a site on or adjacent to the sea to be able to function at all. Upland areas necessary to support coastal-dependent and recreational uses shall be reserved for such uses, where feasible. In a zone extending approximately 300 feet inland from the mean high tide line, priority

shall be given to coastal-dependent and related recreational activities and support facilities. New or redeveloped camping facilities shall be set back from the beach, bluffs, and near-shore areas reserved for day use activities at least 100 feet or ~~as otherwise necessary~~ more as necessary to be safe from shoreline hazards. *(Intent: Ensure the minimum required setback is 100 feet.)*

- Policy 6-49: Riparian Corridor Buffers. Buffer zones shall be required for development proposed along both sides of riparian corridors to provide habitat protection and space for meander belts and vegetation growth. Riparian buffer zones shall apply as follows:
    a. For all perennial ~~streams~~ watercourses (i.e. Pilarcitos Creek, Frenchmans Creek, Arroyo Leon, and Arroyo Cañada Verde west of Highway 1) and certain intermittent ~~streams~~ watercourses (i.e. Kehoe Watercourse and Wavecrest Arroyo): buffer zones shall extend a minimum of 50 feet from the outer limit of the riparian vegetation or 100 feet from the top of bank, whichever is greater.
    b. For all other intermittent and ephemeral ~~streams~~ watercourses with riparian vegetation (e.g. Roosevelt Creek, the riparian corridor in the northwestern area of Ocean Colony, and Arroyo Cañada Verde east of Highway 1): buffer zones shall extend a minimum of 35 feet from the outer limit of riparian vegetation or the top of bank, whichever is greater. *(Intent: the LUP update defines and more consistently applies the term "watercourse" rather than "stream.")*
- Policy 6-63. Construction and ESHA. Ensure that construction does not adversely impact ~~on-site or nearby ESHA, wetlands, or watercourses that support~~ sensitive bird or other animal species in on-site or nearby ESHA, wetlands, or watercourses by requiring construction projects to implement best management practices (e.g. pre-construction surveys, construction and/or tree removal timing restrictions, exclusionary fencing), and, as appropriate based on project scope and site conditions, noise and vibration reduction measures and monitoring by a qualified biologist during construction. *(Intent: re-word to clarify that this policy is primarily intended to protect sensitive species, and that the project scope and site conditions should be factors in considering applicable best management practices.)*

The Planning Commission also discussed several other important topics brought up by public comment either in writing or during public forum, including shoreline protection needs for the California Coastal Trail and other development that may be at risk of bluff erosion and sea level rise; the potential for phased master planning in the North Wavecrest PD; and the residential density of the Bernardo Station subdivision area. Although no changes to the document were recommended by the Planning Commission on these topics, they remain matters of interest as discussed further below.

Final Recommended Revisions

Since the final draft LUP update was published, staff have been actively meeting with and fielding phone calls from multiple property owners, stakeholder groups, and other interested parties to provide information about the final draft LUP update, answer questions, and discuss additional

input and requested revisions. While many of these revisions were considered and/or approved by the Planning Commission in their action on September 8, a number of concerns remain from property owners and other interested parties. These remaining topics are discussed below. Staff also had the opportunity for additional coordination with Coastside County Water District and Coastal Commission staff, who recommended a few additional minor edits. Thus, with this additional input, staff continues to conduct research and review the draft LUP to determine if revisions are appropriate.

Planned Development Comments:

The City has received inquiries and comments from several owners of PD properties or their representatives, including Surf Beach/Dunes Beach, West of Railroad, and North Wavecrest. Community members have also made comments. More specific comments and staff responses on these three PDs are as follows:

Surf Beach/Dunes Beach

Majority Property Owner: A comment letter from Mark Massara, representative of the majority owner of the Surf Beach/Dunes Beach PD primarily addressed allowed uses and visual resources in that PD. Staff has met with Mr. Massara on several occasions, including since the submittal of his September 14, 2020 comment letter, to discuss these responses. The majority property owner indicated to staff that their primary intention is to ensure that opportunities for lower-cost visitor serving uses in the Surf Beach/Dunes Beach PD are not foreclosed by the LUP update. The owner specifically asked that the "City Council modify the LUP with respect to general narratives, policies and "Development Vision" for the Surf/Dunes PD to encourage creative height and view protection guidelines, to explicitly allow for Commercial Visitor-Serving uses and encourage Coastal Act priority uses as set forth in Coastal Act Chapter 3."[1] These requests are considered below:

- Height and View Protection Guidelines: With respect to height and view protections, staff notes that the LUP update carries forward the visual resource protection policies for areas affording broad ocean views from Highway 1, including the Surf Beach/Dunes Beach PD. These policies encourage clustering and a 15-foot height limit to protect such public ocean views, while allowing an increase in height if it would not obstruct public views to the ocean from the highway. The request is to revert to the current certified 1996 LUP language in Policy 7-12: "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." Staff evaluated the effect of such a change and considers the 1996 language equivalent to the wording proposed in the draft LUP with both having substantially similar restrictions and flexibility. Revisions reflecting the requested change are included in Exhibit A of the resolution.

- Commercial-Visitor Serving and Coastal Act Priority Uses: The majority property owner requests that commercial visitor-serving uses be considered as a potentially permitted use in

[1] Massara Letter to City of Half Moon Bay Mayor and City Council, September 14, 2020, page 7, last paragraph.

this PD; states that such uses are considered in the existing LUP; and notes that "commercial visitor-serving" is a Coastal Act identified priority land use. In response, staff notes that the existing certified LUP's permitted uses for this PD are primarily residential, with a requirement to maintain at least an equivalent amount of land in equestrian use. Commercial recreation or visitor-serving is noted as a potential use if such use is deemed necessary by the City (1996 LUP Policy 9.3.3 subsection e.), with additional context that "large scale visitor-serving facilities are not needed, given provision for such facilities in other areas, and could result in added congestion on Young Avenue, which is intended to be a primary access to the beach" (1996 LUP Chapter 9, page 150). The LUP update carries this forward, identifying agriculture and residential as the preferred uses for this PD while providing for additional uses that fall under a newly defined category of "agricultural compatible" as a potentially permitted use. The LUP update defines agricultural compatible uses as "uses determined to be compatible with agricultural land uses that effectively preserve prime soils, including recreational uses such as parks and commercial equestrian uses, open space, and habitat restoration." Certain visitor-serving commercial uses could therefore qualify as agricultural compatible if they do not require a heavy development footprint, such as low-impact camping, agritourism, ecotourism, equestrian uses, and other similar types of outdoor commercial recreation. Therefore, the draft LUP already accommodates some visitor-serving commercial uses, many of which would be lower cost, and many would qualify as coastal recreation. When considered in combination with the preservation of prime soils, the potentially permitted uses for this PD are aligned with several Coastal Act priorities (i.e. agriculture and coastal recreation). This approach was supported by Coastal Commission staff, who indicated the need for the LUP update to enhance protection of prime and non-prime agricultural lands outside of the Town Center (September 23, 2019 comment letter). Their more recent September 3, 2020 comment letter expresses their general support for the revisions made to this final draft. No revisions are recommended.

The majority Surf Beach/Dunes Beach owner also requested inclusion of a new policy to guide interpretation in the event that application of LUP policies lacks clarity.[2] Policy 1-2. Coastal Resource Protection Priorities already addresses this concern, and thus staff does not recommend including the new policy that is requested.

Adjacent Property Owner/Community Member: Councilmembers have also received a comment letter from Brad Steinwede, a neighboring property owner of the Surf Beach/Dunes Beach PD. Staff notes that all of the questions or concerns Mr. Steinwede raises are either addressed elsewhere in the LUP update, or would be addressed through site-specific studies of the PD. Specific responses to each of Mr. Steinwede's comments are provided in Attachment 3.

West of Railroad

The City received a second comment letter from Thomas Gearing[3], owner of five parcels in the West of Railroad PD. Staff is responding to Mr. Gearing's comments separately, and reiterates

[2] Massara Letter to City of Half Moon Bay Mayor and City Council, September 14, 2020, Exhibit A, page 2.

[3] The first letter from Mr. Gearing, dated July 27, 2020, was addressed to the Planning Commission and responded to by the City Attorney's Office in writing on August 26, 2020.

that the LUP update carries forward all concepts for this PD from the existing LUP including requirements for master planning, its land use map designation and potentially allowed uses.

North Wavecrest

The City has received comment letters from two Wavecrest property owners specifically directed to the City Council's consideration of the draft LUP, and past letters and inquiries from many more. Diane Jessen, owner of two parcels in the North Wavecrest PD, submitted comments that primarily concern the desire to develop or otherwise be confident in the potential to financially benefit from her property holdings. In response, staff notes that while master planning is still required, the PD master planning process was intended to be clarified through the updated LUP policies and that the removal of specific PD policies provides additional flexibility for the master planning process. Policy 2-51 is also proposed to provide expanded allowable uses in PDs prior to an approved master plan. Staff also notes that this comment letter is consistent with those received from other North Wavecrest property owners in the past, including Mr. John Callan, who recently submitted additional written comments. Mr. Callan's communication emphasized the burden of the master planning process for this large PD that comprises hundreds of different landowners.

To address his concern, Mr. Callan has requested phasing options for master planning this PD. The Planning Commission considered this topic and raised concerns about the need to consider the ecosystem functions and habitat value of the area as a whole, and thus recommended the plan to Council without an allowance for phased master planning. Staff conducted further research and review of the Wavecrest PD following the Planning Commission discussion of this item and the property owners' input. In acknowledgement of the existing LUP's allowance for phased and separate specific plans for this PD, the size and ownership patterns of the PD, and the revised boundaries of the PD such that there are two non-contiguous portions, staff recommends that Council consider similar provisions that will still provide for high-level assessment of habitat protection needs for the entire PD. Recommended revisions are included in Exhibit A of the resolution.

<u>Shoreline Hazards Policies:</u>

A number of public commenters and comment letters provided for the Planning Commission hearing addressed concerns with the LUP update's shoreline hazards policies, specifically with the definition of "existing structures" and the requirements for managed retreat. The Planning Commission considered these topics and recommended the plan to Council without any revisions, noting that this definition and policies are consistent with the Coastal Act and Coastal Commission guidance. After further consideration of the Planning Commission discussion and input from property owners, as well as discussion with Coastal Commission staff, staff recommends several revisions on this topic, to provide additional flexibility for the City as well as additional incentives for property owners to plan for climate change impacts. The definition of "existing structures" contained in the draft LUP considered by the Planning Commission is provided for in a Coastal Commission guidance document, but is not formalized in State Law. Similarly, the concept of managed retreat is consistent with the Coastal Act as it is one alternative to consider for sea level rise and bluff erosion adaptation, but is not explicitly required by State

Law. Staff therefore recommends revisions, presented in Exhibit A of the resolution, to remove the definition of "existing structures" and convert the managed retreat policy to a requirement for developing a plan for long-term protection of properties at risk of sea level rise and bluff erosion, such as through retrofitting, removal, or relocation (Policy 7-40. Property Protection Plans). Revisions also allow temporary shoreline protection when necessary for properties that have an approved plan in place while the plan is being implemented.

Coastal Commission staff indicates that they would prefer that the City either retain the definition of "existing structures," or address this term in a manner consistent with their guidance definition when the Implementation Plan (Zoning Code) is updated. Staff does not anticipate needing to apply this policy or rely upon a definition of "existing structures" in advance of updating the Implementation Plan. If such a case comes forward in the near term, it is important to understand that, due to the location of any potential shoreline protective devices and the permit history of specific properties, the Coastal Commission may have jurisdictional oversight, and not the City. In those cases, the standard of review will be the Coastal Act and the Coastal Commission's own guidance. For permitting within the City's jurisdiction, the LUP policies and subsequent Implementation Plan would be the basis for review. As proposed to be revised and presented in Exhibit A of the resolution, the draft LUP polices are based on Coastal Commission guidance, but also allow for exercising discretion where the Coastal Commission guidance provides for more flexibility. Staff will continue to review the Coastal Commission's past actions, the status of State law, case law, and the needs of the various affected property owners when the more detailed requirements of the Implementation Plan are put forth.

Bernardo Station Residential Land Use Designation:

The City has received inquiries from several owners of property in the Bernardo Station subdivision indicating opposition to the proposed Residential – Low Density land use designation and expressing desire to retain their existing Residential – Medium Density designation for an affordable housing project. The Bernardo Station area, however, has a number of constraints that make it challenging to develop at medium densities. In particular, it lacks municipal sewer service. The minimum lot size necessary to develop a single residence with a septic system is 15,000 square feet, and if there are wetlands on the property, as have been identified in this general area, even greater lot sizes are needed.

The Planning Commission considered this topic and recommended the plan to City Council with the Residential – Low Density land use designation for this area. Staff has reconsidered retaining the Residential – Medium Density designation after further consideration of the property owners' input and the Planning Commission discussion of this item. If the Bernardo Station owners pursue an affordable housing development project, under either land use designation, they will be faced with almost all of the same requirements for provision of sewer or septic systems and protection of wetlands or other sensitive habitat. If the designation is changed to Residential – Low Density, the owners would likely also need to seek an LUP map amendment, which requires Coastal Commission certification. If Council wishes to leave open opportunities for affordable housing development in this area, the Residential – Medium Density designation

would be more appropriate. If Council instead supports a lower density buildout of the Bernardo Station area, such as with large lots, and perhaps allowing for horse pasturing and related uses, then the Residential – Low Density designation would be more appropriate.

Coastside County Water District: CCWD requested a meeting with staff to go over several additional suggestions for minor revisions to the final draft LUP. These revisions include a correction to the description of the water tanks in the Carter Hill PD narrative, a revision to Figure 3-1: Water Service Providers for consistency with CCWD's official service boundary, and a clarification in narrative and in Table 3-5 regarding service area water connections. Following this meeting and further discussion with the County about their infrastructure needs, staff is also recommending a revision to Policy 3-19. Water Connection Allocation Process for New Development in order to broaden the scope of the policy and leave the door open for future opportunities to coordinate further on this topic with CCWD and the County. CCWD's letter summarizing the changes staff discussed with them is provided in Attachment 3.

Coastal Commission: As indicated in their letter dated September 3, 2020, Coastal Commission staff are supportive of the overall document and expected to provide additional comments on only a few remaining topics, including habitat buffers and Chapter 3. Public Works. In further discussion after the Planning Commission hearing, Coastal Commission staff provided comments on several habitat buffer policies related to protection of special status species in wetland and watercourse habitat areas. Initial comments on Chapter 3. Public Works were also provided and are primarily minor in scope. These revisions are presented in Exhibit A of the resolution.

Other Communications: Additional communications received about the LUP and/or related to the LUP are noted here and included in Attachment 3. Peter Smith commented and expressed support for a modest hotel and RV camping in the Surf Beach/Dunes Beach PD area. Tyla commented about visitor traffic and parking, and the additional need to accommodate residents. Rocket Farms submitted a letter and concept plan for developing approximately 300 residential dwelling units; this letter proposes that about 60 units would be affordable, while it is assumed that the other 240 units would be market rate. Staff will be meeting with Rocket Farms representatives to learn more about their interests and to update them about the LUP's allowances for Workforce Housing Overlay units on properties in the Horticultural Business land use designation; estimated at 40 affordable units for their sites. Frederick Nelson-Bonebrake commented about traffic and the need for conservation lands.

NEXT STEPS:
City Council is scheduled to hold the second public hearing for final approval and adoption of the LUP update on October 6, 2020.

ATTACHMENTS:
1. Draft Resolution with Exhibit A, Recommended Revisions Addendum
2. SB 330 Compliance Memo
3. Public Comment Letters

Resolution No. C-2020-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY, CALIFORNIA, AUTHORIZING THE SUBMISSION OF THE FINAL DRAFT LOCAL COASTAL LAND USE PLAN TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, the California Coastal Act of 1976 (Coastal Act) (Public Resources Code sections 30000 *et seq.*) provides that each local government lying, in whole or in part, within the coastal zone shall prepare a Local Coastal Program (LCP) for that portion of the coastal zone within its jurisdiction; and

WHEREAS, LCPs consist of a Land Use Plan (LUP) and Implementation Plan (IP); and

WHEREAS, an LCP becomes fully certified after the California Coastal Commission certifies conformity of the LUP and IP with the policies of the Coastal Act; and

WHEREAS, an LUP describes the planning area's land use and environmental conditions, identifies issues, and contains land use policies and maps that complement adopted city policies and satisfy the intent of the Coastal Act; and

WHEREAS, the City of Half Moon (City) lies entirely within the Coastal Zone and is therefore subject to the Coastal Act; and

WHEREAS, the City's current LUP was initially approved by the Coastal Commission in 1985, amended in 1993, and formally certified by the Coastal Commission in 1996; and

WHEREAS, as stated in the current LUP, the City's LUP "constitutes not only the Coastal Element of the City's General Plan, but also every other element of the City's General Plan with the exception of the Housing Element"; and

WHEREAS, since 1996, the state regulations governing general plans have changed, and the City has supplemented the policies in the LUP with additional, standalone General Plan elements, including its Housing Element, as well as Circulation, Noise, Safety, and Parks and Recreation; and

WHEREAS, in fall 2013, the City initiated a long-term, collaborative process to update the policies in its standalone General Plan elements and LCP to account for changed conditions and new community priorities; and

WHEREAS, the City Council appointed a thirteen-member General Plan Advisory Committee (GPAC) to assist with community outreach and the preparation of the updated General Plan and LUP policies; and

WHEREAS, the City published an Existing Conditions Report in summer 2014 to provide a baseline of existing conditions, trends, and opportunities in the City and to inform the development of the updated General Plan and LUP policies; and

WHEREAS, the First Public Review Draft LUP was released in April 2016; and

WHEREAS, the GPAC held eight community forums on the First Public Review Draft LUP between April 2016 and January 2017, and the City solicited written public comments on the First Public Review Draft LUP until February 14, 2017; and

WHEREAS, the Planning Commission revised the draft LUP in response to comments from the GPAC and the public; and

WHEREAS, the Second Public Review Draft LUP was released as individual draft chapters and appendices from October 2018 to June 2019; and

WHEREAS, the Planning Commission solicited, received, and reviewed public comments on the Second Public Review Draft LUP, and held six public study sessions on the Second Public Review Draft LUP between November 2018 and September 2019; and

WHEREAS, the City hosted over forty other listening sessions, public workshops, outreach meetings, and other public outreach events with the general public and interested groups between March 2014 and September 2019 regarding updates to the LUP; and

WHEREAS, the Planning Commission again revised the draft LUP in response to public comments in late 2019 and early 2020; and

WHEREAS, the Final Draft LUP was released on July 24, 2020; and

WHEREAS, the Final Draft LUP incorporates guidance and information from the Coastal Commission's Local Coastal Plan Update Guide, the 2014 Existing Conditions Report, the Guiding Principles established by the GPAC, the Sea Level Rise Vulnerability Assessment published by the City in April 2016, public outreach, and the GPAC's review; and

WHEREAS, the Planning Commission held two public study sessions on the Final Draft LUP on July 28, 2020, and August 11, 2020; and

WHEREAS, the Planning Commission scheduled and duly noticed a public hearing on the Final Draft LUP for August 25, 2020; and

WHEREAS, due to wildfires in the region on August 25, 2020, the Planning Commission continued this hearing to September 8, 2020 and

WHEREAS, on September 8, 2020, the Planning Commission held a public hearing to consider the Final Draft LUP, and recommended the City Council approve the Final Draft LUP, as modified by certain changes; and

WHEREAS, the City Council scheduled and duly noticed public hearings on the Final Draft LUP for September 29, 2020, and October 6, 2020; and

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WHEREAS, due to the lack of a quorum and scheduling issues, the September 29, 2020, hearing was continued to September 30, 2020;

WHEREAS, on September 30, 2020 and October 6, 2020, the City Council held public hearings to consider the Final Draft LUP, as recommended by the Planning Commission and modified by additional changes proposed by staff and the public;

WHEREAS, the City Council found that the Final Draft LUP, as modified by the revisions presented in Exhibit A, complies with Coastal Act policies and requirements; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.9), CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP, including the City's approval of the LUP; and

WHEREAS, the City is developing amendments to the City's current IP in order to bring the IP into conformance with the updated LCLUP.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Half Moon Bay that the City's LCP is intended to be carried out in full conformity with the Coastal Act.

BE IT FURTHER RESOLVED that the City Council has reviewed, considered, and hereby approves the Final Draft LUP, as modified by the revisions presented in Exhibit A, for submittal to the California Coastal Commission for certification in accordance with the Coastal Act.

BE IT FURTHER RESOLVED that the City Council directs the City Manager to make such submittal.

BE IT FURTHER RESOLVED that the modified Final Draft LUP submitted for certification by this Resolution will require formal adoption after Coastal Commission certification. The modified Final Draft LUP will take effect only if certified by the Coastal Commission and then after subsequent action by the City Council in the event that Coastal Commission certification necessitates subsequent revisions.

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I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 6th day of October, 2020 by the City Council of Half Moon Bay by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

_____
Jessica Blair, City Clerk

APPROVED:

_____
Adam Eisen, Mayor

DRAFT

Recommended Revisions Addendum

Chapter 2. Development

Bernardo Station

1. Figure 2-1: Revise Bernardo Station land use designation from Residential – Low Density to Residential – Medium Density.

2. Page 2-59, Residential Land Use Designations narrative:
   Residential – Low Density. The Residential – Low Density land use designation is applied to two small areas of the city: the former Stoloski/Gonzalez PD ~~area~~ between the Miramar neighborhood and the Surf Beach/Dunes Beach PD, and a 14.5-acre parcel east of the Frenchmans Creek residential neighborhood ~~portions of the Bernardo Station subdivision between Wavecrest Road and Redondo Beach Road on the west side of Highway 1~~. This designation generally supports larger single-family residences on larger lots.

   Residential – Medium Density. Most of the city's established single-family residential neighborhoods are in the Residential – Medium Density land use designation and were established with traditional residential zoning. Neighborhoods in this land use designation include Miramar, Frenchmans Creek, Sea Haven, Casa del Mar, Grandview (including the undeveloped lots and the eastern portion of the adjacent City-owned Glencree parcel), Highland Park, Grand-Belleville, Alsace Loraine, and Arleta Park. These neighborhoods are primary single-family with additional uses including accessory dwelling units, childcare homes, and home occupations. This designation also supports the city's main duplex neighborhood in South Downtown, and portions of the Bernardo Station subdivision between Wavecrest Road and Redondo Beach Road on the west side of Highway 1.

Planned Developments

1. Page 2-35, Planning Approach for Substantially Undeveloped PDs, second paragraph:
   The approach to updating and establishing new policies for the PDs falls within the same framework as planning for the rest of the city. The over-arching strategy is to concentrate development within the Town Center, preserve ESHA and agricultural land uses, avoid hazards, facilitate coastal access and recreation, incorporate open space and infrastructure, provide appropriate locations for needed land uses at appropriate densities and intensities, and maintain consistency with the requirements of the Coastal Act.

2. Page 2-38, **Policy 2-46. Comprehensive Master Planning.** The entire PD area shall be comprehensively planned as a unit with a master plan as follows:

a. Master plans may be established as specific plans (Government Code Section 65450) or precise plans ~~as specified in policies for each PD~~ as guided by the LUP's development vision for each individual PD.
b. City-approved master plans shall be certified by the California Coastal Commission as an amendment to this Land Use Plan, with the policies of Chapter 3 of the Coastal Act as the legal standard of review.
c. In the case of any PD where portions are in separate ownership, approval may be given for development of a single parcel or group of parcels, provided that the City has approved and the Coastal Commission has certified a master plan for the entire PD area as required by the provisions of this section.

3. Page 2-41, **Policy 2-52. Maximum Planned Development Buildout.** Each master plan shall specify the maximum residential density and non-residential intensity of development permitted within the PD area based on the preliminary site assessment required by Policy 2-47. The allowable buildout will be reduced to meet the coastal resource protection requirements of the LCP and Coastal Act or if it is determined that coastal access will be substantially impaired; and if other infrastructure and services are inadequate or otherwise cannot be provided to support the proposed development.

4. Page 2-42, Policy 2-58. Visual Resources. In accordance with Chapter 9. Scenic and Visual Resources, substantially undeveloped PDs are designated visual resource areas and shall require a comprehensive analysis of existing visual resources, including but not limited to upland slopes, significant plant communities, and broad ocean views; methods for protecting and enhancing such resources; and assessment of any proposed impacts to such resources. Where broad ocean views are available across a substantially undeveloped PD, structures shall be sited and designed to preserve unobstructed public ocean views to the extent feasible through the following methods:
    a. Clustering or distributing structures where necessary to provide greater view protection;
    b. Limiting structures to a 15-foot height limit 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;
    c. Providing setbacks from scenic corridors including Highway 1, the California Coastal Trail, and scenic coastal access routes as specified in Chapter 9. Scenic and Visual Resources to ensure; and
    d. Providing landscaping which, when mature, will not block public ocean views.

    Upon substantial buildout, a PD is no longer considered a visual resource area but is required to maintain visual resource protections with any new development or redevelopment in accordance with the approved master plan and applicable policies of this LCP.

5. Page 2-47, Surf Beach/Dunes Beach PD Site Description:
    Site Description. The Surf Beach/Dunes Beach area is a partially undeveloped area totaling about 48 acres, bisected by Young Avenue and bounded by Half Moon Bay State Beach on the west and south, Highway 1 on the east, and the Stoloski/Gonzalez subdivision and Miramar neighborhood

on the north. As of 2020, land north of Young Avenue has been predominately in agricultural use, with some parcels from the old unimproved Surf Beach subdivision now conserved by land trusts as open space. The area south of Young Avenue is used primarily for agriculture and stabling ~~and rental~~ of horses ~~and horseback riding~~. Frenchmans Creek riparian corridor and the Sweetwood Group Campsite border the southern end of the PD. Young Avenue is the primary vehicular point of access for the Surf Beach/Dunes Beach PD and is a designated scenic coastal access route. The Dunes Beach section of Half Moon Bay State Beach is accessed via Young Avenue. Because most of the PD area has been in agricultural use, very little coastal scrub or other habitat typically found in undeveloped areas west of Highway 1 are present.

6. Page 2-48, Surf Beach/Dunes Beach PD Development Vision, second paragraph:
   North of Young Avenue, a new residential neighborhood could be compatible with the Miramar residential area to the north, and new public recreational area such as a neighborhood park could provide opportunities to both residents and visitors. Neighborhood design could preserve remaining agricultural operations or community garden space to take advantage of prime soils, emphasize walkability and otherwise be suitable for a multi-generational neighborhood with young families, seniors, and assorted other household groups of mixed income levels. Continued use of the area north of Young Avenue for agriculture or agriculture compatible uses is also supported.

7. Page 2-48, Surf Beach/Dunes Beach PD Development Vision, fourth paragraph:
   The Surf Beach/Dunes Beach site presents numerous opportunities for improving multimodal coastal access. Considerations include a separated class 1 bicycle and pedestrian route parallel to Young Avenue or along Knewing Avenue (a paper street bounding the north side of the PD), extension of the Naomi Patridge Trail on Highway 1, and an interconnected network within the PD to link any future residential and recreational uses with the Coastal Trail. To reduce potential traffic impacts from new development, other circulation improvements could include a round-about at the intersection of Young Avenue and Highway 1. Within the PD, access to private development should be separate from Young Avenue to maintain this road as a primary coastal access route, such as with provision of a frontage road(s).

8. Page 2-51, Carter Hill PD table:

Development (2020)	3 residential units; Coastside County Water District tanks

9. Page 2-51, Carter Hill PD Site Description:
   Site Description. The Carter Hill PD is bounded by the Pacific Ridge PD to the north, Half Moon Bay High School to the west, Highway 92 to the south, and the city limits to the east. This area consists of about 53 acres in seven parcels, including one ~~containing a water tank~~ owned by the Coastside County Water District containing water tanks and an access road to the Nunes Water Treatment Plant. As of 2020, two of the properties were developed with a home and outbuildings. Most of the site is very steep and is characterized by Monterey pine and eucalyptus forest.

10. Page 2-57 and 2-58, North Wavecrest PD Development Vision:

Development Vision. North Wavecrest PD is envisioned primarily for habitat conservation and restoration, hazard avoidance, public access and recreation, and lower-cost visitor serving uses as consistent with Coastal Act priorities. Low-impact camping, Coastal Trail connections, ecotourism, birding, small ancillary facilities, and other similar types of low impact outdoor recreational uses would be supported. As in the case for the West of Railroad PD, public land acquisition is highly desired to achieve this vision. A transfer of development rights (TDR) program could also potentially help achieve this vision while providing for increased development potential in the Town Center.

Although not desirable, additional potential land uses in North Wavecrest include residential and visitor-serving commercial. Residential uses could ~~would ideally~~ be clustered near the Ocean Colony residential area for land use compatibility and accessibility from Redondo Beach Road, and would ideally comprise smaller one-story structures to provide more affordable housing inventory and protect scenic quality. Visitor-serving commercial uses could ~~would ideally~~ be clustered near Wavecrest Road, which contains a Commercial – Visitor Serving land use node and compatible land uses, and would ideally comprise uses supportive of a primary outdoor recreational use with a limited footprint such as a small café or convenience store. In any case, siting and design of potentially permitted uses should consider land use compatibility with surrounding land uses. As the 2020 Land Use Plan revises the boundaries of North Wavecrest such that it is in two non-contiguous portions (the northern portion accessed by Wavecrest Road and the southern portion accessed by Redondo Beach Road), it may be appropriate to allow separate and/or phased master plans with no more than two plans for each portion, provided that each master plan considers a minimum area of 40 acres, ensures that it is feasible to plan remaining areas in a coherent manner, and addresses coastal resource values and protections of the North Wavecrest PD as a whole. Policy 2-46. Comprehensive Master Planning would apply to each phase of the PD in the case that a phased master planning approach is pursued.

(new paragraph break) Re-planning and re-platting would be essential for a master plan or plans to protect and improve coastal access, to ensure continuous lateral access and protected recreational opportunities along the bluff edge, to reduce the potential impacts of new development, to restore damaged habitats and bluffs, and to protect watercourses. In any case, any permanent structures should ideally be located at least 400 feet from the bluff edge to allow hazard avoidance, coastal terrace prairie conservation, and safe, natural bluff retreat. Future erosion studies may indicate that greater setbacks are necessary to fully avoid the hazard of bluff retreat and allow for inland migration of coastal terrace prairie habitat.

Should master planning not proceed or redesignation be preferred, the North Wavecrest PD could be most appropriate for the Regional Public Recreation and/or Open Space for Conservation land use designation but could support small portions of Residential – Low Density and Commercial – Visitor Serving land use designations as described above.

Chapter 3. Public Works

1. Page 3-7, Table 3-1: City of Half Moon Bay and Midcoast Buildout Summary. Update as follows:

	2018	2040 Projections	MTB
Dwelling Units			
Midcoast Total	9,2104~~2~~	11,028	14,006
Half Moon Bay	4,8306~~3~~	5,612	7,051
Unincorporated Midcoast	4,380	5,416	6,955
Population			
Midcoast Total	23,909	28,532	35,347
Half Moon Bay	12,565	14,535	18,262
Unincorporated Midcoast	11,344	14,027	17,085
Employment (Jobs)			
Midcoast Total	7,9308~~85~~	11,047~~10,698~~	------
Half Moon Bay	5,379	6,053	7,684
Unincorporated Midcoast	2,551	4,994	------

2. Page 3-9, Figure 3-1 Water Service Providers:
   a. Revise legend categories as follows: "Coastside County Water District Service Area" and "~~Not Available~~ Additional Properties Served".
   b. Revise the Johnston House parcel and the Skylawn Cemetery parcel to the gray "Additional Properties Served" category.

3. Page 3-14, Service Area Water Connections narrative, end of first paragraph:
   As of 2020, about 1,230 remaining uninstalled water connections were held by CCWD or private landowners throughout the service area, including within the city limits and the unincorporated Midcoast, as summarized in Table 3-5. ~~The connections are not specifically assigned to Half Moon Bay or the unincorporated service area; rather, all eligible land uses within the service area may procure the appropriate type of connection to support potentially viable development.~~ The City accounts for approximately two-thirds of the water connections as of 2020.

4. Page 3-16, Table 3-5: Revise second column header as follows: "~~2020 Connections~~ Available Service Area Connections (2020)"

5. Page 3-19, New Water Connections narrative:
   New Water Connections. Over the planning horizon, it may be appropriate to establish additional water connections. To do this ~~establish additional water connections~~, CCWD would need to secure

a coastal development permit through the City and/or San Mateo County or an amendment to the 2003 El Granada Pipeline coastal development permit. Before doing so, the City and CCWD will need to monitor water demand of existing uses and frequently update near and long-term development forecasts to ensure that new connections will not result in over-allocation of actual water supply and will not enable development that would adversely impact other infrastructure systems. Coastal development permits allowing increased infrastructure capacity must be carefully considered in relationship to the adequacy of other public works capacity. It is anticipated that other infrastructure systems, particularly circulation, will be significantly constrained so as to not support creation of additional water connections, especially for non-priority uses.

Coastal Act Priority Uses. For Coastal Act Priority Uses, the implication of running out of connections for the 2040 and MTB scenario is multifaceted. Land use and water supply policies address this anticipated shortage in the following ways:

- Coastal Act Priority Uses with Lower Water Demand: The LUP update considers land use from numerous perspectives. Chapter 2. Development identifies lower-cost visitor serving uses as sustainable options for cases where prime soils are present and such uses can be established with a light development footprint. Examples include ~~outdoor commercial recreation such as camping, agritourism, equestrian uses, and other~~ agricultural compatible uses (e.g. parks, commercial equestrian uses, and other outdoor recreation) and agriculture supplemental uses (e.g. farm stands, agritourism, small-scale farm lodging, and temporary and seasonal uses) geared to coastal visitors. With respect to Coastal Act Priority Uses…

6. Page 3-20, second paragraph after bullet: Delete and incorporate into page 3-19.
~~Over the planning horizon, it may be appropriate to establish additional Coastal Act Priority connections, which would require an amendment to CCWD's 2003 El Granada Pipeline coastal development permit. Before doing so, the City and CCWD will need to monitor water demand of existing uses and frequently update near and long-term development forecasts to ensure that new connections will not result in over-allocation of actual water supply and will not enable development that would adversely impact other infrastructure systems.~~

7. Page 3-29, Treatment Plant Vulnerability narrative, first paragraph:
Treatment Plant Vulnerability. The SAM plant location and condition are a long-term vulnerability for the Planning Area. The SAM treatment plant is located at a low elevation near the shoreline and is subject to both tsunami and dam failure inundation hazards.

8. Page 3-42, **Policy 3-5. Coastal Development Permit for Public Works.** Require any public utility, government agency, or special district proposing a development project in the City to obtain a coastal development permit, unless explicitly exempted by the LCP, Coastal Act, or other controlling law.

9. Page 3-43, **Policy 3-9. Municipal Service Provisions.** Only provide municipal services including water, sewer, and roads to areas approved for development, except where services are required for permitted restoration, agricultural, agricultural compatible, and recreational uses. In the case of Planned Developments, prior to master plan approval, provide services only for those uses allowed in advance of master plan approval~~, or any other use specifically provided for in the Land Use Plan~~.

10. Page 3-43, **Policy 3-10. Timing for New or Expanded Public Works Facilities.** The timing and amount of new or expanded City public works facilities or capacities, as well as those provided by other agencies subject to City issuance of a coastal development permit, shall be prioritized for land uses as listed in Policy 3-3 and shall be determined by:
    a. Considering the anticipated buildout within the urban boundary of the Planning Area and public works capacities as a whole;
    b. Providing capacity incrementally to support a phased buildout of the land use plan;
    c. Prioritizing sustainable infrastructure and development that is protective of the environment, conserves resources, and/or supports agriculture;
    d. Anticipating the public works capacity for buildout of the Town Center;
    e. Considering if existing capacity has been consumed or will be consumed within the time required to construct additional capacity;
    f. Considering the availability of related public works to establish whether capacity increases would overburden the existing and probable future capacity of other public works;
    g. Considering the availability of public funds for public works improvements that benefit existing development, with private funds required for improvements needed for new development; and
    h. Considering San Mateo County's certified Local Coastal Program policies and subsequent buildout and infrastructure modeling prepared by the County for the Midcoast.

11. Page 3-45, **Policy 3-19. Water Connection Allocation Process for Proposed Development.** Consider working with San Mateo County and CCWD to review ~~establish a process for allocating~~ water connection~~s~~ needs for buildout of the service area ~~for development proposals that includes temporary conditional reservations contingent on entitlement review, selling connections after entitlements are granted, and expiring or otherwise returning connections to the district's inventory if the development does not proceed within an established period of time~~.

12. Page 3-48, **Policy 3-33. Roadway System to Meet Needs.** The transportation network shall be planned and designed to accommodate traffic due to the buildout of the LUP's envisioned uses and densities in scale with community character; shall support a wide range of user requirements and road types for visitors, residents, and for local industry including agriculture; and to the extent practical, growth beyond the city limits, including within the sphere of influence, and recreational, and regional through traffic.

Chapter 5. Coastal Access and Recreation

1. Page 5-40. **Policy 5-71. Inclusion of Lower-Cost Accommodations.** Require new development of higher cost accommodations and/or new development that would fail to provide lower cost accommodations on land where that use is allowed and suitable to provide lower cost accommodations (e.g. a lower-cost bank of rooms in a hotel, a hostel, campground, cabins, etc.). The lower-cost accommodations may be provided, as listed in order of priority as follows: on-site, off-site, or through payment of an in-lieu fee fund to support establishment of new lower-cost accommodations in the coastal zone. The provision of lower-cost accommodations shall equate to 15 to 25 percent of the number of approved high cost accommodations in consideration of the price range of the proposed lodging options and provision by the development of other low-cost public access and recreation benefits such as airport shuttles, bicycle rentals, or trail connections. Require full replacement of any existing low-cost rooms proposed for conversion to high-cost rooms.

~~2.~~ Page 5-41, **Policy 5-77. Equestrian Facilities.** Where ~~Limit~~ equestrian ~~uses and~~ facilities are a permitted use ~~west of Highway 1~~, ensure that new facilities will not conflict with other public recreation uses and will not have adverse environmental impacts; ~~to the level generally available as of the time of the LUP update and~~ require that existing equestrian facilities and activities improve practices to prevent and remediate adverse environmental impacts to creeks and other ESHAs as necessary. ~~Encourage relocation of equestrian facilities inland and/or upland~~. New f~~F~~acilities east of Highway 1 should be sited in consideration of potential linkages to ~~are preferred, where~~ future City ~~trails could link to the~~ or San Mateo County trail systems, and especially in locations where other equestrian-oriented events and programs can be accommodated. ~~New facilities shall not be established on the coastal terrace unless such use will not conflict with other public recreation uses and has no adverse environmental impacts.~~

Chapter 6. Natural Resources

1. Page 6-35, **Policy 6-8. Biological Study.** For development proposed in and adjacent to ESHA and projects for which the preliminary biological inventory indicates the presence or potential for sensitive species or habitat, require the preparation of a detailed biological study by a City-approved, qualified professional to be submitted prior to development review and prior to any ground disturbance. The report shall assess site conditions typically within 200 feet of the proposed development; identify if site conditions meet the LCP's definition of ESHA; determine if significant impacts to the ESHA, to the special status species supported by the ESHA, or to on- or off-site biological productivity may occur from the proposed development; and recommend the most feasible avoidance and/or mitigation measures if impacts may occur. At minimum, the study shall also provide and discuss the following if ESHA is present and if applicable to site conditions:

a. For animals and avian species: Requirements for food, water, nesting or denning sites and requirements for reproduction, predation, dispersal, refugia, and migration;
b. For plants: Life histories, and requirements for soils, climate, and geography;
c. A map depicting the locations of plants or animals and/or their habitats;
d. Recorded observations of special status species from reputable databases such as the California Natural Diversity Database;
e. Site topography, drainage patterns, soil permeability, and depth to water table;
f. Unique site conditions, such as vegetation, natural topography, or built features (e.g. roads, structures) that provide a physical barrier between the proposed development and the ESHA;
g. The likelihood of increased human activity and disturbance resulting from the project relative to existing development;
h. An evaluation by a qualified professional of the ESHA's vulnerability to sea level rise impacts (e.g. sensitivity to inundation and seawater intrusion) and ability for adaptation (e.g. inland migration)for projects located within 300 feet of the beach or bluff edge, or where otherwise appropriate based on based available science for inundation projections;
i. A recommendation of the need to conduct a wetland delineation if site conditions indicate the presence or potential for wetland species or indicators;
j. Recommended avoidance and/or mitigation measures if the proposed development has potential to impact any on- or off-site sensitive habitat areas or special status species during or post-construction; and
k. Recommended buffer widths based on the applicable buffer policies in this chapter, site-specific conditions, and sensitivity of the ESHA to disturbance from the proposed development and from anticipated sea level rise impacts, where applicable. Where a reduced buffer zone is proposed, a recommendation of whether the reduced buffer zone would provide equivalent protection of the biological integrity of the site's sensitive habitats and special status species given the site-specific characteristics of the resource(s) and of the type and intensity of proposed development.

Studies shall be made public and subject to review and comments by jurisdictional agencies and the public concurrently.

2. Page 6-42, **Policy 6-41. Wetland Buffer Zones.** Wetland buffer zones for proposed development shall extend a minimum of 100 feet landward from the edge of the delineated wetland. A larger buffer may be required based on site-specific evidence that a larger buffer is necessary to protect the functional capacity of the wetland ecosystem or to protect any sensitive species from the impacts of proposed development. A wetland buffer may be reduced to less than 100 feet only where the following can be demonstrated through evidence provided by site-specific evaluation pursuant to Policy 6-8, and only as specified below:
    a. Where the only building site is located entirely within the required buffer; no alternative development site, size, or design is feasible; and the proposed development is compatible with the continued viability of the adjacent wetland, including protection of any sensitive

species: the buffer may be reduced to no less than 20 feet provided that design alternatives that maximize the buffer width are utilized; or

b. Where the only building site is not located entirely within the required buffer; no alternative development site, size, or design is feasible to accommodate the development entirely outside the required buffer; no new adverse impacts to the wetland will occur; and the reduced buffer would provide equivalent protection of wetland resources, as conclusively demonstrated by a professional biologist to the satisfaction of the City and all jurisdictional regulatory agencies: the buffer may be reduced to no less than 50 feet.

3. Page 2-46, **Policy 6-50. Riparian Corridor Buffer Adjustments.** A larger riparian corridor buffer may be required based on site-specific evidence that a larger buffer is necessary to maintain and protect the biological integrity of the riparian habitat and functional capacity of the watercourse or to protect any sensitive species from the impacts of proposed development. A riparian buffer may be reduced below what is required by Policy 6-49 only where the following can be demonstrated through evidence provided by site-specific evaluation pursuant to Policy 6-8, and only as specified below:
    a. Where the only building site is located entirely within the required buffer; no alterative development site, size, or design is feasible; and the proposed development is compatible with the continued viability of the riparian corridor, including protection of any sensitive species: the buffer may be reduced for all riparian corridors to no less than 20 feet from the outer limit of riparian vegetation or from top of bank, whichever is greater, provided that design alternatives that maximize the buffer width are utilized; or
    b. Where the only building site is not located entirely within the required buffer; no alternative development site, size, or design is feasible to accommodate the development entirely outside of the required buffer; no new adverse impacts to the riparian corridor will occur; and the reduced buffer would provide equivalent protection of the biological integrity of the riparian corridor given the site-specific characteristics of the resource and of the type and intensity of disturbance, as conclusively demonstrated by a qualified biologist to the satisfaction of the City and all jurisdictional regulatory agencies:
        i. The buffer may be reduced to no less than 35 feet from the outer limit of riparian vegetation or 50 feet from the top of bank, whichever is greater, for development proposed adjacent to perennial and intermittent watercourses pursuant to Policy 6-49(a); or
        ii. The buffer may be reduced to no less than 25 feet from the outer limits of riparian vegetation or from the top of bank, whichever is greater, for development proposed adjacent to all other intermittent and ephemeral watercourses pursuant to Policy 6-49(b).

4. Page 6-47, **Policy 6-53. Non-Riparian Watercourse Buffers.** Where a watercourse lacks riparian vegetation, the boundary of the watercourse is defined by the top of bank or similar confining topography. Proposed development along a non-riparian watercourse lacking riparian vegetation or other sensitive habitat value as determined by a site-specific study, including man-made drainage ditches (e.g. non-riparian portions of Pullman Watercourse) but excluding active

agriculture irrigation ditches, shall provide a minimum 20-foot buffer from the top of bank to provide space for potential meander belts and natural erosion and flooding hazards. The buffer requirements in Policies 6-49 and 6-50 shall apply to proposed development along a watercourse where a site-specific study identifies riparian vegetation or other sensitive habitat value.

Chapter 7. Environmental Hazards

1. Page 7-2, first full paragraph:
   New development in the coastal zone must assure stability and structural integrity and not cumulatively create or contribute significantly to erosion, geologic instability, or destruction of the site or other affected areas. Thus, the Coastal Act does not permit new development that would require shoreline protective devices that would substantially alter natural landforms along bluffs and cliffs (Section 30253). Hard shoreline protection is permitted when required to serve coastal-dependent uses or to protect ~~Coastal Act~~ existing structures and public beaches from erosion. However, such allowable hard protection must be designed to eliminate or mitigate impacts on the local shoreline sand supply (Section 30235).

2. Page 7-3, "Existing structures" definition: Delete in its entirety.
   ~~**"Existing structures,"** with respect to Coastal Act Section 30235, means structures in existence prior to adoption of the Coastal Act (i.e. development legally authorized and built prior to January 1, 1977) that have not been redeveloped since after adoption of the Coastal Act (California Coastal Commission 2015 Sea Level Rise Policy Guidance). In the context of Coastal Act Section 30235, this chapter refers to "existing structures" as "Coastal Act existing structures" in order to distinguish this term from its more common usage.~~

3. Page 7-17, Blufftop and Beachfront Development section, second paragraph:
   "Blufftop and beachfront development" is defined as development within 300 feet landward of a bluff line or edge or 300 feet landward from the inland extent of the beach, pursuant to California Code of Regulations Section 13577(g) and (h). Typically, policies for beachfront development and beach setbacks apply where there are sand dunes or other low-lying areas rather than coastal bluffs. "Anticipated life span" 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~~ The anticipated life span may range from a minimum of 100 years for residential and commercial development to approximately 150 years for critical infrastructure. Certain types of development and public access facilities such as trails that are sited and designed in a manner to facilitate relocation may have a lesser anticipated life span. The anticipated life span is not an entitlement to maintain development for that amount of time, particularly where hazards or public safety risks are present, but rather is a planning tool for sea level rise adaptation, structure siting, and permitting purposes. The actual life of the development is dictated by on-the-ground conditions in the future, and any conditions of approval for the development. Policies require that new

blufftop and beachfront development address the potential for flooding, erosion, and other sea level rise impacts over time.

4. Page 7-18, Shoreline Protection narrative, first paragraph:
Several policies cover the topic of shoreline protection, which is known to have negative impacts on coastal processes in the long-term. Hard shoreline protection devices alter natural shoreline processes by preventing natural bluff retreat and reducing sources of sand supply. As a result, these devices can cause loss of beach area which may be accelerated by sea level rise. Policies limit the construction of new hard shoreline protection to only that which is required to protect existing structures ~~established before Coastal Act adoption,~~ and critical facilities in danger from erosion, and require the use of soft protection where feasible as a preferred alternative to hard protection when protection is needed.

5. Page 7-21, **Policy 7-21. Repair and Retrofit of ~~Coastal Act~~ Existing Structures.** When it is necessary to repair damage to or retrofit ~~Coastal Act~~ existing structures, require materials and improvements that will better withstand shoreline hazard impacts, such as stronger materials, elevated bridges or sections of roadways, and larger or additional drainage systems to address flooding and erosion sedimentation concerns. Such repair, maintenance, and additions shall protect visual resources and other coastal resources while minimizing hazards.

6. Page 7-22, **Policy 7-25. State Parks Facilities.** Require maintenance and improvement projects at State Parks facilities such as beach parking lots, the Francis Beach Campground, Coastal Trail segments, State Parks Beach corporation yard, and State Parks workforce housing to plan and adapt for long-term shoreline hazard impacts as exacerbated by sea level rise, including retrofitting or inland relocation to maintain public access and recreation opportunities. ~~Hard shoreline armoring may be permitted to protect coastal-dependent State Parks facilities from shoreline hazards only when no feasible alternative exists, when consistent with Coastal Act Sections 30235 and 30253, and when necessary to provide continued public access.~~ When necessary to provide continued public access or to protect coastal-dependent State Parks facilities from shoreline hazards, shoreline protection may be permitted only if consistent with Coastal Act Sections 30235 and 30253 and if no feasible alternative exists.

7. Page 7-23, **Policy 7-28. Shoreline Protective Device Limitations.** Unless otherwise provided for in Policy 7-29. Protection for Critical Facilities or Policy 7-40. Property Protection Plans, shoreline protective devices shall be permitted only in the following situations: to serve a coastal-dependent use or to protect an ~~Coastal Act~~ existing structure in imminent danger from erosion (i.e., when substantial evidence indicates that the structure will be significantly damaged by coastal flooding or erosion hazards within two to three storm cycles, or approximately three years); when found to be the least environmentally damaging feasible alternative (e.g., if relocation or soft armoring approaches cannot mitigate the hazard); and when all coastal resource impacts are appropriately and proportionally mitigated ~~Shoreline protective devices shall not be permitted as a means to protect non-coastal dependent development built or redeveloped after January 1, 1977 according to substantial evidence~~.

8. Page 7-24, **Policy 7-31. Shoreline Protective Device Siting and Design.** Allowable shoreline protective devices shall be sited and designed to avoid impacts to coastal resources to the maximum extent feasible, including through preserving the maximum amount of existing beach, protecting lateral public access along the shoreline, protecting and enhancing public views, minimizing alteration of and visually blending with the surrounding natural shoreline; avoiding impacts to archaeological resources; and not encompassing an area larger than that necessary to protect the coastal-dependent use~~, or Coastal Act~~ existing structure, or critical facility.

9. Page 7-26, **Policy 7-40. ~~Managed Retreat~~ Property Protection Plans.**

~~Require non-coastal dependent development built or redeveloped after enactment of the Coastal Act that is subject to wave action, erosion, or other shoreline hazards to be removed or relocated if it becomes threatened (i.e. generally unsafe for use or occupancy within two to three storm cycles or approximately three years) in the future by such hazards or poses a threat to the public or environment, including as may be exacerbated by sea level rise.~~

In association with a coastal development permit approval, the City shall require owners of any property with a principle structure, such as a primary residence, closer than 100 feet to the blufftop edge, or located in an area subject to potential risk of shoreline hazards during the anticipated life span of the structure, to develop a property protection plan and submit it to the City for review and approval. In addition, at any time a landowner may voluntarily submit a property protection plan to the City for review and approval. The property protection plan shall:

a. Provide an estimate of when the structure may be permanently unsafe for occupancy due to wave action, bluff failure, or erosion, including as may be exacerbated by sea level rise;
b. Identify measures that could make the structures suitable for habitation without the use of bluff or shoreline protective devices, including necessary steps and thresholds for how and when to retrofit, remove or relocate the structure before it becomes permanently unsafe for use or occupancy or otherwise poses a threat to public safety; and
c. Be recorded against the property once it has been approved by the City.

In the event that the approved plan identifies there is no feasible alternative that could make the structure(s) suitable for habitation while the approved plan is being implemented, a shoreline protective device may be allowed if the shoreline protective device is only in place for the time needed to remove or relocate the structure pursuant to the approved plan and if all coastal resources impacts are appropriately and proportionally mitigated and the site is fully restored upon removal of the protective device.

10. Page 7-37, **Policy 7-49. Landslide Remediation and Stabilization.** Permit the remediation or stabilization of landslides that affect ~~Coastal Act~~ existing structures or that threaten public health or safety except along coastal bluff or other eroding edges, such as streambanks. Permit remediation or stabilization to the extent necessary where an existing landslide prevents development of private property and remediation does not shift risk to other property, and the remediation project includes mitigation monitoring and reporting. Alternative remediation or

stabilization techniques shall be analyzed to determine the least environmentally damaging alternative. Maximum feasible mitigation shall be incorporated into the project in order to minimize adverse impacts to resources.

Chapter 9. Scenic and Visual Resources

1. Page 9-23, **Policy 9-16. Broad Ocean Views.** Ensure that areas providing broad, public ocean views, including as designated on Figure 9-1, are preserved and enhanced in association with new development projects. In such areas, structures shall be sited and designed to avoid obstruction of broad, public ocean views, shall not exceed 15 feet in height unless an increase in height would not obstruct public views to the ocean or would facilitate clustering of development so as to result in greater view protection, and shall ensure that any proposed landscaping, when mature, will not obstruct public views to the ocean.

2. Page 9-25, **Policy 9-33. Lighting Inspection.** Where new lighting associated with residential or commercial developments will face the public right-of-way, ESHA, ESHA buffer areas, or agricultural operations, require design review during the construction phase to ensure compliance with any ~~the~~ required lighting criteria.

Appendix B. Buildout and Public Works Capacity

1. Page B-6, revise Footnote 26 as follows:
~~Most~~ Farmworker housing units provided through the Workforce Housing Overlay ~~housing units associated with Coastal Act Priority Uses will be farmworker housing. These units~~ qualify as both Coastal Act Priority Uses and Local Priority Uses.

2. Page B-7, revise Footnote 29 as follows:
~~Most~~ Farmworker housing units provided through the Workforce Housing Overlay ~~housing units associated with Coastal Act Priority Uses will be farmworker housing. These units~~ qualify as both Coastal Act Priority Uses and Local Priority Uses.

Glossary

1. Existing Structures: Delete definition in its entirety.

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M E M O R A N D U M

TO: Jill Ekas, Half Moon Bay Planning Director
Brittney Cozzolino, Half Moon Bay Associate Planner

FROM: Winter King
Caitlin Brown

DATE: September 1, 2020

RE: LUP Update Compliance with the Housing Crisis Act of 2019

I. Introduction

You have asked us to prepare a memorandum analyzing the City of Half Moon Bay's ("City") compliance with the Housing Crisis Act of 2019 (the "HCA") in connection with the City's update to its Local Coastal Program ("LCP"), including its Land Use Plan ("LUP"), which also serves as the Land Use Element for the City's General Plan. As applied to the LUP update, the HCA generally prohibits the City from reducing the allowable densities on land where residential use is permitted without concurrently increasing density elsewhere, except to the extent such reduced density is necessary to comply with the Coastal Act. Moreover, the HCA does not apply to a project within a very high fire hazard severity zone.

We have reviewed the policies in the LUP update and conclude that the changes do not reduce density overall except to the extent necessary to comply with the Coastal Act or to reduce density on lands within very high fire hazard severity zones.

II. Analysis

A. Housing Crisis Act of 2019 and the California Coastal Act

The Legislature passed SB 330, also known as the Housing Crisis Act of 2019 (the "HCA"), in the fall of 2019. The Legislature intended this law to do both of the following: (1) "Suspend certain restrictions on the development of new housing;" and (2) "Work with local governments to expedite the permitting of housing in regions

suffering the worst housing shortages and highest rates of displacement." HCA § 2(c). The HCA added and amended several sections of the Government Code related to planning and zoning, including the Housing Accountability Act and the Permit Streamlining Act. This memorandum focuses on its addition of Chapter 12 (commencing with Section 66300) to Division 1 of Title 7 of the Government Code.

Government Code section 66300 generally prohibits a local government from enacting a development policy that would change the general plan or zoning designation of land where housing is an allowable use "to a less intensive use" or reduce "the intensity of land use within an existing" designation in effect on January 1, 2018. Gov. Code § 66300(b)(1)(A). "'[L]ess intensive use' includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing." Gov. Code § 66300(b)(1)(A). However, a city may enact such a development policy in one area if it "concurrently changes" the standards in another area "to ensure that there is no net loss in residential capacity." Gov. Code § 66300(i)(1).

Importantly, this section does not "supersede[], limit[], or otherwise modif[y] the requirements of the California Coastal Act of 1976." Gov. Code § 66300(h)(2). Thus, a limitation that is required by the Coastal Act, including modifying a development standard so that it results in a less intensive use, is allowed notwithstanding Government Code section 66300. Moreover, this section does "not apply to a housing development project located within a very high fire hazard severity zone." Gov. Code § 66300(f)(4).

B. Half Moon Bay's Comprehensive Update to Its Local Coastal Program and Changes to Buildout Estimates

Half Moon Bay is updating its LCP. LCPs consist of Land Use Plans ("LUP") together with zoning codes, zoning maps, and any other implementation tools needed to assure that Coastal Act policies are properly carried out at the local level.

While most land use designations in the updated LUP have been carried forward from the existing, 1996 LUP, and thus do not lower densities, the buildout *estimates* associated with some designations have changed, resulting in lower buildout estimates than in the 1996 LUP.[1] This change is largely due to the 1996 LUP using gross

[1] Some existing designations have changed names or have changed with respect to allowable uses. For example, properties previously classified as "Urban Reserve" are now classified as "Rural Coastal." Rural Coastal allows the same base density of housing

land area and the base residential density to calculate buildout rather than net land area and a combination of residential density and nonresidential intensity. As a result, the buildout estimates for areas that are designated as Planned Development ("PD") and Urban Reserve in the 1996 LUP significantly overstated the carrying capacity of many of the PDs and urban reserves because these areas contain significant coastal resources and hazards. The 1996 buildout estimates for Carter Hill and the 680 acres of upland hills above the Nurserymen's Exchange PD were also significantly overstated, as these areas are located within a very high fire severity zones.

In contrast, the updated LUP considers both residential density and non-residential intensity for development in each substantially undeveloped PD. In each case, residential density and nonresidential intensity is calculated based on *net* site area available for new development. This approach excludes watercourses, wetlands, and other environmentally sensitive habitat areas and their buffers; hazard areas; specified visual resource areas; existing public and private streets; and lands in public or land trust ownership for all PDs. Unsurprisingly, this analysis has resulted in a decrease in projected buildout as compared to the 1996 LUP.

This updated buildout analysis does not change allowable densities, but rather provides a more realistic estimate of the actual development that will likely occur. Moreover, this more realistic analysis reflects existing development constraints imposed by the Coastal Act. The Coastal Act restricts development in these sensitive areas through the following policies:

- Section 30233. Diking, filling or dredging; continued movement of sediment and nutrients. (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 [uses and purposes outlined in the statute].

- Section 30236. Water supply and flood control. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3)

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but also will include additional types of residential and non-residential uses to support Coastal Act priority uses, including Workforce Housing Overlay units and agriculture.

developments where the primary function is the improvement of fish and wildlife habitat.

- Section 30240. Environmentally sensitive habitat area; adjacent developments. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

- Section 30241. Prime agricultural land; maintenance in agricultural production. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the [statutory constraints].

- Section 30242. Lands suitable for agricultural use; conversion. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

- Section 30250. Location; existing developed area. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

- Section 30251. Scenic and visual qualities. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the

alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

- Section 30253. Minimization of adverse impacts. New development shall do all of the following:
  - (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
  - (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
  - (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
  - (d) Minimize energy consumption and vehicle miles traveled.
  - (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

These Coastal Act policies require the City to impose limitations on development. Thus, the City's updated buildout estimates, which take into consideration these limitations, are required by the Coastal Act and do not reduce allowable densities.

C. LUP Map Updates and New Policies that Increase Allowable Densities

A number of LUP Map updates and new policies increase allowable density throughout the City. For example, the updated LUP creates a Workforce Housing Overlay, which enables development of approximately 300 affordable housing units. This overlay will be applied to specific parcels or portions of parcels suitable for medium or high-density residential development with Horticultural Business, Rural Coastal, Regional Public Recreation, or Public Facilities and Institutions land use designations where residential development would not otherwise be permitted. Several other LUP Map updates increase densities in certain areas:

- Several areas designated Open Space Reserve changed to the Rural Coastal designation allowing more housing development in these areas;

- 23 acres upzoned from Residential-Medium Density to Residential-High Density in the Town Center;
- Mobile Home Park designation expanded, which would facilitate approximately 40 additional units; and
- Light Industrial designation expanded, which has a new allowance for live-work uses at up to 5 units/ac.

The LUP update also added several policies that promote increased density.

- Policy 2-22: Transfer of Development Rights directs the establishment of a transfer of development rights program with the intent of retiring lots located within PD designated areas outside the Town Center where coastal resource constraints may preclude or limit development. The program would allow the transfer of development rights to increase residential density or buildout allowances on properties within the Town Center for sites without coastal resource constraints.
- Policy 2-36: North Downtown Shopping Center Conversions and Retrofit allows for commercial and residential mixed-use retrofit or residential conversions of buildings within the North Downtown commercial centers.
- Policy 2-54: Planned Development Base Residential Density allows a higher base residential density for Town Center PDs.
- Policy 2-67: High Density Residential - Minimum Density Requirement requires a minimum density of 16 residential units per acre in the Residential – High Density land use designation.

These LUP Map and policy changes and additions promote increased density in the areas not constrained by the Coastal Act protections or located in very high fire hazard severity zones.

III. Conclusion

The LUP update is consistent with the requirements of the HCA. In general, the LUP carries forward existing land use designations. Thus, while buildout estimates have changed, allowable densities largely have not. The areas where the City has reduced allowable densities include areas in high fire hazard severity zones, which are not subject to the HCA's limitations, as well as areas that do not have sewer service or where buildout will be impacted by the presence of natural resource areas including wetlands. In

addition, the City has adopted a number of policies that have increased allowable densities. It is our opinion that these changes will not result in any net loss in residential capacity, except to the extent such loss is required to comply with the Coastal Act.

Attachment 3
City Council 2020 LUP Update Hearing
September 29, 2020 continued to September 30, 2020

Written Correspondence

1. Thomas Gearing, September 11, 2020 via letter…….. pp. 2-14
2. Diane Jessen, September 14, 2020 via letter…….. pp. 15-18
3. Mark Massara, September 14, 2020 via letter…….. pp. 19-53
4. Brad Steinwede, September 17, 2020 via email (includes staff responses)….. pp. 54-57
5. Tyla [no last name provided], September 19, 2020 via email…….. p. 58
6. Anthony Varni, September 23, 2020 via letter…….. pp. 59-64
7. Nick Bavaro for Rocket Farms, September 22, 2020 via letter…….. pp. 65-68
8. Coastside County Water District, September 23, 2020 via letter…….. pp. 69-70
9. Peter Smith, September 23, 2020 via letter…….. p. 71
10. Thomas Roth, September 23, 2020 via letter…….. pp. 72-97
11. Frederick Nelson-Bonebrake, September 24, 2020 via email…….. p. 98

Thomas J. Gearing

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9/11/2020

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Adam Eisen, Robert Brownstone, Deborah Penrose, Harvey Rarback, Debbie Ruddock, Jill Ekas, Brittney Cozzolino, Ben Corrales, Doug Garrison, Scott Phillips, Building Department, and Planning Commission
City Hall
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Half Moon Bay, CA 92782

Re: Your letter dated August 26, 2020, and the following parcels:

- 056-127-040
- 056-096-480
- 056-128-090
- 056-096-240
- 056-127-030
- 056-125-210

Thank you for your letter of August 26 2020. Please be advised that I want to submit an application to build five single-family homes on the above referenced lots. Please send a list of all requirements I must meet before I can begin construction.

I am also requesting a "potentially buildable letter" for each lot so that I can move forward and obtain a water permit. I have spoken with several water permit holders including Miss Yamagiwa. I also spoke to her attorney Edward G. Burg. I have begun negotiations to obtain five water permits, and I am certain I will be able to obtain them. I hope to receive the potentially buildable letter soon, so as to not cause further delay. As explained in my July 27, 2020 letter, a long time ago, when Coastside County Water District had available water permits at a reasonable price, I requested them and I was denied, because the City of Half Moon Bay designated the property as not buildable at that time, and I was not entitled to them. I demand that a priority list be created, so subsequent people would not be able to get in the cafeteria line ahead of me. My request was denied. Now the market value has risen to approximately 100,000 for each one, all to my damage. Permits are no longer available from Coastside County Water District, and are only available now on the secondary market. Any further delay could only cause the market price of the permits to rise, and possibly not be available anymore. It is my position these actions alone taken by the City of Half Moon Bay rise to the level of unconstitutional treatment by the government, moreover they add to the weight of the argument that the overall conduct outlined below amounts to a taking.

I urge counsel for the City of Half Moon Bay, Councilmembers, Planning Commission members, and the Building Department, to reconsider whether it is wise to engage in overzealous unconstitutional land grabbing actions. In the case of Yamagiwa v. City of Half Moon Bay, it cost the city $37 million dollars. This is not to the benefit of the city and the citizens of Half Moon Bay.

Please read SB-330 Housing Crisis Act of 2019. After doing so you should come to the conclusion that the City of Half Moon Bay's actions, treatments, and activities are completely out of touch of what is going on in the great state of California. The clear legislative intent behind this bill and many others recently passed in California is for local governments to do everything to increase available housing even in the coastal zone. All communities need to do their part, and not obstruct the creation of new housing.

I am not asking the City to subdivide a large parcel into many buildable lots. I am just asking the City to be able to build on my lots which are buildable lots in the City. My predecessors and I have paid tax to the City and the County for **113 years** as legally subdivided

buildable lots with the expectation of being able to build. And the government is currently still accepting my tax predicated on the same principles. Therefore the city is estopped from making any attempt to remove my building rights.

My two sons currently have no place to live in California and we have decided to survey my lots, and to begin occupying the land. We intend to, put a small RV, tents, solar panels, porta-potty, install fencing, and to cultivate the land for food for our consumption, as we wait for our building permit. It is respectfully requested that in the next thirty days that you submit to us any and all objections to us doing so. Please be specific and cite any city ordinances, rules, and regulations that would prevent us from doing so and detail your reasons why we cannot.

In my letter July 20, 2020 I offered the solution of the city stipulating to a taking of my family's land and submitting the matter to a San Mateo County Superior Court Jury to determine the value of its highest and best use. I am assuming your letter of August 26, 2020 is a rejection of that offer. I will be pursuing my rights in Federal Court as permitted under Knick v. Township of Scott (2019) 139 S.Ct. 2162. I will be making claims for violations of my 5th and 14th constitutional rights. I will be asking for my attorney fees. I have consulted with several excellent land use lawyers including who are interested in taking the case. I have also have spoken with Mark Miller Senior Attorney with Pacific Legal Foundation, they have reviewed the matter, and they said they are interested and that they will track the development in my case and may join in.

In Knick v. Township of Scott (2019) 139 S.Ct. 2162 the petitioner owned and lived on a 90 acre parcel of land. She already enjoyed all of her constitutional rights of ownership, she had her single-family home there and used the rest of the land as grazing area for horses and other farm animals. On a very small portion of her land she had a traditional cemetery where the ancestors of her neighbors were allegedly buried. The unconstitutional treatment by the government in her case was to permit the public and a city inspector to walk on a very small portion of the 90 acres designated as a cemetery. After Knick's suit was filed, the Township even withdrew their violation notice. The Supreme Court found that to be a 5th amendment taking. This decision is binding on states, counties, and cities, and allowed her rights to be immediately

heard in federal court, bypassing state courts, under section 42 USC 1983. Section 1983 also allows the recovery of attorney fees.

In the case of Knick v Township of Scott Pennsylvania decided on June 21, 2019, Chief Justice Roberts writing for the Supreme Court stated," the taking clause of the Fifth Amendment states that private property shall not be taken for public use, without just compensation". He went on to say," The Civil Rights Act of 1871, after all, guarantees a federal forum for claims of unconstitutional treatment at the hands of state officials, and the settled rule is that exhaustion of state remedies is not a prerequisite to an action under 42 USC section 1983... We now conclude that the state litigation requirement imposes an unjustifiable burden on takings plaintiffs, conflicts with the rest of our takings jurisprudence and must be overruled... But it does mean that the property owner has suffered a violation of his Fifth Amendment rights when the government takes his property without just compensation, and therefore may bring this claim in federal court under section 1983 at that time... Contrary to Williamson County, a property owner has a claim of violation of the takings clause as soon as the government takes the property for public use without paying for. The clause provides nor shall private property be taken for public use, without just compensation. It does not say: nor shall private property be taken for public use, without an available procedure that will result in compensation. If a local government takes private property without paying for it, that government has violated the Fifth Amendment just as the takings clause says without regard to subsequent state court proceedings. The property owner may sue the government at that time in federal court for the deprivation of right secured by the Constitution 42 USC section 1983... The Fifth Amendment right to full compensation arises at the time of the taking, regardless of post taking remedies that may be available to the property owner... Jacobs made clear that, no matter what sort of procedures the government puts in place to remedy a taking the property owner has a Fifth Amendment right entitlement to compensation as soon as a government takes his property without paying for it... Relying heavily on Jacobs and other Fifth Amendment precedents neglected by Williamson County, first English held that a property owner is entitled to compensation for temporary loss of his property... The government's post taking actions there, repeal of the challenged ordinance cannot nullify the property owners existing Fifth Amendment right: where the government's

activities have already worked a taking of all the use of property no subsequent action by the government can relieve it of the duty to provide compensation... A later payment of compensation may remedy the constitutional violation that occurred at the time of the taking but that does not mean the violation never took place. The violation is the only reason compensation was owed in the first place. A bank robber might give loot back but he still robbed the bank... In sum, because a taking without compensation violates a self-executing Fifth Amendment at the time of the taking, the property owner can bring a federal suit at that time... Someone whose property has been taken by a local government has a claim under section 1983 for deprivation of a right secured by the Constitution... The general rule is the plaintiffs may bring constitutional claims under section 1983 without first bringing any sort of state lawsuit even when state court actions addressing the underlying behavior are available...That is quite different from the taking of property by the government through physical invasion or regulation that destroys our properties productive use... The court granted certiorari to decide whether the Fifth Amendment entitles a property owner to just compensation when a regulation temporarily deprives him of the use of his property. First English later held that the answer was yes... But the owner is entitled to reasonable, certain and adequate provision for obtaining compensation after a taking... Allowing the government to keep the property pending subsequent compensation to the owner, in proceedings that hardly existed in 1787 was not what they envisioned... The dissent contends that our characterization of Cherokee Nation effectively overrules 100+ years of legal rulings... We conclude that a government violates the taking clause when it takes property without compensation and that a property owner may bring a Fifth Amendment claim under section 1983 at that time. That does not as a practical matter mean that the government action or regulation may not proceed in the absence of contemporaneous compensation. Given the availability of post taking compensation, barring the government from acting will ordinarily not be appropriate. But because a violation is complete at the time of the taking, pursuant of a remedy in federal court need not await any subsequent state action. Taking claims against local government should be handled the same as other claims under the Bill of Rights. Williamson County error in holding otherwise... Because only this court or constitutional amendment can alter our holdings... Williamson County was not just wrong. Its reasoning was exceptionally ill-founded and conflicted with much of our takings jurisprudence... Property owner requires a Fifth Amendment right to competition at the time of taking... Because of its shaky foundations, the state litigation

requirement has been a rule in search of the justification for over 30 years. We eventually abandon the view that the requirement is an element of the takings claim and recast it as a prudential ripeness rule... The state litigation requirement of Williamson County is overruled. A property owner may bring a takings claim under 1983 upon the taking of his property without just compensation by a local government... It is so ordered." (Emphasis added)

It's very clear our Supreme Court put on a new set of wings and flew back 30 years and landed in the nest which contained our forefathers principles, understanding, and vision of the Fifth Amendment and a property owners immediate right for compensation for the unconstitutional treatment of land rights or even a temporary deprivation of land rights and the taking of buildable lots for public use. It is noteworthy that the Supreme Court did not give its previous decision on the subject matter the effect of stare decisis because it recognized its previous decision was wrong, ill-founded, and did not consider many cases it should have, and detailed its reasoning. The 2019 decision is based solidly on the long correct history of jurisprudence on the subject matter and will be given the effect of stare decisis, and will remain the law of the land regardless of the future makeup of the court, unless of course the citizens of United States decide to amend the United States Constitution to accommodate your goals. Do not hold your breath, that's not going to happen.

In the soon to be filed federal case of Gearing v. The City of Half Moon Bay it will clearly be proven that the city has already taken my family's property rights. It will be proven by the preponderance of the evidence that the governments unconstitutional treatments, actions, regulations, physical invasions, and activities, has caused a temporary and permanent deprivation of my family's right to use the land and build homes. Literally everything the city has done is consistent with the fact that they have taken the property. The only problem is the city has not paid for it. The Supreme Court of the United States has clearly stated it needs to be paid for now, not sometime in the future and it must be a clear and definite form of compensation. My federal cause of action for violations of the 5th and 14th amendments to the United States Constitution under 42 USC section 1983 will clearly lay out triable issues of fact and my right to attorney fees. I am certain you will file a motion for summary judgment claiming there are no triable issues of facts and you will lose. I will proceed to trial and receive a verdict of at least two and half million dollars plus attorney fees. I will collect my judgment.

Subsequently you will be sued by a host of other people who are similarly situated with their properties, and you will bankrupt the city. Not a wise path to go down. That is a consequence of overzealous land grabbing, and the unconstitutional treatment of land rights.

It is well known in the community that the City of Half Moon Bay has declared the West of Railroad area, where my above referenced lots are, as open space park for over 30 years. The City has allowed the public to physically invade mine and other's private property. My land has been physically invaded by the public for over 30 years. Since I have purchased the property every time I have inquired about building on the property I have been told I cannot. With the exception of the time I was told, if I wanted any type of building to be considered on my property, it was my responsibility to pay for and submit a planned unit development plan that would only allow 65 clustered units, and somehow eliminate the other 65 buildable lots out of the potential buildout of 130 lots. This is unconstitutional. I do not have the powers of eminent domain. It is not my responsibility to pay reasonable just compensation to the other property owners. This is not a viable concept. Simple mathematics tell us you cannot convert 130 building sites into 65 without taking 65 of them.

The area West of Railroad is so well-settled as an open space park everyone that lives in the community, and those visiting from outside the community use it as a park. It is so well-settled as an open space park that the actual owners of the land, do not use it at all as their land. No land owner has built, or occupied, or dwelled, or even stuck a shovel in the ground. My sons and I actually fear attempting to do anything to display our ownership rights of the land out of fear of retaliation, retribution, physical destruction of our property, and danger to our physical bodies, by other members of the community, because they believe we do not even have the right to do that, because all of the governments unconstitutional treatment of the land for over 30 years has been to assert it is an open space park for the benefit of the public.

My financial expectations has never changed. I always understood that I am living in America, and I am a lawyer and went to law school and one of the 12 subjects I studied was constitutional law. I understood when I purchased the property there would only be two outcomes. I would be allowed to build homes on my property or the government would have to pay me fair and reasonable compensation for the property at its highest and best use. Currently that is at least $2,500,000. I always understood the Fifth Amendment to the United States

Constitution to mean exactly what Justice Roberts writing for the Supreme Court stated in his opinion in the year 2019. It was the City of Half Moon Bay who misunderstood and misconstrued it for the last 30 years, and continue to do so.

It is also well known in the community, and by the City of Half Moon Bay, County of San Mateo, in the State of California, for over 30 years, that government funding has been sought to pay for the open space park. Every attempt has failed, these sources of money have been exhausted, and nothing will change in the future. The proposed land use plan even so states. It is clear the above government entities were not interested because it was an effort to pay for 130 individual buildable lots in the middle of a city, in a county, in a state, where housing is needed.

It is also well known that the City of Half Moon Bay, did not, and does not currently have the money to buy these lots out. Especially in light of other unconstitutional treatment of land owners such as in the case of Yamagiwa v. City of Half Moon Bay , where the city had to satisfy $37 million judgment.

It is also well known in the community that the city is now scrambling to come up with a way to pay for the land they have taken. The new idea is to pay for the property with an unconstitutional property density transfer right. The city wants to pay for the property they have taken from me at some unknown undefined future time by giving me a piece of paper where there is some small possibility that some possible future private owner might possibly give me a few shekels for in an exchange for them having some future possibility of convincing the city to possibly allow them to build more square footage on a future project that they anticipate building. Please read the Knick v. Township of Scott (2019) 139 S.Ct. 2162 case closely, and you will understand that is not the constitutional definition of fair and reasonable and just compensation. The exact words are, "But the owner is entitled to reasonable, certain and adequate provision for obtaining compensation after a taking."

In my letter July 20, 2020 I offered to donate one half of my family's land in exchange for the right to build two single family homes. I am assuming your letter on Aug 26, 2020 is a rejection of that offer.

In my letter July 2020, I also asked the following questions and did not receive a detailed response:

- "There are homeless everywhere and you see people living in tents as you drive down the street. City and County government's ae permitting them to do so. Why can't my children live on property we own, land were taxes have been loyally paid?
- "In the last land use plan it was stated there were approximately 130 lots, but the planning commission decided unconstitutionally that there would be only 65 clustered units and the rest would be a forced public use land dedication with no compensation, Please explain in detail how that can be accomplished without " taking" someone's property, or violating the constitution?"
- "How can you force me with an R1 building right, where the taxes have been paid for 113 years to go out and pay for a planned unit development to just build on one lot, especially when there is a forced, uncompensated land dedication placed on the lots?"
- "This land has the exact same characteristics as the land the City of Half Moon Bay Allowed the Ritz Carlton to be built on Was it not environmentally sensitive habitat for them?
- "Under the current land use plan in the West of Railroad area it states, "This area contains 130 vacant lots on 32 acres with a potential build-out under current zoning and platting of 110- 145 residential units." The PUD then was approved which stated, "A maximum of 65 residential units may be developed on the site, clustered to preserve existing cypress stands, to ensure an adequate buffer from the public recreation area, and to prevent vehicular access to the beach area through the neighborhood." Inherent in this concept is an unconstitutional taking. It is impossible to convert approximately 130 buildable lots, which taxes have been paid on since 1907, into 65 clustered units. Few people sold, but none of the property owners were willing to give up their land rights for nothing. No one was allowed to build. I tried, I was told I could not, I was told if I wanted to build on one of my lots I would have to pay for, and put together a planned unit development for the entire 32 acres. That is an unconstitutional burden on my property rights. In essence the

ability to build on any lot was contingent on a private buy out or consolidation of all privately owned lots, the creation of a PUD plan, and an uncompensated dedication of 65 of those lots to open space .At the end of the road the creator/creators of this PUD are subject to a taking i.e. forced dedication to open space. I am requesting a written explanation of how this does not amount to an unconstitutional taking, or a violation of the constitution."

Please provide a detailed repose to these important questions.

My desire is to cut to the chase. I would like to receive a detailed response supported by evidence for all reasons why the City, County, and the Coastal Commission would not permit building homes on my lots.

It is respectfully requested that within the next 30 days that you provide me with any documentation that the City has in its possession or documentation that they have access to from the County of San Mateo the State of California and the California Coastal Commission regarding the following subject matters. (please be advised my son and I are in the process of drafting freedom of information act requests for all this information from all the entities just stated.)

1 Any and all documents including but not limited to all letters, reports, investigations, and studies that establish that my specific lots are in wetlands.

2 Any and all documents including but not limited to all letters, reports, investigations, and studies that my lots are in an environmentally sensitive habitat.

3 Any and all documents including but not limited to all letters, reports, investigations, and studies that my lots have interactions with endangered species. Please be specific with what type of animal and what time and date it was found on or near my lots.

4 Any and all documents including but not limited to all letters, reports, investigations, and studies regarding bluff erosion immediately west of my family's lots, please include any documents that would establish bluff erosion over the last 100 years, 50 years, 25 years, 10 years, 5 years, and last year as distinguished from pillar point which is subject to much different

bluff erosion because of wave-refraction, bluff lithology, beach width, sea-cliff height and the Mavericks.

5. Any and all documents including but not limited to all letters, reports, investigations, and studies concerning items 1 to 4 that were in the City's possession when the Ritz-Carlton submitted its plan to build the Ritz-Carlton which was approved by the City of half Moon Bay. This information is relevant and calculated to lead to admissible evidence as the Ritz-Carlton was built on the exact same type of land as my lots are located on. As you know this project was permitted because the income from the Ritz-Carlton Hotel substantially increased the City's income and its construction did not block any of the views of the homes of city councilmembers, planning commission members, and building department staff members who resided east of Railroad Avenue.

6. Any and all documents including but not limited to all letters, reports, investigations, and studies that would explain or justify why in the Plan Half Moon Bay Housing Element 2015 – 2023 adopted on March 3, 2015 and certified on October 5, 2015 did not include the planned unit development west of Railroad and why my family's lots were not included in the list of lots in appendix A "inventory of sites suitable for residential development".

It is respectfully requested that any council members, Planning Commission members, and Building Department staff members who reside or have resided East of Railroad whose views could be affected or potentially affect my family building homes on my lots West of Railroad recuse themselves from any decision making process concerning concerning my property rights.

In your letter Aug 26, 2020 you rely on Keystone Bituminous Coal Ass'n v. DeBenedictis, 480 U.S. 470 (1987). The Keystone case can be distinguished as follows. This decision was clearly a valid use of the police power to prevent coal mining companies from extracting too much coal (only under buildings) so as to prevent instability underneath said buildings, and to provide safety to the occupants of those structures. This case also is concerned with support estates which do not feature in this current matter. Furthermore, the coal regulated was an extraordinarily small amount when compared to their retained right to mine virtually all the coal in their mineral estates, which is different than taking all of a property for public use as a park.

You also rely on the Building Industry Association v. City of San Ramon, 4 Cal. App. 5th 62, 90 (2016). This case is concerned with mello-roos tax and is clearly not a taking. This challenge should not have been brought in the first place. This case has a fact pattern completely unrelated our matter, because what is at issue in our matter is the unconstitutional treatment of land rights or even a temporary deprivation of land rights and the taking of buildable lots for public use and not the implementation of a valid mello-roos tax.

You rely the case of Colony Cove Properties, LLC v. City of Carson, 640 F.3d 948, 956-57. This fact pattern is completely unrelated to our current matter, as the plaintiff here did not present sufficient evidence to create a triable issue of fact, and a partial denial of a requested rent increase is in no way related to the unconstitutional treatment of land rights or even a temporary deprivation of land rights and the taking of buildable lots for public use. I would agree with the court that no reasonable finder of fact could conclude that the denials of plaintiff's requested rent increase were the functional equivalent of a direct appropriation of the land. Furthermore the character of the City's actions could not be characterized as a physical invasion of land.

You rely the case of Sea Castle Apartment, Ltd. v. Santa Monica Rent Control Board, 509 F.3d 1020, 1027 (9th Cir. 2007) this case is similar to Colony Cove as it involves rent ordinances and a dispute of the maximum allowable rent to be charged. These facts have no bearing on our current matter, it does not speak to the unconstitutional treatment of land rights or even a temporary deprivation of land rights and the taking of buildable lots for public use.

You rely on the case of Guggenheim v. City of Goleta, 638 F.3d 1111, 1121 (9th Cir. 2010), this case can be distinguished from our matter in that it involves a rent control ordinance and our case involves the unconstitutional treatment of land rights or even a temporary deprivation of land rights and the taking of buildable lots for public use. Courts have been considering the constitutionally of rent control ordinances under several different theory and across many years and not a single court has found rent control to be a taking. Judge Bybee found a taking on a facial challenge, breaking new jurisprudential ground, under facts where such a result could hardly be more unjustified. The Ninth circuit reversed his decision stating the Fifth Amendment shows that the founders intended to limit only physical takings of property for public use.

You rely on the case of Kawaoka v. City of Arroyo Grande 17 F.3d 1227 (9th Cir. 1994), this case can be distinguished from our matter because they brought claims for due process and equal protection claiming the cities actions were motivated by a racial bias, and they did not bringing 5th and 14th amendment claims. In response to Kawaoka's request the city Council changed the land-use designation. The property was divided into two parcels one was designated single-family the other was designated rural residential. Both designations gave the property owners the right to build homes, but less on the rural designation. With the new designation they still had an offer $3,700,000 to purchase the property. Kawaoka involved a single parcel with only one owner, there are 130 lots distinguishing our matter. Her property was not designated for use as open space and used as a park. She was not deprived of her permanent or temporary land rights. Finally her case was decided in 1994, and the court was relying on the Williamson case which was expressly overruled in Knick v. Township of Scott (2019) 139 S.Ct. 2162.

Sincerely,

Thomas J. Gearing

To: Brittney Cozzolino

Associate Partner

Half Moon Bay, Ca. 94019

From: Diane Jessen

Property owner, North Wavecrest

This letter is in response to a Notice of Public Hearing regarding the city of Half Moon Bay – Land Use Plan Update, July 2020.

In 1970, I inherited parcels in the North Wavecrest area, (065-192-020, 065-192-160) adjacent to Redondo Beach Road. My father purchased 6 parcels in the early 50's with an understanding that the land would eventually be developed. My family has been paying taxes on this land for the past 70 years, with me personally paying taxes for 50 years.

During the past 50 years, I have spoken to small business owners in the community and contacted various realtors to get their perspectives on the future of North Wavecrest. Their answers were always vague, ranging from "It's an investment for your future" to "Really? After 70 years and within walking distance to the beauty of the Pacific Ocean?"

People purchase property as an investment – with expectations of the ability to market or develop. My dad had a vision of developing a senior community on this land, graced by a green walking path to the ocean. His vision was based on my Mother's love of the coast. Unfortunately, it's an unrealized vision as we've been prevented in doing anything with this property for 70 years.

I'd like to share my decades-long journey with you:

1973: The Old Golf Course at Half Moon Bay was designed by Arnold Palmer, and built adjacent to the North Wavecrest property.

1982-1983: The city had a plan for North Wavecrest, but not much incentive to spend time on redevelopment. During this time, developers were winning lawsuits.

1989: Wavecrest Property Owners Association hires Bryan Jones to attend all Half Moon Bay Redevelopment Agency meetings for North and South Wavecrest projects and to make independent investigations as appropriate. He was hired to secure the highest award possible and stop the attempts to condemn the property.

1990: The city manager retires, city council members replaced, and the city council hires a private consultant to take care of redevelopment responsibilities. At this point, Bryan Jones stated it will be several months before the city actually sets a price on the property.

March 1990: Redevelopment dominated the Half Moon Bay Review, with headlines like "City Stands to Gain Millions from Redevelopment" and "Wavecrest Planned for Seven Years." The flame had been burning at the city council's feet, a slow burn for a decade.

November 1990: Before the election, the Redevelopment Agency placed choices on the ballot. As a result homes could be built, a golf course, and park. Bryan Jones expected it to be adopted.

November 1994: I received a letter from Bryan Jones regarding the first trial for South Wavecrest property. More trials were set commencing in February 1995. This letter stated the entire picture on both North and South Wavecrest to clarify information.

May 1995: I received a document from the Community Development Agency of the City of Half Moon Bay. Legal notice to consider the Redevelopment Plan for the North Wavecrest Redevelopment Project. There was a list of 6 general goals and objectives of the plan. Goals 5 & 6 stated the provision of an environment for social and economic growth and the expansion and improvement of housing for low/moderate income persons, which remains an issue in 2020. This letter indicated the area was subject to purchase or condemnation.

August 1995: Bryan Jones sends letter to North Wavecrest property owners giving examples of the specifics of South Wavecrest negotiations and what the city offered, what was recovered, what the costs were and what clients netted.

January 1996: Grim news for North Wavecrest property owners. See attached letter regarding the abrupt end to the matter.

After 1996, I became so frustrated I gave up pursuing a fair resolution. But others did not give up, as the Beachwood lawsuit and subsequent 18 million dollar settlement was awarded. Do property owners need to sue the city of Half Moon Bay in order to receive justice? How can you justify the sale of land and not allow owners to market or develop for over 70 years?

I am asking the council for your consideration and understanding on what has been a long and frustrating journey. I seek transparency and clarity from you. As I now pursue legal representation, once again, I hope that we can finally come to a resolution for North Wavecrest property owners.

Sincerely,

Diane M. Jessen
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510-889-8770

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January 30, 1996

TO: NORTH WAVECREST PROPERTY OWNERS

Dear Clients/North Wavecrest Owners:

It has been about six months since we last wrote to you, and many important developments have occurred. Some of them would be comical, were it not for the fact that your property interests have been affected.

First, the entire North Wavecrest Project was put on the ballot for public approval. The result was an overwhelming defeat for the Redevelopment Agency and, by implication, all of its policies regarding North Wavecrest. At the time this occurred, there existed a City Council of four members who were in favor of redevelopment and one member opposed. In the same election, one of the incumbent council members was defeated, and the newly elected council person was (and is) politically aligned with the other anti-redevelopment council member. Therefore, the result of the election left three council members in favor of redevelopment and two opposed, although the electorate had already defeated the North Wavecrest Redevelopment Project.

Next, the Mayor, Larry Patterson, a member of the majority of three, resigned rather abruptly. It then fell to the City Council to replace the absent council member, but no majority vote emerged and the net result was that the council then placed the matter on the ballot for June of 1996.

Following these developments, both the City Manager and City Attorney, who had assisted the council in implementing redevelopment programs, abruptly resigned.

It is obvious that redevelopment will not be on the City Council's agenda within the foreseeable future. What will be done with the real property in North Wavecrest, however, still remains to be seen, and, presumably, depends upon the result of the June election and the political alignment of the successful candidate.

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NORTH WAVECREST PROPERTY OWNERS

As though all of the above things are not enough, the sewer and water availability problems have not resolved themselves as they were expected to do. Again, it doesn't look as though a resolution will occur within the foreseeable future, thus making development even more difficult, if not impossible.

As you know, we had written agreements with many of you to represent you in the event of an eminent domain action to condemn your property. However, that is now a thing of the past, and the contract is now "history" and, of course, no fees are owing.

We plan to send you a newsletter this summer after the election. All three of us thank you for the opportunity to have been of service to you, and we sincerely wish all of you the very best in the future and hope that someday you are able to either market or develop your property, as you desire.

Sincerely,

BRYAN JONES MICHAEL A. ATHERTON ANTHONY A. LAGORIO

BJ/bkm

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Via Electronic Mail

Hon. Mayor Adam Eisen
City of Half Moon Bay
City Hall
501 Main Street
Half Moon Bay CA 94019

September 14, 2020

Re: Half Moon Bay "Final Draft" LCLUP Update (2020)

Hon. Mayor & Members of the City Council,

Thank you for the opportunity to provide comments and analysis regarding the City's effort to update the Half Moon Bay Local Coastal Plan Land Use Plan ("HMB LCP LUP" or "LCLUP" or "2020 LUP").

I represent The Dunes at Half Moon Bay ("Dunes"), owner of nearly all the property within the Surf Beach/Dunes Beach Planned Development ("Surf/Dunes PD") tract. Using the existing 1996 HMB LUP and subsequent planning documents (including the July 2014 Half Moon Bay Existing Conditions, Trends & Opportunities Report, as revised in 2016), and guidance provided by city officials and planning staff over many years, owners of the Dunes submitted The Dunes at Half Moon Bay Specific Plan ("Dunes Specific Plan" or "Dunes SP") in September 2019. The Dunes SP is a voluminous analysis which proposes, among other things, the Surf /Dunes PD be designated as Commercial-Visitor Serving ("C-VS" or "C V-S"), a key Coastal Act priority use.[1]

[1] https://www.half-moon-bay.ca.us/650/Surf-BeachDunes-Beach

Since July 26, 2020, when the "Final Draft" HMB LCLUP was first presented to the Half Moon Bay Planning Commission ("HMB PC"), and the public, we have endeavored to work with your Planning Commission and staff to review the document. However, due to the extremely abbreviated hearing process (post July 26 and during the Covid-19 response), conducted entirely online, with very limited opportunity to participate in public "workshop" hearings – allowing members of the public only 3 minutes per person during each meeting to address over 400 pages of planning documents – without PC or staff response to specific comments or the ability for the public to ask questions, we remain hopeful that severe constraints associated with the 2020 LUP will be addressed and remediated by the City Council during your upcoming review.[2]

To assist with City Council review of the LUP we have prepared two exhibits in addition to this letter, which are attached. Exhibit A is comprised of the minimum modifications, in our view, necessary to ensure LUP consistency with Coastal Act Chapter 3 policies with respect to the Surf/Dunes PD. Exhibit B is a broader chapter-by-chapter analysis of the LUP and City's underlying imbalance related to housing and existing affordable commercial visitor-serving uses, with proposed modifications and suggestions regarding how the City can achieve for visitors over the next 20 years what residents so well appreciate today.

Background

The Dunes is owner of approximately 45-acres of the 48-acre Surf/Dunes PD, which is about 94% of the PD. The PD is bisected by Young Avenue. Of the 200 legal lots located north of Young Avenue totaling approximately 21-acres and comprising the Surf Beach Tract, Dunes owns 167. Of the 26-acres south of Young Avenue, Dunes owns all 6 parcels and the entire property. The Surf/Dunes PD is bounded on the east by Highway #1. Half Moon Bay State Beach and the Pacific Ocean are west of the property. Existing residential subdivision developments, including the City of Naples subdivision, the Miramar residential area and the newer Stoloski-Gonzalez subdivision abut the property to the north.

As such, the property at The Dunes is *ideally* and *strategically* located to provide the City of Half Moon Bay and visitors with spectacular affordable coastal recreational opportunities. Indeed, it's hard to imagine that California voters didn't have the Dunes property specifically in mind when they overwhelmingly approved the California Coastal Act in 1972.

Other California coastal communities have benefitted enormously from development of C V-S uses - upscale camping, affordable resort, RV and hostel projects that serve not only visitors in all cost ranges but also residents by providing a wide range of commercial visitor serving recreation opportunities, a Coastal Act priority land use. Some of these

[2] We also appreciate the opportunity to have met with Planning Director Jill Ekas and Planner Brittney Cozzolino on Tuesday August 18 in an attempt to learn why the proposed "Development Vision" for Surf/Dunes PD is "Residential and Agricultural" without C V-S.

developments include El Capitan Nature Lodging in Santa Barbara (www.elcapitancanyon.com), Treebones in Big Sur (www.treebonesresort.com) and Costanoa in southern San Mateo County (www.costanoa.com). The RV park at Ocean Mesa Campground is renowned as a lower cost visitor serving coastal recreation amenity (https://www.oceanmesa.com/gallery/). Other California coastal C V-S uses that were reviewed as part of the Dunes SP are the non-profit Hostelling International (https://www.hihostels.com), the California Agricultural Tourism Directory (www.calagtour.org) and Asilomar in Pacific Grove (www.visitasilomar.com).

In fact, the 1996 LUP acknowledged the strategically located Surf/Dunes PD property and specifically recommended a PD in order to facilitate future development *away* from the existing subdivision and *toward* creative combination of C V-S and residential uses, consistent with Coastal Act priorities.[3]

To that end Dunes was encouraged and has in fact dedicated years and substantial resources to providing the City with a detailed and comprehensive Dunes Specific Plan, along with numerous technical reports regarding biology, wetlands delineation and study, viewshed analysis, sea rise and tsunami data, traffic planning analysis, agricultural evaluation and more. The information is readily available on the City website at https://www.half-moon-bay.ca.us/650/Surf-BeachDunes-Beach.

The goal of the Dunes SP is to provide residents and visitors with a myriad of affordable coastal recreation and agricultural oriented opportunities in all cost categories, in a type and class virtually unfound in the rest of the City, from hostel, bike-camping and bike storage opportunities to vehicular camping, open space, trails, agritourism, Monterey Bay Sanctuary education and mid-cost overnight accommodations, alongside an organic working farm and dramatic traffic and circulation improvements. These are benefits and land uses long sought and much needed in the City.

Yet for reasons that remain unclear, the 2020 LUP sets forth a "Development Vision" for the Surf/Dunes PD of ***"Residential, agriculture and agricultural compatible uses."*** 2020 LUP at p. 2-47 (emphasis added).

The LUP also states, "Envisioned land uses for the Surf Beach/ Dunes Beach PD include *residential, agriculture and agricultural compatible uses."* 2020 LUP at p. 2-47 (emphasis added).

Thus, without reference to the planning history or Dunes Specific Plan the LUP would appear to invalidate the Dunes SP, prior to even reviewing it, and preclude significant visitor serving commercial recreation uses, at least for the next 20 years, in the north part of the City.

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[3] While the 1996 LUP noted *hundreds* of legal lots in the PD, it specifically found that the property "presents opportunities for Coastal Act priority land uses" and recommended that Coastal Act priority visitor-serving and commercial uses be encouraged by encouraging open space, view corridors and no more than 150 residential units. LUP Sec. 9.3.3, page 149-53.

Among the important documents *not* referenced in the LUP is the July 2014 Half Moon Bay Existing Conditions, Trends and Opportunities Assessment ("Opportunities Assessment" or "Assessment").[4] However, since the Assessment was *intended* as a guiding document for the 2020 LUP it is worth revisiting some of its relevant conclusions, as they played a crucial role in designing the Dunes SP.

The Assessment provides an accurate picture of the recent history of development and land use in the City however and the numbers are startling. Among other things:

i) PUDs make up a majority of the City's remaining 380-acres of undeveloped land, and they include *hundreds of legal lots*; and

ii) PUDs are historically challenging land use areas because they require substantial development expenditures by landowners but involve very uncertain outcomes, which largely explains their abject failure as an achievable land use designation.

Key Planning Issues, Assessment at p. 2-2.

The Assessment then puts the results in stark contrast, acknowledging that due to the unfortunate PD dynamic the prevailing land use in the City is residential (over 17%) –the lowest priority Coastal Act use. The big loser in this dynamic appears to be commercial visitor-serving uses, since lodging and hotel use in the City is a paltry 0.6%. Assessment at pages 3-4 & 3-5.

When it comes to recreation (12% of land use in the City), the analysis raises even more red flags. Fully 260-acres in the City, over one-half of *all* "recreation" land, is *golf* (6.1% of all the land in the City). Most all the rest is *beach* – 218-acres, and is mostly owned by California Department of State Parks (i.e. California taxpayers).[5]

Yet before one applauds the generally accessible state owned public beach and coastal land in the City, remember that "access" should be analyzed from within the context of "who has it" and balanced against the ability for visitors to actually participate in the enjoyment of coastal resources. Given the City's traffic/circulation constraints, and lack of parking/transit capacity, the unfortunate end result of past planning in the City is that while residents enjoy nearly unfettered access to the City's 6-miles of coastline, visitors are given short shrift, particularly those seeking out affordable overnight accommodations to be able to enjoy the California Coastal Trail, for example. [6]

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[4] https://www.half-moon-bay.ca.us/DocumentCenter/View/2327/HMB_ECR_25July2014_low , and as revised and updated in 2016 at https://www.half-moon-bay.ca.us/DocumentCenter/View/2325/Addendum-3---Supplemental-Information-Comment-Summary

[5] Assessment, as revised (2016) at p. 3-5. https://www.half-moon-bay.ca.us/DocumentCenter/View/2325/Addendum-3---Supplemental-Information-Comment-Summary. See also https://www.visithalfmoonbay.org/discover/half-moon-bay-state-beach

[6] Of the four existing overnight lodging facilities located within approximately one mile of Dunes Beach, their combined total capacity is just 103 rooms. Moreover, none of these C V-S overnight accommodations are in a position to coordinate

In 2013 the Coastal Commission ("CCC") found the situation sufficiently compelling that it awarded the City LCP grant funds to update the LUP.[7]

Following an initial draft of the LUP update the CCC wrote the City on September 20, 2019 that, "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" and the CCC expressed frustration that the City "chooses to maintain the PD construct nonetheless." CCC Correspondence at p. 3 (emphasis added).

Even then, the CCC advised that *if* the PD's were to remain, "they 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 resources constraints present and detailed/described *at that time* (e.g. water supply, environmentally sensitive habitats, agricultural, public views, etc)" CCC Correspondence at p. 3 (emphasis added).

The 2020 LUP narrative proposed by the City related to the Surf/Dunes PD, however, contains omissions with respect to uses and errors regarding constraints that are then subsequently carried forward and repeated in policies proposed throughout the LUP. LCLUP at p. 2-47.

First, regarding future uses, Commercial Visitor-Serving (C V-S) should be added to the LUP's Development Vision for the Surf/Dunes PD in order to allow for Coastal Act priority uses and consistency with Coastal Act Article 2 (Public Access) and 3 (Recreation) policies. See Exhibit A.

Next, and with respect to the narrative description of the Surf/Dunes PD in the LUP, the property *does not* contain a 2-acre tsunami inundation zone as represented. That allegation is directly refuted and resolved via https://www.half-moon-bay.ca.us/DocumentCenter/View/2441/7_Coastal-Processes-and-Sea-Level-Rise-Analysis?bidId= in which Dr. David Revell, PhD., explained that the 2009 tsunami hazard map on which you rely has been superseded with improved scientific research, modeling and topographic mapping completed in 2013.

Nor are there horse rentals or horse riding trails on the PD.

And while the LUP references potential flooding of the Pullman watercourse, it fails to specify that the Pullman drainage is not located on the PD, and past flooding of Pullman has

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operations with the State Beach, or provide bike rental or storage opportunities and/or other California Coastal Trail ("CCT") amenities. None offer any recreation opportunities other than a bed and a room to sleep in. https://www.miramarinn.com (27 rooms), https://www.choicehotels.com/quality-inn (54 rooms), https://www.cypressinn.com (18 rooms), and https://pacificvictorian.com (4 rooms, currently closed and not taking reservations).

[7] https://www.coastal.ca.gov/lcp/grants/

never impacted the PD. Instead, historical flooding associated with Pullman goes *north* and the Surf/Dunes PD is located *south* of the Pullman watercourse.

Additionally, the LUPs restrictive proscription against any structure over 15-ft or 1-story in PDs continues to be infeasible and overly burdensome from a variety of perspectives. While it obviously undermines comprehensive planning, and goals and policies related to clustering and efforts to protect and expand view corridors, it is also plainly inconsistent at the Surf/Dunes PD where *existing* residential neighborhoods immediately upcoast and even houses already existing *within* the PD are predominately 2-story.

More importantly, any serious effort to provide sustainable affordable commercial visitor serving coastal recreation opportunities *or* residential use in the future will require, at a minimum, at least *some* 2-story structures.[8]

In this regard it is worth emphasizing that the 1-story height limit is not only inconsistent with surrounding land uses (even the existing houses along Highway #1 *in the PD* are 2-stories), it eliminates the very flexibility sought with the PD designation in the first place. This is *exactly* what the Coastal Commission said to the City in its September 20, 2019 correspondence and *exactly* what Dunes stated in our earlier February 25, 2019 correspondence. Although the HMB City staff reply (dated September 23) referenced ongoing discussions and potential responses, the CCC's central point, that "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*…and the Commission can't certify such provisions pursuant to it" remains relevant. CCC letter p. 3-4 (emphasis in original).

The CCC then advised, "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*…." (emphasis in original), and directed they not be ***"asked to certify anything now that might ultimately prejudice its future decisions on Master Plans/LCP amendments for any specific area in the future."*** CCC letter at p. 3-4 (emphasis added).

Yet despite the strong admonition the 2020 LUP proposes "Substantially Undeveloped PDs" and then includes a myriad of policies inhibiting affordable commercial recreation and poison pill policies such as 1-story height limits that absolutely ***"prejudice"*** against visitors and clustering or establishing view corridors in the future. The very result the CCC specifically warned against. CCC letter at p. 3-4.

These analyses and comments were provided in *2019*. Yet the 2020 LUP did not incorporate comments and suggested modifications from the Dunes, does not reference The Dunes Specific Plan or technical analysis therewith, and does not fulfill the Coastal

[8] This is true even if the "Development Vision" is limited to housing on the PD, instead of affordable commercial recreation. If lower cost housing were to be developed, consideration of clustered multi-story structures within a "multi-generational neighborhood" as set forth in the LUP would necessarily be required from both an aesthetic as well as financial perspective. LUP at p. 2-47.

Commission's admonition that "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." CCC letter p. 2.[9]

A prime example is the City's overly restrictive "Development Vision" for the Surf/Dunes PD - housing - when Coastal Act Section 30222 plainly states, "The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation *shall have priority over private residential*, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry." CA PRC Sec. 30222 (emphasis added).

In fact and in reality a detailed Dunes Specific Plan is before the City *right now.* It was developed over many years at considerable cost. The Dunes SP contains proposals for specific development regulations and design guidelines regarding building heights, view corridors, density, agricultural and natural resource protections, infrastructure improvements and a myriad of other site sensitive details.

Thus, we urge the City Council allow for consideration of affordable commercial visitor serving recreation on the Surf Beach/Dunes Beach PD, by modifying the LUP to include C V-S uses on the PD as provided in Exhibit A. Exhibit A is consistent with the Coastal Act and with the Dunes Specific Plan as proposed.[10]

We also urge flexibility when it comes to consideration of PDs and the Dunes Specific Plan. Unfortunately, and as described in greater detail in Exhibit B, the 2020 LCLUP too often takes the 'flex' out of flexibility. Requiring PDs to comply with every policy in every LUP Chapter (based on broad "development visions"), and consequently every land use designation, is not master planning flexibility; it is the opposite, and a recipe for the continued delay and failure for planning and development of the so-called "Substantially Undeveloped PDs." For this reason the proposed Policy 2-66 Interpretation, as set forth in Exhibit A, is needed to prevent confusion and provide clarity regarding the application of LUP policies to PDs in the future.

Finally, as further explained in Exhibit A, we respectfully request that the City Council modify the LUP with respect to general narratives, policies and "Development Vision" for the Surf/Dunes PD to encourage creative height and view protection guidelines, to explicitly allow for Commercial Visitor-Serving uses[11] and encourage Coastal Act priority uses as set forth in Coastal Act Chapter 3.

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[9] While a more recent CCC letter, dated September 3, 2020, does provide qualified support for efforts undertaken by the City in the interim, the 2020 LUP still exceeds 400 pages and still contains a myriad of internally inconsistent policy proposals, leaving PDs in the same planning purgatory that the LUP was proposed to resolve.

[10] It is also consistent with the LUP's proposed policy 5-3, Environmental Justice, which purports to "minimize barriers to public coastal access." LUP at p. 5-11. While the Dunes Specific Plan has a hostel, a bike barn and a farm, the City otherwise relies on ultra high cost *golf* as the predominant recreation land use. Opportunities Assessment at Table 3-1.

[11] Consistent with those detailed C V-S planning mandates that are clearly set forth in the certified Half Moon Bay Municipal Zoning Code at Title 18.08.015(A) et seq.

Thank you and we look forward to working with you to ensure the 2020 LUP and the Dunes Specific Plan can work and be a success in the future for Half Moon Bay residents, the community, and visitors.

Very truly yours,



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EXHIBIT A

HMB LCLUP Policy Recommendations (proposed modifications in red below):

Chapter 2: DEVELOPMENT

SUBSTANTIALLY UNDEVELOPED PLANNED DEVELOPMENTS
(LUP at p. 2-34)

Planning Approach for Substantially Undeveloped PDs

The 1996 Land Use Plan included policies for each of the PD areas that identified permitted land uses and protected and enhanced natural resources, coastal access, scenic and visual resources, and cultural resources. In many cases, the 1996 Land Use Plan land uses are brought forward because they remain viable for a particular area. However, challenges to planning these areas have remained since the 1996 Land Use Plan was certified. Each PD and the overall PD planning process therefore received a fresh look with this Land Use Plan.

The approach to updating and establishing new policies for the PDs falls within the same framework as planning for the rest of the city. The over-arching strategy is to concentrate development within the Town Center, preserve ESHA and agricultural land uses, avoid hazards, facilitate commercial visitor-serving and recreation, incorporate open space and infrastructure, provide appropriate locations for needed land uses at appropriate densities and intensities, and maintain consistency with the requirements of the Coastal Act.

LUP at p. 2-35.

POLICIES – SUBSTANTIALLY UNDEVELOPED PLANNED DEVELOPMENTS (LUP at p. 2-37)

2-58. Visual Resources. In accordance with Chapter 9. Scenic and Visual Resources, substantially undeveloped PDs are designated visual resource areas and shall require a comprehensive analysis of existing visual resources, including but not limited to upland slopes, significant plant communities, and broad ocean views; methods for protecting and enhancing such resources; and assessment of any proposed impacts to such resources. Where broad ocean views are available across a substantially undeveloped PD, structures shall be sited and designed to preserve unobstructed public ocean views to the extent feasible through the following methods:

a. Clustering or distributing structures where necessary to provide greater view protection;

b. Limiting structures to a 15-foot height limit unless an increase in height would not obstruct public views to the ocean from the highway or would facilitate protection or expansion of new or existing view corridors;
c. Providing setbacks from scenic corridors including Highway 1, the California Coastal Trail, and scenic coastal access routes as specified in Chapter 9. Scenic and Visual Resources to ensure; and
d. Providing landscaping which, when mature, will not block public ocean views.

Upon substantial buildout, a PD is no longer considered a visual resource area but is required to maintain visual resource protections with any new development or redevelopment in accordance with the approved master plan and applicable policies of this LCP.

LUP at p. 2-42

2-66. Interpretation. In any case in which the interpretation or application of an LUP or LCP policy is unclear, as that policy may relate to a particular development application or master plan, the application or interpretation of the policy which most clearly conforms to the relevant Coastal Act policy shall be utilized, and such application shall not inhibit achieving Coastal Act priority uses in any master planning process that requires an LUP or LCP amendment.

Surf Beach/Dunes Beach (Introductory Table; p. 2-46; proposed mods in red):

Potentially Allowed Uses:

Residential, recreation, commercial visitor-serving, agricultural, and agricultural compatible

Site Description. The Surf Beach/Dunes Beach area is a partially undeveloped area totaling about 48 acres, bisected by Young Avenue and bounded by Half Moon Bay State Beach on the west and south, Highway 1 on the east, and the Stoloski/Gonzalez Subdivision and Miramar neighborhood on the north. As described in the 1996 Land Use Plan, the Surf Beach/Dunes Beach PD contains a significant number of unimproved parcels and the historic Surf Beach subdivision. As of 2020, land north of Young Avenue has been predominately in agricultural use, with some parcels from the old unimproved Surf Beach subdivision now conserved by land trusts as open space. The area south of Young Avenue is used primarily for agriculture ~~and stabling and rental of horses and horseback riding~~. Frenchmans Creek riparian corridor and the Sweetwood Group Campsite ~~border the~~ are located south~~ern end~~ of the PD. Young Avenue is the primary vehicular point of access for the Surf Beach/Dunes Beach PD and is a designated scenic coastal access route. The Dunes

Beach section of Half Moon Bay State Beach is accessed via Young Avenue. ~~Because most of the PD area has been in agricultural use,~~ Very little coastal scrub or other habitat ~~typically found in undeveloped areas west of Highway 1~~ are present.

LUP at p. 2-46.

Site Constraints. Site constraints for the Surf Beach/Dunes Beach PD include habitat considerations, land trust ownership, ~~and presence of hazards~~, visual resources, and prime agricultural soils. Of note, the site is considered to have poor drainage which can be an indicator of wetland potential, although recent studies have not indentified such wetlands. North of Young Avenue, land trust and public ownership account for nearly 2 acres ~~and an additional approximately 2-acre area covering the northwest corner of the site is located in the potential tsunami inundation zone. South of Young Avenue is almost entirely mapped as containing prime agricultural soils.~~

Visual resource protection is a key consideration for this PD. The site is ~~highly~~ visible from the Highway 1 scenic corridor and contains a designated scenic coastal access route (Young Avenue). The site also provides broad ocean views from Highway 1 and expansive views of the upland slopes from the Coastal Trail and beach. Policies brought forward from the 1996 Land Use Plan establish height limits for such areas at 15 feet unless an increase in height would not obstruct public views to the ocean from the highway. Furthermore, the active agricultural operation has scenic and visual significance. A visual impact assessment will be an important factor in master planning this PD.

Lands with habitat value and environmental hazards surrounding the PD area present additional site constraints. These include the Frenchmans Creek riparian corridor to the south, which is designated ESHA as presented in Chapter 6. Natural Resources, presents risk of localized flooding, and contains a eucalyptus grove with high fuel load and a monarch butterfly overwintering site; State Parks land to the west, which contains potential CRLF and SFGS dispersal and foraging habitat and snowy plover nesting habitat; and Pullman Watercourse to the north, which supports potential CRLF and SFGS dispersal habitat and presents risk of localized flooding. Drainage conditions, as in the Venice Beach area, are considered poor. It is anticipated that stormwater management using green infrastructure measures will require a higher design storm performance standard to be effective in the Surf Beach/Dunes Beach PD.

Development Vision. Envisioned land uses for the Surf Beach/Dunes Beach PD include residential, recreation, commercial visitor-serving, agriculture, and agricultural compatible uses. The bisecting Young Avenue provides an opportunity to cluster compatible land uses away from Young Avenue on either or both sides of the road while maintaining the scenic approach to the State Beach. Development setbacks from Young Avenue and from the State Parks land to the west would help preserve visual resources from the Highway 1 scenic corridor, the Young Avenue

scenic coastal access route, and the Coastal Trail and State Beach scenic recreational areas.

North of Young Avenue, a new residential neighborhood could be compatible with the Miramar residential area to the north, and new public commercial recreation could provide opportunities to both residents and visitors. Neighborhood design could preserve remaining agricultural operations or community garden space to take advantage of prime soils, emphasize walkability and otherwise be suitable for a multi-generational neighborhood with young families, seniors, and assorted other household groups of mixed income levels. Continued use of the area north of Young Avenue for agriculture or agriculture compatible uses is also supported.

South of Young Avenue, commercial visitor-serving, recreation, agriculture and agricultural compatible uses are envisioned to be well-suited with the adjacent group campsite, environmentally sensitive riparian corridor, and on-site prime agricultural soils, if feasible. Ideal uses include commercial visitor-serving recreation, ~~low-impact~~ camping, open field agriculture with ancillary uses, agritourism, ecotourism, equestrian uses, and other similar types of outdoor commercial recreation ~~that do not require a heavy development footprint~~

~~These uses achieve Coastal Act goals of providing lower cost visitor-serving opportunities while maximizing preservation of prime agricultural soils.~~

The Surf Beach/Dunes Beach site presents numerous opportunities for improving multi- modal coastal access. Considerations include a separated class 1 bicycle and pedestrian route parallel to Young Avenue or along Knewing Avenue (a paper street bounding the north side of the PD), extension of the Naomi Patridge Trail on Highway 1, and an interconnected network within the PD to link any future residential and recreational uses with the Coastal Trail. To reduce potential traffic impacts from new development, other circulation improvements could include a round-about at the intersection of Young Avenue and Highway 1. Within the PD, access to private development should be separate from Young Avenue to maintain this road as a primary coastal access route, such as with provision of a frontage road(s).

The PD's proximity to the Pullman Watercourse presents an opportunity for improving stormwater management on site and in Miramar to the north. Acknowledging that the Pullman Watercourse is not on the PD and that historic flooding of the Pullman Watercourse does not impact the PD, ~~T~~the City could consider the benefits of reducing the risk of flooding and erosion of the Pullman Watercourse when evaluating the merits of a master plan for this area.

Should master planning not proceed or redesignation be preferred, ~~the portion of~~ the Surf Beach/Dunes Beach PD ~~north of Young Avenue~~ could be appropriate for the Residential – Low or Medium Density land use designation or Commercial Visitor-

Serving, with the remainder being appropriately suited for the Agriculture and/or Rural Coastal land use designation.

LUP at p. 2-46 to 2-48

EXHIBIT B

ANALYSIS & SUGGESTED MODIFICATIONS TO 2020 HMB LCLUP CHAPTERS TO FACILITATE COASTAL ACT PRIORITY LAND USES

Chapter 1: Introduction and Framework

In describing the planning framework in Half Moon Bay the "Final Draft" 2020 LCLUP includes a recitation of the history of the PD land use designation. LUP at pages 1-24. On page 1-25, Chapter 1 contains an update regarding the status and progress of various PD master planning efforts. Please add reference to The Dunes at Half Moon Bay Specific Plan (September 2019).

On page 1-31, under the title Agriculture, the LUP references "renewed interest in community-level agriculture, which potentially requires reconsideration of the original LCP's determination that continuing agriculture within the city limits was unlikely to be feasible." Citations provided, however, underscore that if anything, agriculture within city limits is even more *infeasible* in 2020 than it was in 1996. In each case cited what is called "community-level" agriculture is actually *economically subsidized agriculture*, either by non-profit organizations or taxpayers. More correctly, the sentence should read, *"There is interest in small scale subsidized agriculture, and where feasible, such subsidies may be considered at the time of a PD Specific Plan."*

Starting with the section entitled "Existing Land Use Pattern and Distribution" (LUP at p. 1-35), the proposed LUP is at odds with the July 2014 Existing Conditions and Opportunities Assessment ("Opportunities Assessment" or "Existing Conditions Report," as revised in 2016) and notably *omits* C V-S land uses in LUP Figure 9-1 and Table 1-1, while misrepresenting and consequently underestimating the amount and percentage of residential and golf land uses.[1]

The 2020 LCLUP should be consistent with and incorporate Tables 3-1 ("Existing Land Use") and 3-2 ("Half Moon Bay LCP and San Mateo County General Plan Land Use Designations in the Planning Area") from the Opportunities Assessment Report :

[1] https://www.half-moon-bay.ca.us/DocumentCenter/View/2327/HMB_ECR_25July2014_low, as revised in 2016 at https://www.half-moon-bay.ca.us/DocumentCenter/View/2325/Addendum-3---Supplemental-Information-Comment-Summary

Existing Land Uses:

Residential	791-acres	20%
Golf	260-acres	6.5%
Hotel/Lodging	24 acres	0.6%.[2]

Most disturbing here is obviously the dramatic *imbalance* of coastal recreation in favor of *golf.* What should be emphasized, however, is that within the City, *more than* one-half of **all** public recreation land, including beaches, is *golf*. Not even Pebble Beach can make such a claim. Opportunities Assessment at p. 3-5.[3]

If anything, the LCLUP should seek to remediate the lopsided housing-golf imbalance in the City, and include policies to ensure that the few remaining coastal open lands be encouraged to provide Coastal Act priority commercial recreational visitor serving land uses (C V-S).[4]

Instead, the 2020 LCLUP omits percentages altogether in Table 1-1, as if attempting to hide actual uses from reality. Percentages, like those included in the Opportunities Assessment, should be included in the LCLUP. And regarding the inclusion in the Figure 1-9 "pie chart" the "pie slices" are vague, ambiguous and fail to provide the reader with accurate information regarding the housing - C V-S imbalance in the City.

Similarly, the narrative following the tables fails to include a discussion of the severe lack of *affordable* C V-S land use in the City or suggest any ways in which the LCLUP intends to provide for more C V-S or remediate the imbalance.

In the section entitled Policy Direction the LCLUP pays tribute to *community based* planning exercises and resident engagement but none whatsoever to Coastal Act priority land uses, facilitating Coastal Act Sec. 30222 or any policy initiatives to increase C V-S land uses in the City. LUP at p. 1-41.

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[2] Revised Table 3-2 of the Opportunity Assessment Report (2016) stands in even starker relief, showing Land Use Designations within the City to be 20% Residential (791-acres) and 0% for Commercial - Visitor Serving (13-acres) pg. 3-19.

[3] It is also worth noting *what type of golf.* Golf in Half Moon Bay is ultra high-end expensive golf. While the courses are "public" inasmuch as anyone can play, the cost of playing either is prohibitive. The Arnold Palmer designed "Old Course" and the Arthur Hill "Ocean Course" costs between $180-250 per round. Together the 2 courses occupy and abut approximately 1-mile of City coastline.

[4] Yet another Plan Half Moon Bay report entitled "Economic and Real Estate Conditions and Trends (Revised July 2014), prepared by Economic & Planning Systems, Inc., found that *type* of overnight accommodations in the City skews badly toward ultra luxury. "However, the Half Moon Bay hotel market skews towards the upscale and luxury market. As shown in Figure 19, only about 5 percent of rooms are considered economy class while nearly 3/5ths of hotel rooms are luxury class." Trends Report at p. 26. And while the report found need for additional overnight rooms, it also highlighted separate demand for camping in addition to overnight rooms. Trends Report at p. 33. https://www.half-moon-bay.ca.us/DocumentCenter/View/2326/Economic-and-Real-Estate-Conditions-and-Trends

Incredibly, the LCLUP states, *"Through these efforts, the Half Moon Bay community expressed a desire for a higher level of sensitivity to* ***local needs*** *in the Land Use Plan. The Land Use Plan thus includes policies that support protection and improvement of community character to address these community concerns."* LCLUP at p. 1-42 (emphasis added).

If one single phrase were to encapsulate the entire LCLUP exercise, "local needs first" would be it. Instead of seeking conformance with Coastal Act Chapter 3, the City's LUP is designed to facilitate the desires of the existing residents, which neatly explains the almost total absence of any feasible C V-S land use in the PD designated areas, and such novel concepts as "Local Priority Land Uses" in which the City proposes to elevate housing in order to a priority use in order for housing to compete with and preclude visitor serving uses.[5]

In addressing Commercial Land Use in a generic way (p. 1-43) the LCLUP states, "Update the PDs where applicable to provide for appropriate retail and visitor-serving lodging." How? Without actual policies to facilitate new C V-S uses, or even as an allowed use in the PD Development Vision, these are just hollow gestures since the PDs are not updated to facilitate or enhance C V-S uses in any way. In fact, the LUP as proposed will further preclude any new feasible C V-S uses, particularly those designed for lower and mid-cost visitors (as discussed further below), in clear violation of intent and spirit of Coastal Act Chapter 3 and the LUP's proposed Environmental Justice policy 5-3.

In the Agriculture section (p. 1-44) the City again sites to "community-level agricultural" uses. The term should read "small subsidized agricultural" uses.

Chapter 2: Development

Consistent with Exhibit A, Dunes proposes the following revisions to Chapter 2 with respect to the Surf/Dunes PD:

Chapter 2: DEVELOPMENT

SUBSTANTIALLY UNDEVELOPED PLANNED DEVELOPMENTS
(LUP at p. 2-34)

[5] Similar phrases and lines like "Community involvement was the hallmark of the Land Use Plan update process" (LCLUP p. 1-45) can be found throughout the LCLUP. While such gilded platitudes to residential land use servitude may be commendable, the absence of much needed affordable visitor serving policies stands in stark relief against an onslaught of initiatives promoting "community character" and the LUP's slavish desire to serve the "changing needs" of an aging population of local residents at the expense of Coastal Act Chapter 3 policies and future visitor serving uses.

Planning Approach for Substantially Undeveloped PDs

The 1996 Land Use Plan included policies for each of the PD areas that identified permitted land uses and protected and enhanced natural resources, coastal access, scenic and visual resources, and cultural resources. In many cases, the 1996 Land Use Plan land uses are brought forward because they remain viable for a particular area. However, challenges to planning these areas have remained since the 1996 Land Use Plan was certified. Each PD and the overall PD planning process therefore received a fresh look with this Land Use Plan.

The approach to updating and establishing new policies for the PDs falls within the same framework as planning for the rest of the city. The over-arching strategy is to concentrate development within the Town Center, preserve ESHA and agricultural land uses, avoid hazards, facilitate commercial visitor-serving and recreation, incorporate open space and infrastructure, provide appropriate locations for needed land uses at appropriate densities and intensities, and maintain consistency with the requirements of the Coastal Act.

LUP at p. 2-35.

POLICIES – SUBSTANTIALLY UNDEVELOPED PLANNED DEVELOPMENTS (LUP at p. 2-37)

2-58. Visual Resources. In accordance with Chapter 9. Scenic and Visual Resources, substantially undeveloped PDs are designated visual resource areas and shall require a comprehensive analysis of existing visual resources, including but not limited to upland slopes, significant plant communities, and broad ocean views; methods for protecting and enhancing such resources; and assessment of any proposed impacts to such resources. Where broad ocean views are available across a substantially undeveloped PD, structures shall be sited and designed to preserve unobstructed public ocean views to the extent feasible through the following methods:

a. Clustering or distributing structures where necessary to provide greater view protection;
b. Limiting structures to a 15-foot height limit unless an increase in height would not obstruct public views to the ocean from the highway or would facilitate protection or expansion of new or existing view corridors;
c. Providing setbacks from scenic corridors including Highway 1, the California Coastal Trail, and scenic coastal access routes as specified in Chapter 9. Scenic and Visual Resources to ensure; and
d. Providing landscaping which, when mature, will not block public ocean views.

Upon substantial buildout, a PD is no longer considered a visual resource area but is required to maintain visual resource protections with any new development or redevelopment in accordance with the approved master plan and applicable policies of this LCP.

LUP at p. 2-42

2-66. Interpretation. In any case in which the interpretation or application of an LUP or LCP policy is unclear, as that policy may relate to a particular development application or master plan, the application or interpretation of the policy which most clearly conforms to the relevant Coastal Act policy shall be utilized, and such application shall not inhibit achieving Coastal Act priority uses in any master planning process that requires an LUP or LCP amendment.

Surf Beach/Dunes Beach (Introductory Table; p. 2-46; proposed mods in red):

Potentially Allowed Uses:

Residential, recreation, commercial visitor-serving, agricultural, and agricultural compatible

Site Description. The Surf Beach/Dunes Beach area is a partially undeveloped area totaling about 48 acres, bisected by Young Avenue and bounded by Half Moon Bay State Beach on the west and south, Highway 1 on the east, and the Stoloski/Gonzalez Subdivision and Miramar neighborhood on the north. As described in the 1996 Land Use Plan, the Surf Beach/Dunes Beach PD contains a significant number of unimproved parcels and the historic Surf Beach subdivision. As of 2020, land north of Young Avenue has been predominately in agricultural use, with some parcels from the old unimproved Surf Beach subdivision now conserved by land trusts as open space. The area south of Young Avenue is used primarily for agriculture ~~and stabling and rental of horses and horseback riding~~. Frenchmans Creek riparian corridor and the Sweetwood Group Campsite ~~border the~~ are located south~~ern end~~ of the PD. Young Avenue is the primary vehicular point of access for the Surf Beach/Dunes Beach PD and is a designated scenic coastal access route. The Dunes Beach section of Half Moon Bay State Beach is accessed via Young Avenue. ~~Because most of the PD area has been in agricultural use,~~ Very little coastal scrub or other habitat ~~typically found in undeveloped areas west of Highway 1~~ are present.

LUP at p. 2-46.

Site Constraints. Site constraints for the Surf Beach/Dunes Beach PD include habitat considerations, land trust ownership, ~~and presence of hazards~~, visual resources, and prime agricultural soils. Of note, the site is considered to have poor drainage which can be an indicator of wetland potential, although recent studies

have not indentified such wetlands. North of Young Avenue, land trust and public ownership account for nearly 2 acres ~~and an additional approximately 2-acre area covering the northwest corner of the site is located in the potential tsunami inundation zone. South of Young Avenue is almost entirely mapped as containing prime agricultural soils.~~

Visual resource protection is a key consideration for this PD. The site is ~~highly~~ visible from the Highway 1 scenic corridor and contains a designated scenic coastal access route (Young Avenue). The site also provides broad ocean views from Highway 1 and expansive views of the upland slopes from the Coastal Trail and beach. Policies brought forward from the 1996 Land Use Plan establish height limits for such areas at 15 feet unless an increase in height would not obstruct public views to the ocean from the highway. Furthermore, the active agricultural operation has scenic and visual significance. A visual impact assessment will be an important factor in master planning this PD.

Lands with habitat value and environmental hazards surrounding the PD area present additional site constraints. These include the Frenchmans Creek riparian corridor to the south, which is designated ESHA as presented in Chapter 6. Natural Resources, presents risk of localized flooding, and contains a eucalyptus grove with high fuel load and a monarch butterfly overwintering site; State Parks land to the west, which contains potential CRLF and SFGS dispersal and foraging habitat and snowy plover nesting habitat; and Pullman Watercourse to the north, which supports potential CRLF and SFGS dispersal habitat and presents risk of localized flooding. Drainage conditions, as in the Venice Beach area, are considered poor. It is anticipated that stormwater management using green infrastructure measures will require a higher design storm performance standard to be effective in the Surf Beach/Dunes Beach PD.

Development Vision. Envisioned land uses for the Surf Beach/Dunes Beach PD include residential, recreation, commercial visitor-serving, agriculture, and agricultural compatible uses. The bisecting Young Avenue provides an opportunity to cluster compatible land uses away from Young Avenue on either or both sides of the road while maintaining the scenic approach to the State Beach. Development setbacks from Young Avenue and from the State Parks land to the west would help preserve visual resources from the Highway 1 scenic corridor, the Young Avenue scenic coastal access route, and the Coastal Trail and State Beach scenic recreational areas.

North of Young Avenue, a new residential neighborhood could be compatible with the Miramar residential area to the north, and new public commercial recreation could provide opportunities to both residents and visitors. Neighborhood design could preserve remaining agricultural operations or community garden space to take advantage of prime soils, emphasize walkability and otherwise be suitable for a multi-generational neighborhood with young families, seniors, and assorted other

household groups of mixed income levels. Continued use of the area north of Young Avenue for agriculture or agriculture compatible uses is also supported.

South of Young Avenue, commercial visitor-serving, recreation, agriculture and agricultural compatible uses are envisioned to be well-suited with the adjacent group campsite, environmentally sensitive riparian corridor, and on-site prime agricultural soils, if feasible. Ideal uses include commercial visitor-serving recreation, ~~low-impact~~ camping, open field agriculture with ancillary uses, agritourism, ecotourism, equestrian uses, and other similar types of outdoor commercial recreation ~~that do not require a heavy development footprint~~

~~These uses achieve Coastal Act goals of providing lower cost visitor-serving opportunities while maximizing preservation of prime agricultural soils.~~

The Surf Beach/Dunes Beach site presents numerous opportunities for improving multi- modal coastal access. Considerations include a separated class 1 bicycle and pedestrian route parallel to Young Avenue or along Knewing Avenue (a paper street bounding the north side of the PD), extension of the Naomi Patridge Trail on Highway 1, and an interconnected network within the PD to link any future residential and recreational uses with the Coastal Trail. To reduce potential traffic impacts from new development, other circulation improvements could include a round-about at the intersection of Young Avenue and Highway 1. Within the PD, access to private development should be separate from Young Avenue to maintain this road as a primary coastal access route, such as with provision of a frontage road(s).

The PD's proximity to the Pullman Watercourse presents an opportunity for improving stormwater management on site and in Miramar to the north. Acknowledging that the Pullman Watercourse is not on the PD and that historic flooding of the Pullman Watercourse does not impact the PD, ~~T~~the City could consider the benefits of reducing the risk of flooding and erosion of the Pullman Watercourse when evaluating the merits of a master plan for this area.

Should master planning not proceed or redesignation be preferred, ~~the portion of~~ the Surf Beach/Dunes Beach PD ~~north of Young Avenue~~ could be appropriate for the Residential – Low or Medium Density land use designation or Commercial Visitor-Serving, with the remainder being appropriately suited for the Agriculture and/or Rural Coastal land use designation.

LUP at p. 2-46 to 2-48

Chapter 2: Additional Analysis and Suggested Modifications

Throughout Chapter 2 the LCLUP is notable for the City's failure to note longstanding constraints associated with PDs, especially those containing historic subdivisions and hundreds of legal lots, such as Surf Beach/Dune Beach PD.

Nor is there an acknowledgement of the 1996 LUP's findings regarding the infeasibility of agriculture, or the actual constraints to viable sustained agriculture at the Dunes PD, past encouragement of C V-S uses or the intervening efforts of the Dunes Specific Plan to provide affordable, cost variable commercial coastal visitor serving uses, or how these Coastal Act priority land uses might be realized.

While the narrative general description of Commercial – Visitors Serving (0.25 – 1.0 FAR and 16 units per acre) generally described in the LCLUP at p. 2-11 would suit the Surf Beach/Dunes Beach PD, no policies are included in the LUP to ensure such use is encouraged or even possible.

Instead, numerous other policies throughout the LCLUP such as Policy 9-16 in Chapter 9: Visual Resources limiting building heights to 15-ft appear strategically designed to make conformance with Coastal Act Sec. 30222, 30242 and 30107.3 impossible. Or 2020 LUP Policy 4-7 (p. 4-13) which purports to limit "Supplemental Uses" on "a parcel or contiguous parcels with an existing agricultural land use…shall not exceed 20 percent of the parcel…." [6]

In other words, policies like 9-16 and 4-7 are specifically designed to ask that the Coastal Commission **"certify anything now that might ultimately prejudice its future decisions on Master Plans/LCP amendments for any specific area in the future."** CCC letter, September 20, 2019 at p. 3-4 (emphasis added).

Proposed Policy 2-66, above, is written to provide clarity with respect to potential for policy confusion as described above.

The Land Use Map (Figure 2-1) simply highlights and underscores the absence of Commercial – Visitor Serving Land Use Designations in Half Moon Bay. LCLUP at p. 2-8.

While proposed Policy 2-3 represents that the LUP will support Coastal Act priority uses, it also seeks to *elevate* "Local Priority Uses" such as more housing, which would only exacerbate the existing residential - visitor serving imbalance. Further, simply seeking to ensure protection of Coastal Act priority uses without actual

[6] Agriculture policies, and 2020 LUP Chapter 4 are discussed further in this letter below. Oddly "Supplemental Uses" are described by staff as an attempt to provide 'flexibility' to agricultural uses, by allowing for 'farm stands and farm-to-table events, agritourism and small bed-and-breakfast operations." LUP at p. 4-10. Instead, by describing the allowed uses so narrowly, on so little percentage of the property, and attempting to proscribe them so broadly the City is actually *constraining* agricultural viability with the 2020 LUP.

policies to encourage realizing those uses is a recipe for failure and will ensure the continued absence of those uses compared to numerous policies specifically designed to facilitate more "community needs" and more housing. LCLUP policies "General" 2-4 through 2-8.

Further explanation is required regarding proposed Policy 2-10 Land use Plan and General Plan Amendment Initiation, and how Policy 2-10 may adversely impact achieving Coastal Act priority uses. Is the Dunes Specific Plan consistent with Policy 2-10 or is Policy 2-10 yet another artificial construct designed to obstruct PDs? LCLUP p. 2-20.

In the Planned Development Land Use Designation (LCLUP at p. 2-25), the City attempts to update the 1996 LUP regarding the status of PDs and the decades long challenges associated with use of land subject to the PD insignia. All that is achieved however is highlighting a continuing failure to resolve the PDs land use purgatory dilemma.

Despite the recommendations and funding provided by Coastal Commission and California taxpayers urging the City resolve the PDs, all that appears to have occurred is that the City has doubled down, and now calls the undeveloped PDs "Substantially Undeveloped." A new name?

Policy 2-52. Maximum Planned Development Buildout, should be revised as follows:

"The allowable buildout will be reduced or increased to meet the coastal resource protection requirements of the LCP and Coastal Act or if it is determined that coastal access will be substantially impaired or improved; and if other infrastructure and services ~~are inadequate~~ cannot be provided to support the proposed development."

LUP at p. 2-41.

Policy 2-53. Planned Development Net Land Area should be revised as follows:

2-53. 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:

1. ESHA: Areas designated as sensitive habitat or buffers to sensitive habitat including but not limited to terrestrial ESHA, riparian corridors, and wetlands;
2. 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;

3. ~~Accessways: Existing public and private streets including paper streets and other required public rights-of-way such as trails whether acquired in fee, easement, or otherwise;~~
4. Environmental 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 and/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;
5. Visual Resources: Areas above the 160-foot contour; and
6. Permanently Conserved Areas: Parcels or areas where development rights have been retired, where development is prohibited by deed restriction, or are in a public or open space land trust.

LUP at p. 2-41.

If the goal is to facilitate flexibility in master planning, and to promote views etc., then the LUP should *not* encourage blind allegiance to antiquated mapping. If the goal is to facilitate moving *away* from paper maps to Coastal Act priorities, bonus density allotments should be provided for avoiding "paper streets," not penalties.

The modifications suggested above are designed to ensure the information presented is timely and accurate. As referenced previously, the 2020 LUP also erroneously claims that the property is "located in the tsunami inundation zone." Please strike all references per corrected maps as that allegation is directly refuted and resolved via https://www.half-moon-bay.ca.us/DocumentCenter/View/2441/7_Coastal-Processes-and-Sea-Level-Rise-Analysis?bidId= in which Dr. David Revell, PhD., explained that the 2009 tsunami hazard map on which you rely has been superseded with improved scientific research, modeling and topographic mapping completed in 2013.

Nor are there horse rentals or horse riding trails on the PD.

And while the LUP references potential flooding of the Pullman watercourse, it fails to specify that the Pullman drainage is not located on the PD, and past flooding of Pullman has never impacted the PD. Instead, historical flooding associated with Pullman goes *north* and the Surf/Dunes PD is located *south* of the Pullman watercourse.

On LCLUP page 2-61 the City acknowledges that it is restricting Commercial Visitor-Serving uses to the "south ends of the city limits" and thereby attempting to keep visitors literally miles away from the residential dominated neighborhoods of Miramar and Frenchman's Creek, and the miles of State Beaches located directly in front of the Surf /Dunes PD. Balancing against visitors and Coastal Act priority uses should be stricken from the LUP.

Based on The Dunes Specific Plan, and the fact the Dunes property is strategically located adjacent to Half Moon Bay State Beach and along Highway #1 and Young Avenue, C V-S uses should be included and encouraged for the Surf /Dunes PD in Policy 2-80 Commercial - Visitor-Serving Permitted Uses (LUP at p. 2.61) and as requested in Exhibit A and above.

Chapter 3: Public Works

The analysis in Chapter 3: Public Works consists of a review of the City's existing constraints related to water, sewer, stormwater and circulation capacity. Unfortunately, the 2020 LCLUP glosses over past planning failures and existing *opportunities* to resolve constraints. Instead the specter of constraints, no matter how self induced, is used to highlight an artificial narrative regarding perceived systemic public works limits. The result is policy proscriptions and needless discrimination against Coastal Act priority uses, and a proposal to "share" artificially limited infrastructure by carving out a "local priorities" preference for housing.

For example, the 2020 LCLUP proposes "Water Supply Reservations" and a Reserved Water Supply for New Priority Uses for Visitor-Serving Commercial of just 67,200 GPD, *for the next 20 years.* LCLUP at p. 3-12 et seq., and Table 3-4.

To put that number in perspective, and by way of example, note that the Dunes Specific Plan, incorporating aggressive water conservation strategies, estimates water needs for it's proposed C V-S Coastal Act priority uses to be approximately 65,000 GPD. Setting aside that the Dunes SP already possess much of its needed water, the City, in its proposed LCLUP has planned for just *one* visitor-serving commercial use over the next 20 years if the LUP is certified by the Commission as written.

Thus, if approved, the City's LCLUP is designed to erect policy constraints designed to prevent virtually any new affordable visitor serving uses in Half Moon Bay for the next 20 years.

Compare the LCLUP against reality. Ocean Colony Partners (OCP), which uses wells in the Pillarcitos Creek watershed (a source shared by the City and CCWD), consumed *over* 347-acre feet in 2003 to water 2 golf courses and associated green areas and Spyglass Park.

Incredibly, OCP estimates that if recycled water were available, OCP would utilize up to 300 MGY (800,000 GPD), or about one-half of the entire out of Sewer Authority Mid-Coastside ("SAM"). 2015 Urban Water Management Plan at p. ES-4. http://www.coastsidewater.org/reports_and_studies/2015-UWMP.pdf

Thus, just constructing a recycled water plant would save OCP from pumping nearly an acre foot of water *per day* from the Pillarcitos Creek watershed, a watershed that the City municipal water operator CCWD also uses, thus saving nearly 325,851 gallons a day, or enough to build more than *five* new commercial visitor serving recreation uses such as the Dunes, or enough to provide the City with the ability to "reserve" over *five times* the amount of water currently proposed in the 2020 LCLUP for future Coastal Act priority uses.

If that isn't enough, consider the fact that Skylawn Cemetery currently uses approximately 200,000 GPD of treated CCWD water to irrigate 80-acres, a use that is not a Coastal Act priority and amounts to approximately *three times* the amount of water use projected by the Dunes, or about *three times* the amount *daily* proposed by the LCLUP over the next 20 years for commercial visitor serving Coastal Act priority recreation uses.

The analysis is the same for wastewater. Since the City has failed to construct the recycled water facilities that would eliminate ocean outfall, protect coastal resources and create valuable water reuse, the 2020 LUP proposes that new Coastal Act priority Commercial Visitor-Serving recreation uses be restricted to just 67,200 GPD over the next 20 years, ensuring virtually no new Coastal Act priority uses in the City. LCLUP Table 3-8, a p. 3-25.

The City proposes to follow through on these self-inflicted restrictions against visitors with the proposed LCLUP policies. Policy 3-1 would prevent new or expanded infrastructure unless "consistent with this Land Use Plan."

Policy 3-6. New Development Requirements and Findings, states, "Lack of available services or resources *shall be grounds for denial* of the project or reduction in the density otherwise indicated in the Land Use Plan" LUP p. 3-42 (emphasis added).

Policy 3-1 and 3-6 underscore the need for proposed Policy 2-66. Interpretation, as set forth above in order to resolve and clarify uneven application of LUP policies on PDs.

The only policy referencing the long sought reclaimed water system is Policy 3-15, Reclaimed Water System and Use, which merely "supports establishment" and then injects a poison pill by requiring "In advance of developing a recycled water system, coastal development permits shall include conditions of approval for reclaimed water dual piping systems such as for irrigation, toilets and other uses appropriate in the future." Requiring "pre-certification" of vague and ambiguous use conditions pursuant to preapproved CDPs in advance of a water reuse system merely ensures the community recycling water system will never be realized, and subverts decades of planning efforts.

Since water constraints have traditionally been cited as an impediment to future planning in Half Moon Bay it is worth revisiting in detail the history and failed planning around the reclaimed water system. This is particular valuable inasmuch as the semantic architecture of the 2020 LCLUP is constructed upon the argument (in the absence of critical information) that Coastal Act priority uses must be severally amputated over the next 20 years, when in reality the so-called 'barriers' and 'constraints' are nothing more than a paper thin self-serving attempt to prevent visitors from being able to access and enjoy the same public coastal resources that residents enjoy.

In 1996 the City proposed, and the Coastal Commission certified, that "The (LUP) Plan proposes to phase both public works capacity increases and new development in order to maintain balance between them" and "assure that all available public works capacity is not consumed by non-priority land uses.... **These Coastal Act priority land uses are: coastal-dependent land uses, essential public services, basic industries, and recreation and visitor serving facilities**." 1996 LUP, Chapter 10, p. 194-95 (emphasis added).

To ensure orderly development, and to facilitate achieving Coastal Act priority uses the 1996 LUP references use of reclaimed water. Policy 10-7 specifically required the City to monitoring water, sewer and roads and coordinate expansion of services as needed.

In 2005 Measure P, an advisory ballot initiative, won the support of **84.3%** of City voters, who urged the City of Half Moon Bay to support development of recycled water through the Sewer Authority Mid-Coastside (SAM) Joint Powers Authority.

In the October 2008 Pilarcitos Integrated Watershed Management Plan (PIWMP) found "the community strongly supports recycling water as a means to increase water supplies." PIWMP at p. 19.
http://www.coastsidewater.org/reports_and_studies/PilarcitosIntWtrshdMgmPlan_TxtFigs.pdf

The PIWMP ranked the Recycled Water Project a Priority Ranking: Tier 1. The study found that the SAM could be producing Title 22 unrestricted use recycled water in approximately three years, and that the entire 1.65 MGD ocean sewer outfall discharge (dry weather) could be entirely eliminated. PIWMP at p. 31.

During the same time period dozens of other California communities managed to implement recycled water programs and facilities, so much so that over 13% of California's municipal wastewater is now reused. https://pacinst.org/wp-content/uploads/2014/06/ca-water-reuse.pdf

Yet in 2014, the HMB Opportunities Assessment Report noted that the recycled water system had *still* not been implemented in the City.

And in 2020 there is still no recycled water in Half Moon Bay.

And now, rather than use the 2020 LCLUP to facilitate achieving and implementing the long sought goal the City has instead weaponized the planning dereliction against visitors and proposes severe limits on Coastal Act priority uses, and commercial visitor serving recreation uses in particular.

Thus, as a direct failure to construct recycled water, the City proposes that Coastal Act priority uses such as C V-S be drastically restricted and virtually prohibited during the next 20 years. The public, in other words, will pay for the City's failure to plan.

The same analysis applies to the LCLUP's failure to plan for traffic. While the LCLUP acknowledges that the failure to plan for road and traffic improvements over the years has resulted in peak hour gridlock, primarily due to residential commuter and twice daily circular school traffic, those uses will not stop, be curtailed or even be addressed in the 2020 LCLUP. Instead, new uses, primarily Coastal Act priority uses, will be drastically and severally limited in the future.

A prime example is the circulation improvements proposed as part of the Dunes Specific Plan. Dunes SP at Section 3: Mobility Plan, p. 3-1 et seq. Among other things the Dunes SP includes a proposal for merging approximately 170 legal Surf Beach Tract subdivision parcels north of Young Avenue to eliminate more than thirty-five potential driveways and street openings onto Young Avenue and Highway #1, along with bike and pedestrian improvements on both Highway #1 and Young Avenue, connecting to the Coastal Trail. Dunes SP at p. 3-2 to 3-11. These proposals are consistent with a number of 1996 LUP policies, including those promoting non-vehicular circulation and promoting "internal capture" of vehicle trips onto surrounding road networks. And, of course, they would reduce existing traffic congestion significantly.

Nowhere does the 2020 LUP recognize these potential benefits or include policies to encourage their development in the Surf/Dunes PD area.

Perhaps the most significant of all the circulation proposals in the Dunes SP is the potential for establishing a vehicular traffic roundabout on Highway #1 at Young Avenue, a circulation and safety improvement that would dramatically benefit both residents and visitors. Dunes SP at p. 3-11 and 3-12. This single proposal would lower speed limits, facilitate safe implementation of multimodal improvements with safe crossings, increase beach access opportunities and provide for landscaping and improved visual aesthetics.

Yet the proposed LUP fails to include reference or policy language encouraging such improvements, despite the fact that numerous City, Caltrans and other private and local government agency funded reports over the last two decades have encouraged the use of roundabouts in Half Moon Bay. Dunes SP at p. 3-12.

At the end of the day, the Public Works Chapter 3 is, in a microcosm, a perfect synopsis of the underlying design on the part of the City to incorporate "community objectives" into the LCP at the expense of the public and visitors attempting to enjoy *public* coastal resources.

Chapter 4: Agriculture

2020 LUP Chapter 4 Agriculture seeks to dramatically expand protections for subsidized agriculture based on "community priorities" without acknowledging how legal, hydrological, water capacity and availability constraints and infeasibility of agriculture have been known and well documented since at least 1985, constraints that were set forth and certified in the 1996 LUP. Nor is there any explanation as to *how* the City will *implement* "community-based" subsidized agriculture when it is plainly infeasible.

The 2020 LCLUP proposes to define "Agricultural Compatible Use" and "Supplemental Uses" as agricultural preservation tools but fails to include logical agricultural preservation land uses, or allow sufficient density of such uses like Commercial Visitor-Serving, Agritourism and overnight coastal farm visits to actually sustain any agricultural preservation at all. LCLUP at p. 4-3 & 4-4.

The definition of "Agricultural Supplemental Use" should be amended as follows:

"Uses that support the continued economic viability of agricultural land use, operation, or production while preserving suitable agricultural soil. Specific examples include farm stands, agritourism, Commercial Visitor-Serving, recreation, ~~small-scale~~ farm lodging, and other uses designed to promote agriculture."

LCLUP at p. 4.4.

With respect to Figure 4-1: Prime & Non-Prime Agricultural Land, the map designates lands south of Young Avenue as *both* prime and non-prime soils. No information is presented as to that conclusion. A reference to the map states "San Mateo County GIS 2014, NRCS 2018, M-Group 2020" but background information is not readily available and it is unknown how that reference includes the lands south of Young Avenue.

Conversely, the City is in possession of the Dunes Specific Plan that *does* include a specific, detailed examination of the agricultural history and soils onsite. Dunes Specific Plan at p. 4-12.

Specifically, the agricultural use of the land south of Young Avenue within the Surf Beach/Dunes Beach PD is known to have periodically included hay, and dry row crops including beans and pumpkins over the last 30 years. However, the farming

has never been profitable or financially sustainable, nor has it ever been alleged as such. Moreover, the soils are poorly drained, water supply is unavailable and stormwater runoff to the ocean is unacceptable. All of the foregoing is well documented in the 1996 LUP. 1996 LUP at p. 131-32

The 1996 LUP found that the Surf Beach Tract subdivision area *may* contain Class I or II soils, but it also acknowledged the constraints and specifically found that sustained agricultural use is infeasible because of the existing adjacent residential subdivision, difficulty in assembling usable parcels for lease, severe conflicts with existing surrounding development, heavy recreational use of Young Avenue and Dunes Beach, lack of groundwater and poor drainage. 1996 LUP p. 131-32

The 1996 LUP also acknowledged that the lands north of Young Avenue had been previously committed to urbanization by subdivision and cannot feasibly be placed after the fact back into agricultural use or open space. 1996 LUP p. 131-32.

The recent 2019 Dunes Specific Plan went further with respect to evaluation of the value of agriculture and agricultural soils on the Surf Beach / Dunes Beach PD. As part of the evaluation an agricultural land evaluation site assessment was conducted for the plan area using the land evaluation and site assessment model (California Department of Conservation 2019). The land evaluation and site assessment is a point-based approach for rating the relative importance of agricultural land resources based upon specific measurable features. The evaluation includes soil resource quality, plan area size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. The factors are rated, weighted and combined, resulting in a single numeric score. Dunes SP at Section 4.7, Agricultural Resources.

Based on a detailed agricultural site assessment of the Surf Beach/Dunes Beach PD using the California Department of Conservation criteria, loss of the agricultural use of the land was not considered to be significant. Dunes Specific Plan p. 4-12 to 4-15.

Unfortunately none of this information is set forth in the 2020 LCLUP, nor is any of the recently updated soils information at the Surf/Dunes PD area included in the proposed LUP to justify or reconcile the misclassification of the lands located south of Young Avenue.

Thus, Figure 4-1 Prime & Non-Prime Agricultural Land should be amended to specify that the lands south of Young Avenue be reclassified, at a minimum, as "No Soil Data." LCLUP Figure 4-1 at p. 4-5.

In addition, the "Agricultural Land Use Framework" narrative at LCLUP p. 4-7 to 4-10 should be amended to include reference to the 1996 LUP, agricultural constraints and certified policy regarding limits on agricultural feasibility.

Moreover, proposed **Policy 4-1(d). Agricultural Preservation**, suggests a government taking of private property. In light of the well documented agricultural constraints associated with the Surf Beach/Dunes Beach PD, Policy 401(d) should be amended to read, "Protect existing agricultural operations and lands with prime and non-prime agricultural soils located outside of the Town Center, when consistent with the underlying land use designation."

Policy 4-5. Agricultural Compatible Uses, should include Commercial Visitor-Serving uses.

Policy 4-6. Supplement Uses, should be revised in the first sentence to strike, "~~and while maintaining agriculture as the primary use of the property~~" and include "Commercial Visitor-Serving uses" and strike "~~small-scale"~~ from the second paragraph as that limitation will necessarily prevent lower cost alternatives.

Policy 4-7. Maximum Allowances for Supplement Uses, which seeks to impose at 20% use limit on any property with any agricultural use, will have the opposite effect intended. Rather than provide flexibility, it will restrain agricultural viability. It also defeats the entire purpose of the PD land use designation (which is already subject to a requirement to provide for 20% open space in Policy 2-59). Policy 4-7 is not only unworkable, it would literally require high rise towers to provide lower cost visitor serving recreation opportunities or other Coastal Act priorities (which obviously presents conflicts with other policies seeking to impose unrealistic height limits).

At the end of the day, Policy 4-7 would defeat agricultural viability *and* sustainable C V-S on PD lands and would, as a result, necessarily require development of residential subdivision use because no other land use would be feasible or financially sustainable. **Policy 4-7 should be deleted in its entirety**.

Policy 4-9. Conversion of Prime and Non-Prime Agricultural Land, includes reference to Figure 4-1, which is inaccurate as discussed above with respect to the Surf Beach/Dunes Beach PD, and should, at a minimum, be made consistent with Coastal Act Section 30250.

Policy 4-10. Mitigation for Conversion of Agricultural Lands, is vague and ambiguous, and circumvents Coastal Act priority land uses such as Commercial Visitor-Serving coastal recreation.

Policy 4-12(a) & (b). Division of Agricultural Lands, may eliminate the potential for Commercial Visitor-Serving coastal recreation uses at Surf Beach/Dunes Beach PD. Subsections (a) & (b) should be revised to exclude the PD and/or C V-S land use designations.

Chapter 5: Coastal Access and Recreation

Policy 5-3. Environmental Justice, where the 2020 LUP announces an intent to "minimize barriers to public coastal access to the maximum extent feasible, including ensuring that public access and recreational opportunities account for the social, physical, and economic needs of all people." However the policy is fundamentally undercut and made infeasible by dozens of other policies throughout the LUP that specifically prevent development of affordable lower cost and medium cost Commercial Visitor-Serving uses.

The words in Policy 5-3 are mere lip service and inconsistent with the City's *overriding policy desire* to use 'constraints' over the next twenty years to facilitate continued enjoyment of coastal public resources for residents primarily, and visitors as window dressing at best. And since homes in the Miramar Beach neighborhood regularly sell for upwards of three million dollars (and rarely below $1.5), and public overnight accommodations are virtually non-existent, Policy 5-3 will decidedly ***not*** be facilitated by the proposed 2020 LCLUP.

Policy 5-5. Distribution of Public Facilities, should specify and include Commercial Visitor-Serving facilities, and mandate a goal that such C V-S recreational uses be established and created in the coastal zone, west of Highway #1, in the northern part of the City.

Policy 5-25, Highway Crossings, should include reference to facilitating consideration of traffic roundabouts where appropriate, and the coastal access benefits to establishing C V-S and infrastructure improvements in the Young Avenue area.

The LUP section entitled "Visitor Serving Recreation and Accommodations" (LUP p. 5-32 to 5-35) is critical. What is vividly apparent when reviewing the LUP's analysis of existing Commercial Visitor-Serving overnight accommodations is that for the total inventory of 587 rooms, *over one-half* are "Luxury" and only a miniscule number exist for "Economy" or "Midscale" price points. See Chapter 1 analysis Footnotes 1-4, above.

Worse, most all the rooms exist in and around the Town Center and the south coast area of the City, with less than 100 currently available in the northern part of the City or within a mile of Dunes Beach and Half Moon Bay State Beach, ironically the exact area that the Dunes Specific Plan is ideally suited and designed to serve.

Also notable is that Half Moon Bay does not posses even a single hostel facility, a lower cost Coastal Act priority use proposed by the Dunes Specific Plan to be constructed as a Phase I priority, to serve bicycle tours, non profit organizations and budget travelers. Dunes SP at p. 2-8.

In the entire discussion regarding overnight lodging (2020 LUP at p. 5-34) the LUP is devoid of any reference to the current imbalance and lack of C V-S recreation, or the absence of any type of C V-S uses that are now among the most popular type of reasonably priced overnight accommodations in the entire coastal zone – privately owned affordable lodging and camping facilities. While the LUP references that hotels in the City have only a 70% occupancy rate, private overnight facilities such as El Capitan Canyon Resort (www.elcapitancanyon.com) and Flying Flags RV Resort and Campground (www.flyingflags.com) in Santa Barbara County and Treebones Resort (www.treebonesresort.com) in Big Sur enjoy much higher occupancy, and are much less expensive than the predominant "Luxury" rooms in Half Moon Bay. Closer to Half Moon Bay is Costanoa (www.costanoa.com) a full service camping resort, which offers a variety of lodge rooms, cabins, tents and RV camping. There are many other examples.

Yet despite the fact that Half Moon Bay has no type of coastal visitor serving recreation use even remotely resembling anything like El Capitan, Flying Flags, Treebones or Costanoa, the LUP as proposed would foreclose anything like these popular Coastal Act priority uses on a PD site.

And despite the fact that the Dunes Specific Plan is currently pending before the City, the LUP seeks to foreclose coastal lodging and RV camping, hostel, agricultural mixed Coastal Act priority recreational uses with the 2020 LCLUP in an area entirely fronted by State Beach Park- publicly owned recreation lands. Incredibly, *only one single campsite* (Sweetwood Group Campground, Half Moon Bay State Beach) exists in the entire area.

Obviously, as currently proposed the 2020 LCLUP is not consistent with Coastal Act Sections 30221-30223.

Policy 5-71. Inclusion of Lower Cost Accommodations, may suggest benefits, and would facilitate Policy 5-3, Environmental Justice, but any attempt to realize the benefits would most likely conflict with other LUP policies such as Policy 2-58(b), which limits height to 15-ft and would prohibit a 2-story hostel, and Policy 4-7, which requires 80% open space would facilitate only ultra-high end luxury accommodations.

Policy 5-73. Location of Visitor-Serving Commercial Development, should specifically reference the Surf/Dunes PD as an area ideally suited for providing such Coastal Act priority recreation uses.

Policy 5-76. Location of Commercial Recreation, is designed to promote *golf*, and is inconsistent with Coastal Act Sections 30220-224 and Commercial Recreation Visitor-Serving uses as broadly defined and encouraged under the Coastal Act.

Chapter 6: Natural Resources

The proposed 2020 LCLUP references, but fails to include, critically important ESHA maps identified as Figure 6-2, 6-3 and 6-4.

Chapter 7: Environmental Hazards

As described above on page 5 of this correspondence, Figure 7-1 incorrectly identifies the Surf Beach/Dunes Beach PD as being in the tsunami inundation zone. Please correct.

Chapter 9: Scenic and Visual Resources

The 1996 LUP correctly identifies Coastal Act policies 30251 & 30253 as guideposts for protecting the scenic and visual qualities of the coastal environment. LUP Policy 7-13, in particular, required the City to "protect scenic corridors along along all designated primary shoreline access routes where existing permits or development does not exist." LUP at p. 94.

And 1996 LUP Policy 7-12(c) required that development be clustered to protect "broad ocean views" to the *maximum extent feasible* and that building heights not exceed one story or 15 feet, *unless a height increase would not obstruct public views to the ocean from the Highway or such height increase would facilitate clustering of development so as to result in greater view protection.* 1996 LUP at p. 93.

This is called flexibility. Such policies *encourage* nuance and are adaptable to changing circumstances and maximizing public benefits in the course of review of development proposals. Exactly the sort of policy needed for a Planned Development/Master Plan/Specific Plan analysis.

The notable component of the 1996 LUP visual resource protection policies where their flexibility, consistent with the City having designated paper subdivisions such as the Surf/Dunes Tract as "PD" and with encouragement that Coastal Act priority use for lands near the coast be protected for visitor serving uses.

Unfortunately the 2020 LCLUP has abandoned flexibility, if not the feasibility of the PD designation altogether.

For example, proposed **Policy 9-6. Site Planning and Design for New Development**, suggests that new development incorporate a variety of tools to protect and enhance visual quality, including siting flexibility, breaking up mass, restricting height, clustering etc. Unfortunately, the uniform restriction of one-story

15-feet height limits eliminates such flexibility tools and a mandate in Policy 4-7 proscribing no more than 20% of a parcel "with an agricultural land use" be allowed an "Supplemental Uses."

How can there be siting flexibility of Policy 9-6 when Policy 4-7 purports to allow C V-S on just 20% of the property?

Policy 9-8. Land Divisions, suffers the same result. The various flexibility tools suggested are virtually useless if an overall height limit of one story is mandated.

Policy 9-16. Broad Ocean Views, represents a dramatic change in direction from the 1996 LUP, the result being elimination of the flexibility of planning on PD lands because it mandates that "structures shall be sited and designed to avoid obstruction of board public ocean views, shall not exceed 15 feet in height unless an increase in height would not obstruct public views to the ocean..." when the 1996 LUP Policy 7-12 explicitly provided "or would facilitate clustering of development so as to result in greater view protection."

Again, the 2020 LCLUP would appear to be specifically designed to make the Dunes SP infeasible, and development of PDs in general, impossible, at the direct expense of visitors and the public seeking affordable commercial visitor serving recreation.

Without the flexibility of "clustering" to provide greater view protections, coupled with a mandate that all structures (even a hostel) be one story, the requirement that "broad ocean views" be protected is unreasonable, infeasible and will ensure no Commercial Visitor-Serving uses can be permitted on PD lands.

To address these inconsistencies, Dunes recommends that the City modify the LUP pursuant to Exhibit A, and include the proposed **Policy 2-66. Interpretation**, to resolve any conflicts or confusion that may result from uneven application of the foregoing policies on PDs.

Appendix A: Land Use Implementation

Notable here is the 2020 LCLUP's acknowledgement that Specific Plans are "master planning tools" defined under CA Government Code Section 65451 that establish land use, development standards and infrastructure. LUP at p. A-3

If that is the case, then why has the 2020 LCLUP gone to such extremes to define (and eliminate) the potential for Commercial Visitor-Serving at the Surf Beach / Dunes Beach PD?

If the 2020 LCLUP is certified, the so-called "master planning tools" and flexibility supposedly inherent in the PD designation will have effectively been dismantled and eliminated.

Instead, the LUP should incorporate specific policy guidance that encourages C-VS uses in the Surf Beach / Dunes Beach PD.

Sadly, the only C-VS uses proposed by the City for the next *two decades* are all on the south end of town, predominately surrounding the Wavecrest area. LCLUP Table A-1: Zoning Map Amendments. LUP at p. A-6 to A-8.

Hopefully the discrimination is inadvertent. In that case the 2020 LCLUP should be systematically reviewed to ensure C V-S use is encouraged in the Surf/Dunes PD. If not, then the proposed LUP update is hopelessly inconsistent with the Coastal Act and will likely have to be either substantially modified or denied in order to prevent the City from intentionally attempting to prohibit new affordable Coastal Act Commercial Visitor Serving priority recreation uses on the north side of the City for the next 20 years.

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 22, 2020 8:26 AM
To: Brad Steinwede
Cc: planhmb; Jill Ekas
Subject: RE: LCLUP - Substantially Undeveloped PD site Information & Development

Hi Brad,

Thank you for providing your comments on the LCLUP. We appreciate your participation in the process and wanted to provide you with responses to each of your points below. Many of the concerns you raise are either addressed elsewhere in the LUP update, or would be addressed through site-specific studies required for master planning the Planned Development (PD). These responses are shown in blue below. Staff is happy to discuss any of these topics with you further, just let us know.

Thank you,
Brittney

Brittney Cozzolino
Associate Planner
501 Main Street, Half Moon Bay, CA 94019
(650) 750-2014
www.hmbcity.com

From: Brad Steinwede <steinwede@me.com>
Sent: Thursday, September 17, 2020 8:31 AM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Cc: planhmb <planhmb@hmbcity.com>
Subject: LCLUP - Substantially Undeveloped PD site Information & Development

Mayor Eisen
Vice Mayor Brownstone
Council Member Penrose
Council Member Rarback
Council Member Ruddock

Please find excerpts from the LCLUP and my comments in yellow pursuant to Council Hearing, scheduled September 29 and October 6, 2020.

Surf Beach/Dunes Beach

Natural Resources

- Adjacent to State Parks coastal lands including dunes, wetlands, snowy plover nesting habitat, and other sensitive areas; Frenchmans Creek and its riparian area along south side of the PD which includes a documented monarch butterfly overwintering site, California red-legged frog (CRLF), San Francisco garter

snake (SFGS), and steelhead habitat; Pullman Watercourse on the north side with potential CRLF and SFGS dispersal habitat

- This fails to mention nesting hawks and other Raptors, Canadian Geese that populate the agricultural fields both north and south of Young Avenue.
- This narrative was written based on a literature review of biological studies conducted in the area of the Surf Beach/Dunes Beach PD. Further site-specific information would be gathered from a required biological resource evaluation and used to inform site planning, habitat buffer requirements, construction best management practices, etc. as required by the policies of Chapter 6. Natural Resources. The species mentioned here have protections under the Migratory Bird Treaty Act. Policy 6-64 would also apply.

Agriculture

- Agricultural operations on site, prime soils mapped south of Young Avenue and likely also occurring north of Young Avenue
- There is ample evidence that there are also prime soils north Young Avenue, including acknowledgement by the Applicant for development of Surf Beach.
- Soils mapping information was gathered from the Natural Resource Conservation Service to identify prime and non-prime soils as defined by the Coastal Act. Soil data is not available for the area north of Young Avenue in the PD boundary, but as noted in the LUP update, it is likely that the soil conditions would not be significantly different on one side of Young Avenue versus the other. Under the LUP update, master planning of this PD would require site-specific assessment of soil quality and identification of methods to protect prime soils and retain existing agricultural uses (Policy 2-47). Conversion of agricultural land to new non-agricultural uses is limited by Policy 4-9.

Visual Resources

- Visible from the Highway 1 and Coastal Trail scenic corridors; broad ocean views across the site from Highway 1; contains Young Avenue scenic coastal access route; expansive views of upland slopes across the site from Coastal Trail and beach; Frenchmans Creek riparian corridor and significant tree stands; active agricultural use has scenic and visual significance
- How is the Development Vision north of Young Avenue, consistent with … an active agricultural use *that* has scenic and visual significance, which it is presently.
- There are a number of policies in the existing LUP and the LUP update that any master planning of the Surf Beach/Dunes Beach would need to consider, including those that address agricultural protections as noted in the "Agriculture" response above and those that protect visual resources. Of note, LUP update Policy 2-58 requires new structures to be sited and designed to protect unobstructed public ocean views through clustering and/or height limits, and Policy 9-6 requires new development to be visually compatible with the character of the surrounding area.

Site Constraints

- Site constraints for the Surf Beach/Dunes Beach PD include habitat considerations, land trust ownership, and presence of hazards, visual resources, and prime agricultural soils. Of note, the site is considered to have poor drainage which can be an indicator of wetland potential, although recent studies have not identified such wetlands. North of Young Avenue, land trust and public ownership account for nearly 2 acres and an additional approximately 2-acre area covering the northwest corner of the site is located in the potential tsunami inundation zone. South of Young Avenue is almost entirely mapped as containing prime agricultural soils.
- The nesting of hawks, and use of the field north of Young Avenue by migrating birds is a significant habitat constraint.
- See response to "Natural Resources" comment above.
- The private and land trust property ownership north of Young Avenue is another significant constraint.
- This is acknowledged as a site constraint in the quoted section of narrative.

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- The presence of Wetlands is undeniable. If recent studies have not identified them, they were done at the wrong time.
- Previous studies have found the potential for wetlands in the southwestern corner of the PD, as mapped on Figure 6-2. However, more recent studies have not identified such wetland conditions. Site-specific biological studies are required under the existing LUP and LUP update, with requirements for wetland buffers and standards for development in or near wetlands contained in Chapter 6. Natural Resources of the LUP update.
- The field north of Young Avenue is also almost entirely prime agricultural soil and much of this land has been actively farmed for many years.
- This is acknowledged as a site constraint in the quoted section of narrative. Also see the response to your "Agriculture" comment above.

Development Vision

- Envisioned land uses for the Surf Beach/Dunes Beach PD include residential, agriculture, and agricultural compatible uses. The bisecting Young Avenue provides an opportunity to cluster compatible land uses away from Young Avenue on either or both sides of the road while maintaining the scenic approach to the State Beach. Development setbacks from Young Avenue and from the State Parks land to the west would help preserve visual resources from the Highway 1 scenic corridor, the Young Avenue scenic coastal access route, and the Coastal Trail and State Beach scenic recreational areas.
- The Coastside Land Trust has offered to buy the paper lots north of Young Avenue and have them permanently remain open space. Wouldn't this be the best option in order to protect habitat and views?
- There is also another investor, with a history in agriculture, interested in purchasing the paper lots for agriculture, shouldn't this also be considered?
- The City is not involved with these inquiries for purchase of the Surf Beach/Dunes Beach PD by other parties. Such transactions would not involve the City.

- North of Young Avenue, a new residential neighborhood could be compatible with the Miramar residential area to the north. Neighborhood design could preserve remaining agricultural operations or community garden space to take advantage of prime soils, emphasize walkability and otherwise be suitable for a multi-generational neighborhood with young families, seniors, and assorted other household groups of mixed income levels. Continued use of the area north of Young Avenue for agriculture or agriculture compatible uses is also supported.
- These will never be household groups of mixed income levels. The location, lot sizes, views, and neighboring property values dictate that single family homes would start at M$3+
- Policy 2-57 provides provisions for housing affordability in PDs. These include a general limit on house size and a requirement for 20% deed restricted-affordable units to lower income households for PDs that provide 10 or more housing units. Please refer to the Glossary for the definitions of extremely low, very low, and low income households.

- The Surf Beach/Dunes Beach site presents numerous opportunities for improving multi- modal coastal access. Considerations include a separated class 1 bicycle and pedestrian route parallel to Young Avenue or along Knewing Avenue (a paper street bounding the north side of the PD), extension of the Naomi Patridge Trail on Highway 1, and an interconnected network within the PD to link any future residential and recreational uses with the Coastal Trail. To reduce potential traffic impacts from new development, other circulation improvements could include a round-about at the intersection of Young Avenue and Highway 1. Within the PD, access to private development should be separate from Young Avenue to maintain this road as a primary coastal access route, such as with provision of a frontage road.
- The paper street, Knewing Avenue was envisioned how many years ago? The Stoloski/Gonzales subdivision certainly wasn't envisioned then, rendering Knewing Avenue no longer feasible.

- Knewing Avenue is an existing paper street that was established with the Surf Beach Tract subdivision in 1906. The Knewing Avenue right-of-way is located south of the Stoloksi/Gonzalez subdivision.
- A frontage road would require the removal of the trees along Highway 1
- It is possible that a frontage road could be sited and designed to avoid removal of trees. This would be determined through site-specific siting and design. When tree removal is required as part of development, replacement trees and other types of mitigation is required. Despite these potential allowances through the City's Heritage Tree Ordinance, avoidance of tree removal is prioritized.
- Traffic impact will be a consequence of any development of Surf Beach/Dunes Beach.
- Roadway and traffic conditions are addressed in Chapter 3. Public Works of the LUP update. To address the heavy traffic conditions, Policy 3-36 limits the approval of new higher-trip generating development, especially development that would contribute significant traffic to the weekend peak period, north of Highway 92 where the roadway system is most impacted and requires that any new higher-trip generating development provides multi-modal options such as bicycle and pedestrian trail connections, airport shuttles, or bicycle rentals. Mastering planning of the PD would also require an EIR, which would assess the impact of traffic and new vehicle trips.

Brad Steinwede
2801 Champs Elysee Blvd
Half Moon Bay

Brittney Cozzolino

From: Tyla <heartblooms@yahoo.com>
Sent: Saturday, September 19, 2020 6:25 PM
To: planhmb
Subject: coastal land use

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Whether we like it or not populations are growing, tourists keep coming and we need safe parking lots along the coastline. Take for example the tiny parking lot at beaches south of Mermonte Rd.
I am a resident of Halfmoon Bay, and over the years as we know there are crowded situations. Especially on weekends but surprisngly to me during the weekdays also. Those parking lots are small/full and we all all still parking along the hwy. Just placing no parking digns does not take care of the situation. We need better . Land doners or Something so we can build larger parking lots with pedestrinan cross walks if they are on eastside of Hwy 1. Open space...well if they have this valuable land , maybe not all private landowners, why can't thecity/state buld these new parking areas? Not just for North of Halfmoon Bay but North and South considered. I realize these questions have been addressed for yrs. Why not is this moving faster? We are after all adestination area, and us residents need to be accomadated too. For those folk in disagreement, or maybe not use the great outdoors....we are moving into the future like it or not and need to progress along with the times.

September 22, 2020

Mayor Adam Eisen and
Vice Mayor Brownstone
City Council
City of Half Moon Bay, City Hall
501 Main St.
Half Moon Bay, CA 94019

Re: HMB Land Use Plan Update, Hearing September 29, 2020

Dear Mayor Eisen, Vice Mayor Brownstone, and members of the City Council:

My family and I own Unit 14 in the Casa Mira condominium project on Mirada Road in the City of Half Moon Bay. The land under this 10-unit complex is owned by a homeowners' association and is referred to as the "common area." Each of the homeowners, however, has the exclusive right to occupy the land and the airspace under and over its particular unit. Thus, Unit 14 is entitled to the exclusive use of the land under its particular unit as well as the right to maintain the current residential structure on this portion of the common area.

The loss to an individual unit owner is shared by all owners of the ten units. Certain of the ten units are more than 200 feet east of the coastal trail and will not be damaged by the loss of Unit 14 but will be damaged by the consequential loss of value of the remaining nine units. Under all circumstances, however, the provision in your proposed Land Use Plan Update which allows the City to demolish one or all of the units in the Casa Mira development in the event that the City concludes that one of the units will fall into the ocean within the next 3.5 years and therefore all ten units are a public nuisance. The true damage, however, to these units is the collateral effect on the ability of the ten homeowners to borrow money against these units in light of your power to require their demolition.

THE REAL VICTIM OF THIS LAND USE PLAN UPDATE IS THE CITY OF HALF MOON BAY FOR THE FOLLOWING REASONS:

1) The goal of the Coastal Commission is to rid the entire coast of any structures which change the historic character of the beach. This would be single-family homes on one end and the Ritz Carlton on the other extreme. The Ritz Carlton is the single largest contributor to the economic health and revenue of the City of Half Moon Bay. The Coastal Commission has already fined the Ritz Carlton for shoring up their foundations under their hotel and other facilities. Under this proposed Update, it would appear that the Coastal Commission could refuse to allow the Ritz Carlton to upgrade its shoring and as a result, their present structures could be seen as in jeopardy and therefore the City of Half Moon Bay would be bound to require their removal. The Coastal Commission is not concerned with the economics of the City of Half Moon Bay. They are more concerned with demonstrating to all property owners along the coast that they are a very powerful agency which can prevent development along the coast even if it necessitates requiring the removal of the Ritz Carlton or some other significant income producing business.

2) The current situation is the result of uncoordinated activities by various California state agencies in hopes of preserving the fishing industry which is situated in the Princeton harbor.

The story begins with the decision by three businessmen who had the appearance of surfers deciding to build a multi-story beach house at the intersection of Mirada Road and Miramar Road. They engaged the services of the Stanford University Engineering Department to design a foundation for this beach house which would endure present and/or future high tides or tidal action. The resulting beach house looks frail due to its wood exterior and its beach house type architecture, but in fact it is built on piers drilled deeply into bedrock and is more affected by the wind than it is by the beating of the Pacific Ocean. As part of the plans and specifications for this house, the owners proposed a riprap wall along the foundation which would provide further protection and further duration to the life of this unit. This unit was completed and occupied well in advance of the actual adoption of the legislation to create the Coastal Commission and therefore is exempt from certain of the past and current regulations of the Coastal Commission.

The approval of the beach house also included the approval of a riprap wall which not only protected the beach house, but also the remaining property to the south which was owned by the group doing the building. This riprap wall was held in place by a series of telephone poles which were treated with chemicals which made them impervious

to salt water. These poles were in place, but the riprap wall was not completed for the entire 250 feet of beachfront that made up the property on which the beach house was built. Soon thereafter, in approximately 1985, the City of Half Moon Bay approved the construction of the Casa Mira 10-unit condominium project. The applicant for this approval was then mayor Brian Beer. Upon the completion of the Casa Mira 10-unit project, Brian Beer rented and had a right to purchase one of the units which he ultimately chose not to do.

Approximately seven years later, the state of California elected to install a seawall which protected the harbor at Princeton from tidal action and therefore protected the fishing fleet at such harbor. The harbor had historically been used for a fishing fleet as well as for delivery of products to the Princeton area and the Half Moon Bay area during the roaring ‘20s. In fact, there was a roadhouse and a dock near the current location of what is referred to as Unit 2 (the beach house), where many of these deliveries were received.

When the ten units of Casa Mira were built, the Coastal Commission approved their construction and the installation of the coastal trail and the placing of riprap to protect the coastal trail from the tidal action in the vicinity of Unit 2.

With the completion of the armoring of the inlet to the Princeton harbor, the direction of the waves and the current was shifted to the south, and commenced to erode the unprotected shoreline south of the property owned by Unit 2. This seawall was constructed after the units in Casa Mira had been built and sold to third parties. By this time, the state parks department had jurisdiction over the coastal trail as well as various of the properties south of the property owned by Unit 2.

When approximately 7-8 years ago it became apparent that the change in the direction of the current would have a negative effect on the cliff which separated the houses on Casa Mira from the ocean, there was a slippage in the cliff on which Unit 2 was situated. Due to its deep and strong foundation and due to the light weight of the constructed units on this foundation, this slippage did not affect its ability or the strength of the foundation or the structure on Unit 2. In turn, after a few years, this change in direction of the current did, under winter conditions, cause a slippage in the adjacent cliff which was not protected by the riprap wall that was owned by Unit 2.

By this time, the value of the ten units in Casa Mira had gone up dramatically and the amount of taxes the owners were paying to keep the units where they were had likewise gone up. It is not abnormal for the real property tax bill on each of the ten units to be $500 per month

or $6,000 per year. During this time period they have each contributed more than $180,000 in real property taxes which were paid to the county and the city and school district and the sanitary district (for a total of $1.8 million).

Out of concern, the owners of Casa Mira and Unit 2 applied to the Coastal Commission for a permit for a temporary wall to arrest the erosion which was coming as a result of the change in the direction of the waves due to the change caused by the wall protecting the Princeton harbor. This emergency request was granted and later another emergency permit was also granted. The rocks put in as a result of these two emergency permits followed a new and better design concept and protected not only the structure on Unit 2 but also the coastal trail. These rocks were placed in a manner similar to building a brick wall with weight being shared by rocks to the end that it is quite stable, quite good looking, and performing to its design standards.

Since the installation of this temporary wall, there has been little, if any, erosion which affects the trail or the units of Casa Mira. Approximately four years ago, Casa Mira applied to the Coastal Commission for permission to convert the temporary repair to a permanent repair and this request was supported by the staff of the Coastal Commission but denied out-of-hand by the Coastal Commission itself. To the extent this temporary wall also protected Unit 2, which was entitled to fortify and refortify its rock wall, the Coastal Commission seemed to agree because they did not institute any retribution against the owners of Unit 2 other than those technical in nature. The primary benefit of the temporary wall as it relates to Unit 2 was the fact that it did away with and prevented the further erosion of the finger of land on which Unit 2 is situated, which ultimately could have separated Unit 2 from the mainland by the eddy action.

The corrective, temporary wall as well as the permanent wall which was suggested by Casa Mira and Unit 2 would have directed the ocean wave action to the west as well as the south, thereby lessening the damage from wave action to properties which are south of Casa Mira and which are owned by the California Parks system.

WHERE ARE WE?

1) The Use Plan Update contains a provision which allows the City of Half Moon Bay to require the demolition and removal of all ten units in Casa Mira, if in the opinion of Half Moon Bay, any one of these units is in jeopardy of falling into the ocean within the next 3.5 years (the public nuisance justification). These units are some of the better housing stock available along the coast and were well built and

are well maintained and an asset to the community. If one of these units were to burn down, could the Coastal Commission take the position that it could not be rebuilt and could the City of Half Moon Bay take the position that the loss of this unit makes the remaining nine units a public nuisance and therefore they also must be torn down? There needs to be some guidelines as to who decides the issue of public nuisance and the recourse of the property owners to some other forum to decide whether or not, in fact, the unit is likely to fall and whether or not its loss would constitute the justification for requiring the removal of the nine remaining related units which are in fact in separate buildings.

2) The current legislation should specifically address the Ritz Carlton and state that due to its contribution to the economic survival of the City of Half Moon Bay, it will be allowed by the Coastal Commission to re-shore up its foundation as to prevent the loss of this economic engine as well as the loss of the surrounding golf courses which lend to its ambience and success. In other words, the Coastal Commission should give up its right to require the City of Half Moon Bay to remove the Ritz Carlton or any of its facilities or amenities.

3) The temporary emergency repair which was placed on the property owned by Unit 2 but paid for by the Casa Mira homeowners' association, should be exempted from this Land Use Plan Update and the Coastal Commission should agree that Unit 2 is in full compliance with its rights to shore up its own property and that the work done by Casa Mira on Unit 2 is approved by the Coastal Commission and consistent with the rights of the owner of Unit 2.

There has never been a question that this repair was not needed to protect Unit 2. There has never been a question that the work that was done by Casa Mira on the property of Unit 2 to protect it from this whirlpool or eddy was not necessary.

In the course of all of these events leading up to the installation of the temporary wall, which not only protected Unit 2 but also the coastal trail and the sanitary sewer trunk line which serves Casa Mira and other adjacent residential units. The following incomplete list of tasks were done to construct the temporary wall:

a) All permissions were gained from the California State Parks people to store equipment and materials on one of their parking lots, approximately a quarter mile away from the work area.

b) A schedule was established which required the repair materials to be brought to the site unloaded from highway trucks and then reloaded onto smaller trucks which were designed to go onto the beach.

c) The trucks that went on the beach were then regulated by requirements such as no work on Saturdays or Sundays, no work earlier than 7:00 a.m. or later than 5:00 p.m., no work during times when the beach was wet, no work if the equipment was not washed down every day and efforts were made to detect any discharge of chemicals or oil from the equipment onto the beach. Each night all of the equipment had to be moved offsite (a quarter mile to the parking area), and once there had to be washed down for the following day.

d) Once the rocks had been brought to the site, they were then placed individually, one-by-one by a very skilled backhoe operator. The rocks are not just tossed on the site such as is done with the big boulders which are presently being placed on Miramar by the county. Each rock was placed in a location and in such a manner as to add strength and beauty and meaning to the wall. It has a pattern similar to that of a jigsaw puzzle. All this work was supervised and approved by California State Parks.

e) When it was all said and done, it was inspected, and we paid fees to the State Parks people for use of their parking lot. We paid some expenses incurred due to damage done to landscaping and the parking lot. We took down all of the signs that we were required to post along the coastal trail letting the public know what we were doing, and we moved on. The result of all this was Unit 2, the coastal trail, the sanitary district, and Casa Mira received the benefits of this work and Casa Mira was the only entity that paid for it, some $700,000.

f) The thought now of requiring us to take these rocks out, which are not on our property and which are needed and allowed to protect Unit 2 seem to be unjustified. Removal of the rocks will not only endanger Unit 2, but it will require the consent of Unit 2. Once the rocks are removed, where will they go? Will they be loaded up again and trucked back to the quarry they came from? Why would money be spent to do that when the money that was spent to put in the wall has been beneficial to all of the above.

Very truly yours,

Anthony B. Varni

ABV/nlm

2651 North Cabrillo Highway, LLC
2651 Cabrillo Highway North
Half Moon Bay CA 94109

September 22, 2020

City of Half Moon Bay
Attn: Jill Ekas, Community Development Director
510 Main Street
Half Moon Bay CA 94019

Re: 2281 Cabrillo Hwy North; APNs 048-300-100 and -090

Dear Ms. Ekas:

As a follow-up to our letter to the City, dated September 1, 2020, this letter is to explain in further detail the project that we would be seeking on the above-referenced parcels totaling almost 17 gross acres. Over the course of time, a project such as this could help the City respond to meet its Regional Housing Needs Allocation (RHNA) goals assigned to the City by the State of California Department of Housing and Community Development (HCD), as well as to realistically satisfy the "Development Vision" as set forth by the City in its proposed Local Coastal Plan Update.

Pursuant to your recent communication, we look forward to discussing a plan for the future redevelopment of this site, presently operated by Rocket Farms, as its viability as a horticultural enterprise comes to a close.

A copy of a Site Plan is attached, which would include these proposed elements for a multi-family rental housing project on the subject site:

Gross acreage:	740,219 sq. feet / 16.99 acres
Units:	304 dwelling units, including affordable units
Buildings:	19 residential buildings, plus one leasing & amenity building
Units per building:	17 dwelling units per residential building
Density:	17.9 dwelling units per acre
Units Mix (approx.):	1 Bedroom 145 units
	2 Bedroom 144 units
	3 Bedroom 15 units
Affordable units:	**Up to 61 units**
Parking:	608 stalls
Zoning & GP Update:	To allow for the above

Farmworker Housing Not Viable
While we know that there has been much talk at public meetings, as well Code provisions adopted, regarding the provision of affordable housing to farmworkers within Half Moon Bay, the irony is that even if horticulture operations were a long-term economically viable use on the subject site, under the City's own ordinance as well as the currently-proposed LCP, the development of a meaningful amount of farmworker housing is **unattainable** as the City's code limits farmworker housing to no more than 5 percent of the horticulture business' site or 1 acre, **whichever is smaller**, and further requires that the maximum density of farmworker housing is limited to 16 units per acre. On a net 15-acre site, to constrain the footprint of farmworker housing to 5% of the site would mean a footprint of only 0.75% of one (1) acre x 16 units per acre = 12 units grand total. Additionally, these farmworker units would have to be deed-restricted in perpetuity. If the City thinks that it makes economic sense for a private property owner to construct a multi-million dollar apartment building with all deed-restricted affordable units at rents that are permanently-below market, and be restricted to building only 12 units while timely paying back a construction loan as well as paying ongoing operating and maintenance expenses, there is a dis-connect between the City's "talk" and its codified rules, and reality. The reality is that the City has made it economically infeasible through its own rules for a private property owner to develop farmworker housing. As a result, we are not planning to pursue such a project.

City Will not Satisfy RHNA Numbers Based on Proposed LCP and Measure D
Since HCD allocated 52 very low, 31 low, 36 moderate and 121 above moderate housing units to the City of Half Moon Bay for the years 2015-2023 as part of its RHNA allocation, the City has fallen far short of meeting those numbers. With the constraints of the City's adopted residential growth-limiting Measure D and the City's modest annual Measure D allocations along with the constraints of dis-allowing the transference of housing unit allocations to a project located outside the downtown area, it will be a mathematical challenge if not near impossibility, for the City to meet its RHNA allotment numbers. However, we believe that a project, such as the one proposed herein, will have sufficient density to provide a meaningful number of affordable units, while at the same time qualify for a construction loan at today's market lending rates.

We believe that as the property re-cycles, that the development proposal herein could help the City attain its affordable housing allotments, satisfy its written housing policies, and meet the needs of its residents. Rocket Farms, Inc., 2651 North Cabrillo Highway LLC, and our predecessor have owned and/or operated this property in Half Moon Bay for about 50 years, while at the same time been one of the City's largest employers. By pursuing a residential use with significant affordable housing, we are signaling our willingness to reuse our property in a manner that enables our company to continue in the horticulture business while helping the community achieve a fair housing policy for constituents that need affordable housing while delivering an attractive quality project.

Please let us know when we can formally meet with you (albeit via Zoom, if necessary, during this time of Covid-19 and social-distancing) to discuss this proposal.

Very truly yours,

Charles Kosmont

Charles Kosmont
Managing Member
2651 North Cabrillo Highway, LLC

Nick Bavaro

Nick Bavaro
President
Rocket Farms, Inc.

cc:

Adam Eisen, Mayor	AEisen@hmbcity.com
Robert Brownstone, Vice Mayor	RBrownstone@hmbcity.com
Deborah Penrose, Councilmember	DPenrose@hmbcity.com
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Brian Holt, Planning Commissioner	Bholt@hmbcity.com
Bob Nisbet, City Manager	Bnisbet@hmbcity.com
Brittney Cozzolino, Associate Planner	BCozzolino@hmbcity.com
Bridget Jett, Consultant-Planning Analyst	BJett@hmbcity.com

Enclosure: Conceptual Site Plan, prepared by KTGY Architecture & Planning



ktgy
Architecture + Planning
888.456.5849
ktgy.com

Rocket Farms
2651 Cabrillo Highway North
Half Moon Bay, CA 94019

ROCKET FARMS
HALF MOON BAY, CALIFORNIA # 2020-0248

CONCEPT PHASE
MARCH 12, 2020

0 30 60 120

SITE PLAN

A1.0

September 23, 2020

Jill Ekas
Brittney Cozzolino
Half Moon Bay City Hall
501 Main Street
Half Moon Bay, CA 94019

Dear Jill and Brittney,

Thank you for the opportunity to meet with you again on September 21 to discuss our comments on the current version of the draft LUP, Chapter 1-3, Chapter 6 and Appendix B. We sincerely appreciate your consideration of our comments as well as all of your time spent with CCWD staff in reviewing the LUP document. We understand that you will be modifying the draft LUP further, and the District looks forward to reviewing the next version.

As the water service provider for both the City and unincorporated San Mateo County (including El Granada, Princeton, and Miramar areas), CCWD is committed to working with both the City and County as the land use agencies in planning for water capacity and determining the allocation of the remaining unsold priority connections created by the 1985 Crystal Springs project coastal development permit.

In addition to the comments provided in our September 3, 2020 letter, we recently had a chance to review other sections of the LUP and wanted to also include comments related to Chapter 2. First, (and as we briefly discussed on September 21) the water treatment plant facilities, tanks, and supporting infrastructure on Carter Hill are critical to providing water to the City and County. Development on Carter Hill and contiguous properties need to be compatible with CCWD's operation and maintenance of its treatment plant and tanks as well as accessibility to CCWD's facilities (that frequently involves use of heavy vehicles and machinery.) Also in Chapter 2, in considering Policy 2-31 "Town Center Water Connections" and Policy 2-36 "North Downtown Shopping Center Conversions and Retrofit" we want to highlight that the application of these policies regarding water and fire services, including the types of water service connections required, will require close coordination between the property owner, city staff, CCWD staff and possibly CFPD staff.

In addition, with regard to the water related policies in Chapter 2, as stated in our September 3 letter, as an independent Special District formed under the County Water District Law, it's within CCWD's authority to determine how it will sell water service connections and maintain and replace its water infrastructure.

We commend you both and other City staff for this monumental effort to update the LUP and particularly during a pandemic where the process has had to be largely virtual.

Thank you for your time and willingness to work with CCWD.

Best,

Mary Rogren
General Manager

Cc: Bob Nisbet

Citizen Comments on the Final Revision of the 2020 Half Moon Bay Land Use Plan update

Sept 23, 2020

Peter C. Smith

As a citizen and landowner in the city I applaud the work done by Community Development in the process of listening, organizing, and communicating the wishes of city residents and stakeholders in the construction of the plan.

As an open space landowner, the plan offers several new options that will allow such space to be enjoyed by owners, city residents, and visitors in keeping with the wishes articulated by residents in the GPAC, and many other public discussions the served to define the desired future character of our city. Such changes have long been needed to protect the future of these areas as many no longer offer the option of being sustainable under the terms of the former LUP.

Since it is the intent of the LUP to guide growth for the next two decades, I do offer an area of concern in the area of the planned PUD project west of Rt 1 between the road and the protected Dunes beach. I can think of no more delightful use of that property to allow the construction of a modest hotel with adjacent RV and affordable living spaces for visitor serving use. I think all of us have experienced such near beach developments and have found them to be an enjoyable quality of life enhancement. Also, the likely popularity of such a site would bring in significant city annual revenues.

In reading the current LUP language, the reasons advanced to recommend limited residential developments instead seem to not serve real city, community, or Costal Commission coastal access interests.

I recommend that the council consider softening the position established in the plan to allow consideration of such future development.

Regards,

Pete Smith

LAW OFFICES OF THOMAS D. ROTH
ONE MARKET, SPEAR TOWER, SUITE 3600
SAN FRANCISCO, CALIFORNIA 94105
(415) 293-7684

September 23, 2020

By E-Mail

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bcozzolino@hmbcity.com

Re: Comments by Casa Mira and Its Members on the City of Half Moon Bay's 2020 Draft Land Use Plan (LUP) Update and Proposed General Plan Amendment

Dear City Council and staff:

The comments and objections are being submitted on behalf of Casa Mira Homeowner's Association and its members[1] on the City of Half Moon Bay's 2020 draft

[1] Members include Robert D. Glynn, Jr., and Kathleen O. Glynn, as Trustees of the Glynn 1994 Revocable Trust Agreement, dated March 15, 1994, and the Glynn 1994 Revocable Trust Agreement, dated March 15, 1994; Paula Skinner, Karen Pearlman and Christen Agnello; William V. Regan III and Ann Williams Regan, as Trustees of the Regan Revocable Trust dated December 29, 1992, and the Regan Revocable Trust dated December 29, 1992; Stuart M. Schlisserman, as Trustee of the Stuart Mark Schlisserman Revocable Trust dated April 14, 2004, the Stuart Mark Schlisserman Revocable Trust dated April 14, 2004, Taraneh Razavi, as Trustee of the Taraneh Razavi Living Trust dated September 29, 2009, and the Taraneh Razavi Living Trust dated

Land Use Plan (LUP) Update and General Plan Amendment. Casa Mira includes ten townhomes at the end of Mirada Road. Exhibit 1 attached hereto shows the approximate location of Casa Mira (the red circle). See also Ex. 2.

Casa Mira is very concerned that the proposed LCP **will prevent the construction of a shoreline protective device needed to protect long-existing homes and other public infrastructure**. This will be devasting. It will cause $25 million of homes and public infrastructure to collapse into the ocean. Casa Mira would be shocked to learn that this is something that the City Council wants. But that is what this LCP would lead to.[2]

Background and Request

Casa Mira includes ten townhomes built in the early 1980s at the end of Mirada Road. In the winter of 2016, large storms on the coast caused a significant collapse of a bluff fronting the homes. The bluff collapse also threatened a long-existing sewer line and one of the most scenic segments of the California Coastal Trail.

Casa Mira applied for and obtained two emergency permits from the California Coastal Commission to place rip rap along the remaining bluff in order to protect the homes, the sewer line and the Coastal Trail. That rip rap remains in place and is protecting those structures. Experts believe that without rip rap or a seawall, the bluff will collapse and destroy the homes, the sewer line and the Coastal Trail.

At the direction of the Coastal Commission, Casa Mira applied to the Coastal Commission for a regular coastal development permit to build a seawall to replace the rip rap. The Coastal Commission will not allow the emergency rip rap to remain long-term; Casa Mira must obtain a regular coastal development permit for a permanent shoreline protective device. In July 2019, Commission staff issued a 55-page report recommending approval of a proposed 257-foot seawall to protect the coastal-dependent

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September 29, 2009; Kelly Ann Kramer, as Trustee of the Kelly Ann Kramer 2017 Trust under Declaration of Trust dated July 18, 2017, and the Kelly Ann Kramer 2017 Trust under Declaration of Trust dated July 18, 2017; Gina M. Trinchero, as Trustee of the Gina Maria Trinchero 2003 Revocable Trust, dated July 2, 2003; Gregg E. Miller, as Trustee of the Miller Survivor's Trust dated April 5, 1993, and the Miller Survivor's Trust dated April 5, 1993; Roderick A. Young and Charlotte D. Jacobs, as Trustees; of the Young/Jacobs 1998 Trust; Gustavino Holdings, LLC; Michael Patrick Sullivan, Jr., as Successor Trustee of the Mavis R. Sullivan Declaration of Trust dated October 21, 2015, the Mavis R. Sullivan Declaration of Trust dated October 21, 2015, as to an undivided 1/2 interest; Kim M. Thomas, a 1/4th interest: in and to an undivided 1/2 interest; Michael Patrick Sullivan, Jr., a 1/4th interest in and to an undivided 1/2 interest; Kerry Sullivan, a 1/4th interest in and to an undivided 1/2 interest; Jamie Sullivan, a 1/12th interest in and to an undivided 1/2 interest; Ashley Sullivan, a 1/12th interest in and to an undivided 1/2 interest; and Maggie Sue Sullivan, a 1/12th interest in and to an undivided 1/2 interest.

[2] Casa Mira has separately submitted to City Planning staff back up documentation supporting its arguments. Casa Mira also has submitted Public Records Act requests to the City and the City has not provided all responsive records to date. In light of this, Casa Mira and its members reserve the right to supplement the submission of supporting documentation after the close of the public comment period and even during any subsequent litigation, as allowed by California law.

Coastal Trail that fronts the homes. The seawall also would have protected the homes and the sewer line. Notably, the proposed seawall would not have been constructed on public trust lands or tidelands, but rather on private property.

The City's Mayor issued a letter in support of the proposed seawall and articulated the need to protect the Coastal Trail at that location.

In July 2019, the Coastal Commission rejected its staff's detailed recommendation and denied the 257-foot seawall and instead approved a 50-foot (approximately) wall that wouldn't protect anything. The full Commission appeared to not understand that the ocean will simply go around a 50-foot wall.

Casa Mira filed a legal action against the Commission which is pending in San Mateo County Superior Court. The City is named as a real party-in-interest since the project falls within the City's jurisdiction and the City maintains easements that would be adversely affected by the Coastal Commission's denial. That legal action concerns the Coastal Commission's legal authority to deny the seawall application.

The City's LCP remains relevant because Casa Mira may need to apply for a permit from the City for a shoreline protective device in the future. According to the City's legal counsel, the project falls within the boundaries of the LCP. See also graphic attached hereto showing location of Casa Mira on proposed LCP Update, Fig. 1-2 (CCC appeal jurisdiction) (Ex. 1). Once there is a certified LCP, applications for a coastal development permit must be made to the City (with a few exceptions that do not apply here), with appeal jurisdiction reserved to the Coastal Commission. In order to protect its legal rights for any future shoreline protective device (or any other project), Casa Mira raises its concerns now so that the City may make appropriate modifications to the LCP before it is adopted and certified.[3]

[3] Exceptions to the City's jurisdiction do not appear to apply. The proposed seawall would not be built on tidelands or public trust lands and thus the Coastal Commission does not have jurisdiction under Pub. Res. Code § 30519(b). The City's attorney opines that the Coastal Commission nonetheless has "retained" jurisdiction because the Coastal Commission had jurisdiction over the emergency permits for the existing rip rap and those permits required Casa Mira to apply for a regular coastal development permit. But that misreads the Coastal Commission's authority under Pub. Res. Code § 30600(e) which limits the Coastal Commission's authority solely to "emergency work necessary to protect life or property or immediate emergency repairs to public service facilities." Casa Mira, in any future application for a seawall or any other project, would have the right, if not the obligation, to apply for a coastal development permit from the City in the first instance since the City has a certified LCP. See Pub. Res. Code § 30600(d); see also id., at § 30519(a) ["after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof."] The City's attorney also argues that the Coastal Commission retains jurisdiction because that agency granted permits to build the Casa Mira homes in the 1980s before the LCP was certified, but that reasoning ignores Pub. Res. Code §

The newly proposed LCP would effectively **reverse the City's support** for the seawall project and result in the massive (and needless) destruction of these homes, the sewer line and the Coastal Trail.

This is a shocking and disturbing turn of events. **Casa Mira asks that the City Council consider the plight of these homes and adjust the LCP to avoid such a devastating outcome.**

Detailed Comments on the LCP

Chapter 7, Environmental Hazards

The proposed changes/additions to the LCP are significant compared to the existing LCP and would be devastating to Casa Mira, the sewer line and the Coastal Trail.

The chapter begins by stating that "The purpose of this chapter is to ensure the safety of community members and property." But with respect to Casa Mira, the new LCP provisions would have exactly the opposite effect because the LCP would prohibit the Casa Mira homeowners from protecting their homes.

The text also states "The Coastal Act seeks to ensure that development in the coastal zone minimizes risks to life and property and avoids substantial changes to natural landforms." Here, the LCP Update would impede Casa Mira's ability to obtain a shoreline protective device, meaning that the LCP would increase risks to life and property.

Chapter 7 further states ". . . the Coastal Act does not permit new development that would require protective devices that would substantially alter natural landforms along bluffs and cliffs (Section 30253)." But the LCP goes further than that by adding or changing the definition of "existing homes," in a way that would deny shoreline protective devices to the Casa Mira homes that have legally existed since the early 1980s, or **nearly 40 years**.[4] See also Policy 7-28 (LCP only allows protection of structures existing prior to 1977).

Pub. Res. Code § 30235 provides "Revetments, breakwaters, groins, harbor channels, **seawalls**, cliff retaining walls, and other such construction that alters natural shoreline processes **shall be permitted** when required to serve coastal-dependent uses

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30519 which divests the Coastal Commission of jurisdiction at the time that the City's LCP is certified by the Coastal Commission, which occurred here in 1996.

[4] Chapter 7 mentions the Coastal Commission's 2015 Sea Level Rise Policy Guidance and 2018 Science Update, but those are merely guidance documents and the City is not legally bound by those documents, or obligated to include every recommendation from them in its LCP. Additionally, the 2015 Sea Level Rise Policy Guidance is inconsistent with the Coastal Act (Pub. Res. Code § 30235), as that provisions has been interpreted by the Commission itself for decades and decades.

or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible."

That Coastal Act provision states clearly that the government **shall** issue a permit for a seawall or a revetment when required to "protect existing structures," so long as the statute's other requirements are met.

The Casa Mira homes and the sewer line are "existing structures" and therefore are entitled to protection under the Coastal Act.[5]

The proposed LCP Update unlawfully seeks to change the definition of "existing structures" as that term is used in Pub. Res. Code § 30235.

Chapter 7 seeks to add the following definition:

" 'Existing structures,' with respect to Coastal Act Section 30235, means structures in existence prior to adoption of the Coastal Act (i.e., development legally authorized and built prior to January 1, 1977) that have not been redeveloped since, unless there is substantial evidence of redevelopment after adoption of the Coastal Act (California Coastal Commission 2015 Sea Level Rise Policy Guidance). In the context of Coastal Act Section 30235, this chapter refers to "existing structures" as "Coastal Act existing structures" in order to distinguish this term from its more common usage."

In other words, the City is seeking to change, amend or re-interpret the meaning of "existing structures" in Pub. Res. Code § 30235 by adding text and words that are not in the statute. The Legislature has not amended the statute to authorize this change. The City has no authority to change the meaning of a statute, and the City's proposed definition is inconsistent with the Coastal Act. This is a violation of the Coastal Act. It is preempted by the Coastal Act.[6]

If the authors of § 30235 meant to impose a cutoff date for "existing structures," then it would have specified such a date. For instance, other uses of the word "existing" in the Coastal Act are modified with specific dates, while "existing" in § 30235 is not.

In fact, the Coastal Commission has historically interpreted the term "existing structures" in § 30235 to mean those structures in existence **when an application for**

[5] Casa Mira has previously demonstrated, to the complete satisfaction of Coastal Commission staff, that its proposed seawall would meet all other requirements of the Coastal Act and Pub. Res. Code § 30235. Coastal Commission staff concluded that the seawall design eliminates or mitigates adverse impacts on local shoreline sand supply.

[6] Further, a "general law" city like the City of Half Moon Bay enjoys only those powers specifically granted to it by the general laws of the state. Gov't Code §§ 34100-34102. Also, general land use and zoning laws adopted by the state legislature preempt conflicting laws enacted by local bodies. To the extent that the City is simultaneously amending its general plan, Casa Mira extends its objections herein to that amendment, and challenges that amendment as exceeding the City's authority because it is inconsistent with the Coastal Act and statutes governing general plans.

a protective structure is made, as is the case with Casa Mira here. See Cal. Coastal Comm'n, Staff Report Addendum for W17a CDP Application Number 3-09-052 (Neal Sea Cave) 8 (2010), https://documents.coastal.ca.gov/ reports/2010/7/W17a-7-2010.pdf ("One class of "existing structures' refers to those structures in place prior to the effective date of the Coastal Act. Coastal zone development approved and constructed prior to the time the Coastal Act went into effect was not subject to Coastal Act and/or LCP requirements . . . . A second class of existing structures refers to those structures that have been permitted since the effective date of the Coastal Act."). "The Commission, though, has, in some cases, interpreted 'existing' to mean structures existing at the time the armoring proposal is being considered, whether these structures were originally constructed before or after the Coastal Act, and has not limited consideration of armoring only to those structures constructed prior to the Coastal Act." See also 2004 CCC Staff Report Army Corps of Engineers re proposed 1,100 linear foot sculpted concrete seawall fronting the bluff seaward of East Cliff Drive in the Pleasure Point portion of the Live Oak beach area of Santa Cruz County (same).

The proper interpretation of § 30235 is exactly the way that the Coastal Commission has interpreted it in other cases – "existing structures" in § 30235 means those structures in existence when *an application for a protective structure is made*, as is the case here.

In addition, the Coastal Commission's vacillating and inconsistent position on this issue over time means that its interpretation of the statute is not entitled to any deference by a court. *Yamaha Corp. of Am. v. State Bd. of Equalization* (1998) 19 Cal.4th 1 ("[a] vacillating position ... is entitled to no deference.").

Courts determine what a statute means, not the City or the Coastal Commission.

The Coastal Commission's practice of interpreting the statute one way for certain seawall applicants, and a different way for other applicants such as Casa Mira, is arbitrary and capricious, lacks substantive evidence, violates due process, violates equal protection and violates 42 U.S.C § 1983. The City now proposes to violate those same rights.

If the City adopts this new interpretation of "existing structure," it would deny Casa Mira the benefit of Pub. Res. Code § 30235 to obtain a seawall for existing structures – a provision that the owners of Casa Mira homes relied upon and formed reasonable investment-backed expectations upon when they purchased the homes.

The Coastal Commission staff have admitted in their 2019 staff report that the Casa Mira homes will face destruction if no rip rap or seawall is allowed. Also, Chapter 7 itself states "it is foreseeable that the effects [of climate change] will be especially severe because extreme weather conditions – such as severe storms – exacerbate hazards already present in coastal settings, including shoreline hazards (e.g. coastal flooding, coastal bluff erosion) and inland hazards (e.g. fluvial flooding, stream erosion, and landslides)." It further notes that "State agencies indicate that with the emergence of climate change, storm events may be more frequent and are of higher intensity. For example, the '100-year storm' event is occurring more frequently than once per century.

The trend is expected to continue. Storm impacts can have serious cumulative impacts on erosion and sedimentation and can compound both geologic and hydrologic hazards . . . ."

Thus, the City's adoption of a new LCP and the elimination of a pre-existing right and interpretation of § 30235 would be the cause of the destruction of the homes since the historical and long-standing interpretation of "existing structures" in § 30235 bestows the right to a seawall to protect the homes. Accordingly, the City's adoption of the LCP, as written, would constitute a taking under the California and U.S. Constitutions. **The City will be liable for $20 to $30 million in takings damages**.

Nor can the City blindly rely on the Coastal Commission's 2015 Sea Level Rise Policy Guidance. First, the guidance is not a formal regulation, but rather simply a guidance that is not binding. Neither the City, the Coastal Commission, nor a court is bound by it. See *Yamaha Corp.*, 19 Cal.4th at 11 ["Because an interpretation is an agency's legal opinion, however 'expert,' rather than the exercise of a delegated legislative power to make law, it commands a commensurably lesser degree of judicial deference."] The Coastal Commission already has changed its interpretation of the statute numerous times. Second, California law distinguishes between two classes of rules – quasi-legislative and interpretive. Here, the Coastal Commission's interpretation of the statute at issue is not entitled to any deference. It is not filling in "gaps" in the statutory language, but simply imposing its gloss on what certain words mean. The 2015 Guidance adds little and is entitled to no deference. Casa Mira challenges the guidance as exceeding the Coastal Commission's authority and jurisdiction and as a violation of the statute.

Chapter 7 also states "This chapter is incorporated into the General Plan Safety Element by reference to address hazards pursuant to State General Plan requirements." Therefore, the City's adoption of the LCP is also an amendment of the General Plan. Casa Mira independently challenges this change to the General Plan, on the grounds discussed herein.

Chapter 7's effort to mitigate the loss of structures due to ocean hazards is inadequate and poorly reasoned. Policy 7-6 titled "Replacement Following Disaster," states the following:

> "Allow the replacement of structures destroyed by disasters provided that the replacement conforms to all current LCP development standards, is the same use and general size of the destroyed structure pursuant to Coastal Act Section 30610(g), and avoids or sufficiently mitigates any coastal resource impacts and future hazard risks."

In Casa Mira's case, further bluff collapse due to ocean incursion will remove the earth necessary to build a replacement home. Pub. Res. Code § 30610(g) states that the home must be sited on the same location on the property. The new LCP Update incorporates that provision. Rebuilding the home on exactly the same location would literally be impossible in Casa Mira's case. In addition, the remaining lot size would not accommodate new homes that could conform to all new development standards and

setbacks. As a result, the only feasible alternative is to allow a shoreline protective device to protect the existing homes. Worse yet, the LCP Update would compel the forced destruction of the homes if they would be threatened by erosion or coastal hazards in the coming three years or two or three storm cycles. Because of this the City wouldn't even allow the application of Policy 7-6. This is an example of the inconsistencies even within the LCP Update.

The LCP Update concludes that "Along the shoreline, sources of erosion are related to waves acting upon the steep bluff features, surface flow across the bluff face, and exposure and weakening of soil through use of informal trails near blufftop edges. While bluffs naturally retreat incrementally dependent on a variety of factors, erosion can also occur episodically during a significant storm event or an extreme winter. **It is anticipated that higher sea levels will result in an increase in wave heights, producing greater wave energy to erode the coastline at a higher rate. Such erosion in turn could destabilize the landforms and threaten development on and near blufftops and man-made structures along the coast**. Higher sea levels could also cause the landward migration of beaches over time." These findings support Casa Mira's need for a seawall or rip rap to protect their homes which have existed since the early 1980s. See also Table 7-2, projecting bluff retreat of more than 35 feet in the Miramar area where the Casa Mira homes are located, and other expert declaration submitted herewith.

The LCP Update states "Although the Coastal Act permits shoreline protective devices for structures built prior to the Coastal Act, 'soft engineered' approaches (e.g. living shorelines, dune restoration) that allow natural beach migration should be first considered and used where feasible. If these devices are "hard engineered" (e.g. seawalls, rock revetments), they should be removed as soon as possible. If open space for recreation, habitat, and agriculture is to be maintained, there may be a need to allow for relocation of infrastructure for habitat retreat." (p. 7-2.) This statement is in error and ignores the law. The Coastal Act gives homeowners the right to a shoreline protective device to protect their existing homes. Nothing in the Coastal Act requires that the homes pre-exist the Coastal Act.

This statement also is inconsistent with the Coastal Act because Pub. Res. Code § 30235 expressly grants property owners the right to a shoreline protective device so long as sand supply issues are addressed. The Coastal Commission staff in this case found that Casa Mira's proposed seawall met that standard. The draft LCP Update seeks to change the standard in Pub. Res. Code § 30235 by stating that "hard engineered" (e.g. seawalls, rock revetments) should be removed *without regard to* whether they meet the standard of § 30235. By attempting to change that statutory standard, the City's new LCP would cause a taking of, and damages to, Casa Mira's and its members' property in violation of the U.S. and California Constitutions because the City's LCP would mandate the removal and prohibit "hard engineered" devices, resulting in the destruction of Casa Mira homes.

Table 7-2 shows that the City knows that the Casa Mira homes will be threatened and destroyed by bluff retreat and yet the LCP is written to block Casa Mira's efforts to protect their homes with a shoreline protective device. The draft LCP also acknowledges "In January 2016, a section of the cliffs along Mirada Road eroded to the beach below."

Likewise, the City's prior LUP (1993) stated "Existing structures along Mirada Road are threatened by high cliff retreat." Yet, the City's prior LUP did not command removal of the structures or block shoreline protective devices. The new LCP Update change constitutes a taking. See *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1015, 1029 (1992); *Pumpelly v. Green Bay Co.*, 80 U.S. 166, 13 Wall. 166, 20 L. Ed. 557 (1872); *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982); *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978); Cal. Const., art. I, § 19, subd. (a).

The draft LCP also states "California Coastal Trail. The Coastal Trail is a significant public access and recreation resource in Half Moon Bay. The State Parks Department is anticipating realigning a span of the Coastal Trail between Mirada Road and Alcatraz Avenue farther away from the eroding bluff top edge." The LCP does not state where the trail would be relocated, or why it believes that State Parks is planning to realign the trail. Casa Mira proposed to State Parks and the Coastal Commission that the trail be slightly re-located in a way to offer greater protection from blufftop erosion, but still maintaining the world-class views of the ocean that is unique at that location fronting the Casa Mira homes. Casa Mira's proposal would require a shoreline protective device to protect the Coastal Trail, which is authorized – and indeed, mandated – by the Coastal Act. State Parks has not proposed anything different than Casa Mira's proposed alignment. Indeed, as recently as November 3, 2019 State Parks reaffirmed the limited re-alignment proposed by Casa Mira.

The LCP is unclear whether it would accept this proposal, but it statements and policies against shoreline protective devices suggest that it would not. Thus, the proposed LCP Update also is inconsistent with Pub. Res. Code § 30235. Pub. Res. Code § 30235 provides, in relevant part: "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to **serve coastal–dependent uses** or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply." The Coastal Trail is unambiguously a "coastal dependent use." Coastal Commission staff already concluded that the proposed Casa Mira seawall design eliminates or mitigates adverse impacts on local shoreline sand supply. See also LCP Update, Policy 5-29 ["Public trails and beach accessways are considered resource-dependent uses . . . , (and) the Coastal Trail is considered a coastal-dependent use and its implementation, maintenance, and improvement along the coastline shall be a priority."] Thus, under the Coastal Act, a shoreline protective device to protect the Coastal Trail is mandatory in this case. Yet, the LCP Update states that "hard engineered" devices (e.g. seawalls, rock revetments) "should be removed as soon as possible." That adds a condition not found in Pub. Res. Code § 30235, and a provision that is inconsistent with that state statute. It is preempted. Furthermore, it is unduly vague. "As soon as possible" means as soon as it is constructed. So, apparently, the LCP Update would allow construction of a seawall for a coastal dependent use, but require that it be removed immediately. Later on page 7-18, the LCP Update states "The LUP also calls for the gradual removal of protective devices as they are no longer used or fall into disrepair, and restoration of the bluff and beach area when protective devices are removed." So one part of the LCP requires removal "as

soon as possible," and another provision calls for a "gradual removal." Thus, the LCP Update is internally inconsistent on this point. "A general plan is internally inconsistent when one required element impedes or frustrates another element or when one part of an element contradicts another part of the same element." *Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609, 619.

In July 2019, Coastal Commission staff determined moving the Coastal Trail farther inland than Casa Mira proposed would be logically problematic because if the revetment was removed the Coastal Trail would be destroyed in a very short time and long before any new trail could be permitted and built. That would result in a long period of time where public access would be significantly diminished, which would be inconsistent with the Coastal Act. The Coastal Commission staff also previously determined "there is no viable location for the Coastal Trail to be rerouted in this location while maintaining its aesthetic and recreational value adjacent to the ocean and beach (i.e., it would need to loop inland of existing residential structures, such as the Casa Mira condominiums, if relocated)." Moving the Coastal Trail inland to the back side of the townhomes means it will no longer be a Coastal Trail – it won't provide meaningful views of the coast or ocean. City Planning staff stated that certain parts of the Coastal Trail on the California coast exist inland. Well, that's not the question. The question is if the Coastal Trail here exists now with world class views (and has for decades), and Pub. Res. Code § 30235 mandates a shoreline protective device to protect it, is it consistent with the Coastal Act to move it inland where there are no views simply because the City doesn't want a shoreline protective device? The answer is no.

Moving the trail in that far inland would not be consistent with the Coastal Act. Pub. Res. Code, § 30001(b) provides that "That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation." Pub. Res. Code § 30251 states, in relevant part, that "the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas . . . ." Thus, the Coastal Act policies mandate that the City protect scenic resources and views. The current location of the Coastal Trail in this area provides iconic views of the ocean that are not found anywhere else on the California coast, much less Half Moon Bay. The suggested "deep inland" alternative location for the Coastal Trail would be devoid of views of the coast and the ocean because they would be blocked and impeded by trees, shrubs and homes. It simply would not be the same experience and would not be consistent with the Coastal Act visual resource policies. Moving the trail would significantly degrade, and largely eliminate, the "visual quality" of this "coastal area," that is very frequently used by the public. It would violate the Coastal Act.

The draft LCP Update also is internally inconsistent on trail protection. While apparently satisfied to let the Casa Mira homes fall into the ocean based on a false "alternative," the City doesn't take the same approach with respect to the Popular Beach Blufftop Park. The LCP Update states, with respect to that park, "Following preparation of the Sea Level Rise Vulnerability Assessment in 2016, the City conducted an erosion study of the Poplar Beach Blufftop Park area between Kelly Avenue and the Seymour

Ditch. The study indicated that in addition to the future effects of sea level rise, human activities along the Coastal Trail and blufftops cause patterns of impaction that affect drainage patterns. New drainage channels created through this inadvertent process are causing bluff erosion at rates higher than anticipated based solely on sea level rise. It is the City's assumption that the combined effects of erosion resulting from drainage issues at the top of the bluffs will be compounded by forthcoming effects of sea level rise eroding the base of the bluffs and result in more severe bluff loss than predicted in studies available at the time of the LUP update. Based on this newly acquired information, **the City will be working to address the effects that are within its control in order to reduce the overall loss of blufftop lands and protect the highly significant Coastal Trail**." (p. 7-12.) So, with respect to the Poplar Beach Blufftop Park, the City has decided it is going to protect the trail, whereas with respect to the Casa Mira homes and Coastal Trail fronting them, it will make no such effort. That is arbitrary, a violation of equal protection and due process, and a violation of the Coastal Act.[7]

Similarly, the City has signed off on a consolidated permit process with the Coastal Commission and San Mateo County for bluff protection and pedestrian bridge replacement for the Coastal Trail **immediately** north of the threatened Casa Mira section of the Coastal Trail. From a policy standpoint, it is inconsistent and arbitrary to support the shoring up of that northern portion of the Coastal Trail, while letting the next leg of the trail at Casa Mira fall into the ocean due to some abstract policy of "managed retreat" that is inconsistent with the Coastal Act. It especially doesn't make sense given that Casa Mira owners have agreed to fund the shoreline protective device and to provide public access amenities including stairs to the beach that presently don't exist.

The LCP Update next states: "The breakwater was constructed by the U.S. Army Corps of Engineers between 1956 and 1960. Since then, erosion and sedimentation impacts have been associated with the breakwater and are the subject of studies and planning efforts at the county level." This understates and ignores the elephant in the room. In fact, it the U.S. Army Corps of Engineers work vastly increased erosion impacts along the Bay and including along the bluff fronting the Casa Mira homes. The City is exacerbating and expanding this problem by adopting a plan that essentially prevents Casa Mira homeowners from protecting themselves from this problem by building a seawall or maintaining rip rap.

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[7] On page 7-12, the LCP Update also states ". . . at the terminus of Mirada Road, the Coastal Commission permitted emergency shoreline hardening with rip rap to protect a residential structure known as Casa Mira; however, within a year this approach was already being undermined by tidal action." This statement is highly misleading and appears to not understand basic facts. What happened was that after the original rip rap was placed, some additional rip rap and modifications were required, and were implemented in a second emergency permit. That does not mean that "this approach" is undermined by tidal action. For the past 3 years, the rip rap has remained in place without further need to add to it or modify it. It has protected the homes, the Coastal Trail, the 2 Mirada structure and the sewer line. It was highly engineered at a cost of approximately $1.5 million and is designed to last for a long time. Rip rap just like it exists in Half Moon Bay, and covers some 50 or 60 percent of the Bay. It has existed and functioned well for decades.

The LCP Update also states "Several policies cover the topic of shoreline protection, which is known to have negative impacts on coastal processes in the long-term. Hard shoreline protection devices alter natural shoreline processes by preventing natural bluff retreat and reducing sources of sand supply. As a result, these devices can cause loss of beach area which may be accelerated by sea level rise. Policies limit the construction of new hard shoreline protection to only that which is required to protect existing structures established before Coastal Act adoption, and critical facilities in danger from erosion, and require the use of soft protection where feasible as a preferred alternative to hard protection when protection is needed." Again, this is inconsistent with the Coastal Act in that denies the existing right for shoreline protection to existing structures (not just pre-Coastal Act structures); and it fails to allow such devices to protect existing structures when they meet the standards established in Pub. Res. Code § 30235. It is also inconsistent because it allows protection of sewer lines, but not existing homes. Given the well-known and well-documented housing shortage in California and in the area, maintaining existing homes is every bit as important as maintaining a sewer line. They are just as "critical."

Policy 7-25 provides "Hard shoreline armoring may be permitted to protect coastal-dependent State Parks facilities from shoreline hazards only when no feasible alternative exists, when consistent with Coastal Act Sections 30235 and 30253, and when necessary to provide continued public access." It is unclear how this intended to interact with proposed Policy 7-24. In other words, it is unclear how the City intends to apply this to the on-going situation regarding the Coastal Trail segment immediately fronting the Casa Mira homes. That portion of the trail is on State Parks' property, so is it analyzed under Policy 7-25, or is it analyzed under Policy 7-24 because it is a Coastal Trail? The two proposed policies when applied to that portion of the trail are internally inconsistent. "A general plan is internally inconsistent when one required element impedes or frustrates another element or when one part of an element contradicts another part of the same element." *Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609, 619.

In addition, Policy 7-25 creates different standards for shoreline armoring for State Parks' facilities than for homes or other types of facilities, contrary to Pub. Res. Code § 30235 and other Coastal Act provisions.

The Coastal Commission has suggested moving the trail inland behind the Casa Mira homes, which would destroy the ocean views, making it a trail, but not a "coastal trail" that protects the resources that are required to be protected by the Coastal Act. Such a proposal is inconsistent with the Coastal Act's visual resource policies described herein.

Moving the Coastal Trail that far inland also is not a feasible alternative because the Coastal Act provides special protection for coastal dependent structures. The term "feasible" is defined in PRC § 21061.1 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." The CEQA Guidelines add "legal" to the list of factors that must be considered. 14 CCR § 15364. Moving the Coastal Trail is

not "feasible" because it fails to consider the mandate of Pub. Res. Code § 30235, as discussed above. Moving the Coastal Trail is not "feasible" because it fails to consider the economic cost of moving the sewer line and the Coastal Trail, or who would pay for that. These additional costs are significant, prohibitive and imprudent. Moving the Coastal Trail is not "feasible" because it fails to consider the Coastal Act's mandate to preserve scenic views, including PRC § 30251. In addition, it is not feasible because the new location is inconsistent with the Statewide Interpretive Guidelines adopted by the California Coastal Commission and the Half Moon Bay certified LCP which protects "ocean and coastal views from public areas . . . ." Moving the Coastal Trail is not "feasible" because it fails to consider the social consideration that the present location of the Coastal Trail is "highly popular" *because of* its unique views on the California coast. Moving the trail inland will not provide any meaningful views of the coast in this area and thus the purpose of the Coastal Trail in this area will be lost. Moving the Coastal Trail is not "feasible" because it is not reasonable. The City fails to consider how the trail would be moved. Neither the City nor the Coastal Commission have authority to move the trail. The City has received no commitment from State Parks that it will seek to move the trail. Indeed, under Casa Mira's proposal, Casa Mira offered to pay much of the cost. The current trail exists in an easement held by the City of Half Moon Bay which would be rendered useless. The City would not seek to permit a new trail on State Parks' land or on other land that the City did not own, or where the City held no easement. In addition, new LCP Policy 5-23 states "5-23. Abandonment of Public Rights-of-Way. Require a coastal development permit for any proposed abandonment of a public right-of-way that may affect public access. Allow abandonment only if it is demonstrated that adequate public access to the coast will be preserved." Since the new trail alignment does not protect the visual resources mandated by the Coastal Act or adequate public access, under the City's own rules, abandonment would not be allowed. The result is that the trail is unlikely to ever be moved. It is an alternative that is unlikely to ever be implemented.

Proposed Policy 7-24 provides "New trail or re-aligned segments shall be set back a sufficient distance from bluff edges to avoid impacts from erosion and sea level rise, generally 50 feet, unless there is inadequate space to accommodate the Coastal Trail in this area." The policy states that the setback should be a "sufficient distance from bluff edges to avoid impacts from erosion and sea level rise," but it does not specify during what time period – 5 years, 10 years, 20 years, a hundred years? The setback would be quite different depending on what period of time is selected. Also, the 50-foot set back appears to be completely arbitrary. It also doesn't appear to apply if there is inadequate space. Does that mean that the City would allow a setback of less than 50-feet on certain portions of the trail fronting Casa Mira? The City should be clear now.

The consequences of allowing an additional 250-foot seawall to protect the homes, the sewer line and the Coastal Trail would be minimal in terms of the environment and other impacts of wave action on the coast. Given that more than 60 percent of Half Moon Bay is protected by revetments that the Coastal Commission already has approved as permanent, the argument that adding a 250-foot seawall is somehow too environmentally damaging is not credible.

The draft LCP Update also states the policy of "Developing strategies for the managed retreat (retiring, moving, or replacing) of infrastructure and public facilities at risk of damage from shoreline hazards including sea level rise impacts that may occur over the economic life of the structure (at least 150 years for critical facilities)." Yet, there is no such strategy development for private homes. Apparently, the City's strategy is to let the existing homes fall into the ocean, at great financial cost to the homeowners. That violates the U.S. and California constitutions' prohibitions against the take of private property without just compensation.

Other proposed Chapter 7 policies emphasize the need to protect public facilities from shoreline and bluff erosion, but the LCP provides no such protection for private structures. All this is to pay homage to the god of "managed retreat," regardless of the cost to private citizens. If the City wants to implement "managed retreat," but also adopts laws that purport to eliminate the existing protection of Pub. Res. Code § 30235, and otherwise ban private owners from protecting their property and homes, the City must pay just compensation so that those private citizens don't bear the undue burden of such a policy. The City's proposed LCP Update forces the Casa Mira homeowners to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.

The proposed LCP Update also violates Pub. Res. Code § 30235 because it allows shoreline protective devices to protect critical facilities like sewerlines,[8] but not public facilities like the Coastal Trail. Section 30235 doesn't allow certain public facilities to be singled out for protection, while denying that protection for other "noncritical" public facilities. Rather § 30235 mandates protection for ALL "coastal dependent" uses, which include the Coastal Trail.

Proposed Policy 7-26(c) states "Providing for the use of protective devices, if necessary to ensure the continuation of needed services, as a temporary option while longer-term strategies are identified and implemented," which applies apparently to "critical" infrastructure. The void-for-vagueness doctrine which derives from the due process concept of fair warning, bars the government from enforcing a provision that forbids or requires the doing of an act in terms so vague that people of common intelligence must necessarily guess at its meaning and differ as to its application. This policy is unduly vague and unworkable (as are the other policies noted above for the reasons noted above). What is deemed "temporary," and what is "long-term"? What longer term strategies could be employed to provide services? Is the City going to replace a sewer with outhouses?

The City is marching toward "managed retreat" without thinking through the consequences. Policy 7-27 is no better. "If no feasible alternative exists and a new or expanded critical facility must be located in a shoreline hazard area, require the new development to incorporate siting and design measures based on worst-case sea level

[8] See Proposed Policy 7-29 ["Notwithstanding the shoreline protective device limitations of Policy 7-28, shoreline protective devices may be permitted to protect critical public infrastructure and facilities, including the SAM Wastewater Treatment Plant, that may require shoreline protective devices or other shoreline hazard adaptation measures in order to continue providing needed services to the community."]

rise projections and extreme weather event scenarios to promote continued functionality and public services, resist structural damage, facilitate evacuation on short notice, and minimize risk to life, property, and coastal resources." This policy doesn't appear to address existing sewerlines like the one fronting Casa Mira.

Policy 7-28 also is flawed. It states "7-28. Shoreline Protective Device Limitations. Shoreline protective devices shall be permitted only to serve a coastal-dependent use or to protect a Coastal Act existing structure in imminent danger from erosion (i.e., when substantial evidence indicates that the structure will be significantly damaged by coastal flooding or erosion hazards within two to three storm cycles, or approximately three years); when found to be the least environmentally damaging feasible alternative (e.g., if relocation or soft armoring approaches cannot mitigate the hazard); and when all coastal resource impacts are appropriately and proportionally mitigated. Shoreline protective devices shall not be permitted as a means to protect non-coastal dependent development built or redeveloped after January 1, 1977 according to substantial evidence." The City unlawfully changes the requirement in Pub. Res. Code § 30235 by limiting shoreline protective devices only to structures existing prior to the Coastal Act. Section 30235 has no such limitation. Section 30235 is a statewide policy that preempts the City's efforts to buck the statute. California courts have consistently recognized the supremacy of the Coastal Act over matters of local concern. See *Redondo Beach Waterfront, LLC v. City of Redondo Beach* (2020) 51 Cal.App.5th 982, 998. The City cannot add conditions beyond those in the statute on obtaining a seawall in a way that makes obtaining a seawall impossible for certain classes of landowners like Casa Mira owners. That conflicts with the statute and is preempted.

It also violates the Casa Mira homeowners' equal protection rights. The City's practice of interpreting the statute one way for certain seawall applicants, and a different way for Casa Mira, is arbitrary and capricious, lacks substantive evidence, violates due process, violates equal protection and violates 42 U.S.C § 1983.

The City further adds numerous additional conditions not contained in § 30235 such as requiring "substantial evidence" that a structure "will be significantly damaged" "within two to three storm cycles, or approximately three years." The statute contains none of these conflicting conditions, and thus the City's effort is preempted. How does the City predict what will happen three years in the future or when two to three storm cycles will occur? How was two to three storm cycles selected? It is completely arbitrary.

The LCP Update Table 7-2 and corresponding narrative already suggest that certain existing structures in the City, including Casa Mira, will face bluff collapse no later than within 10 years, and yet, the LCP Policy 7-28 expressly forbids Casa Mira from taking action to protect their homes.

Given that the coastal development permitting process often takes more than 3 years, the "three-year" policy is especially pernicious, and subjects the City to massive takings damages. The City is saying in no uncertain terms, "we know that the bluff in front of your homes will collapse, but we forbid you from building anything to protect your homes, and we know that will result in the total destruction of your home. Too bad." Indeed, proposed Policy 7-40 states "7-40. Managed Retreat. Require non-coastal dependent development built or redeveloped after enactment of the Coastal Act that is

subject to wave action, erosion, or other shoreline hazards to be removed or relocated if it becomes threatened (i.e. generally unsafe for use or occupancy within two to three storm cycles or approximately three years) in the future by such hazards or poses a threat to the public or environment, including as may be exacerbated by sea level rise." That is a taking. See *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1015, 1029 (1992); *Pumpelly v. Green Bay Co.*, 80 U.S. 166, 13 Wall. 166, 20 L. Ed. 557 (1872); *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982); *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978); Cal. Const., art. I, § 19, subd. (a).

The City also adds the condition that the owners must prove that "all coastal resource impacts are appropriately and proportionally mitigated." Pub. Res. Code § 30235 simply requires that "local shoreline sand supply" impacts be eliminated or mitigated. The City seeks to expand that requirement to cover "all coastal resource impacts." The City's effort to expand the statute's requirements is preempted. The City may not add these conditions to the statutory right to a seawall to protect the Casa Mira homes. A locality may not impose additional burdensome requirements upon the exercise of state statutory right that undermine the very purpose of the state statute.

In Policy 7-40 and other related policies such as the restrictions on shoreline protective devices that are inconsistent with Pub. Res. Code § 30235, the City essentially condemns these homes, but refuses to pay just compensation in violation of the federal and state constitution. No exceptions to the mandate to pay just compensation apply. These policies also impose unconstitutional conditions and violate the homeowners due process rights under the federal and state constitutions. See *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1015, 1029 (1992); *Pumpelly v. Green Bay Co.*, 80 U.S. 166, 13 Wall. 166, 20 L. Ed. 557 (1872); *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982); *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978); Cal. Const., art. I, § 19, subd. (a).

Proposed Policy 7-34 provides "7-34. Accessory Structure Protection Prohibited. Do not permit shoreline protection structures for the sole purpose of protecting an ancillary or accessory structure or use. Such accessory structures shall be removed if they are in danger from erosion, flooding, or wave run-up or if the bluff edge encroaches to within 10 feet of the structure as a result of erosion, landslide, or other form of bluff collapse. New accessory structures shall be constructed and designed to be removed or relocated in the event of threat from erosion, bluff failure, or wave hazards." Again, the City is unlawfully changing the requirements of Pub. Res. Code § 30235. The principal condition to gain the right to a shoreline protective device for public uses or structures is whether they are "coastal-dependent." The City cannot override that right by simply declaring it won't approve "ancillary or accessory structure or uses" regardless whether they are "coastal-dependent." Such an effort is preempted.

Proposed Policy 7-40 violates the U.S. and California Constitutions because it requires the removal of the Casa Mira homes without the payment of just compensation. Table 7-2 and the corresponding narrative shows that the City knows that Casa Mira will face blufftop collapse within 10 years. The data shows that if the Coastal Commission orders the removal of the emergency rip rap the collapse will likely occur within a matter of months or years at most. Thus, the LCP Update Policy 7-40, combined with

the new definition of "existing" to mean prior to the Coastal Act means that the City is commanding the removal of the Casa Mira homes as soon as the emergency rip rap is ordered removed. The homes are being protected now, and could be protected by rip rap or a seawall going forward. The LCP Update is prohibiting that in violation of Pub. Res. Code § 30235. That is inverse condemnation because the City won't pay just compensation.

Proposed Policy 7-42 provides "7-42. Rolling Easements. Utilize rolling easements or other strategies to limit or restrict development on lands within 300 feet of the beach or bluff edge (i.e. lands that are most vulnerable to shoreline hazards) as a condition of approval for new development or new subdivisions located in such areas to allow coastal lands and habitats, including beaches and wetlands, to migrate landward over time as the mean high tide line and public trust boundary moves inland with sea level rise." No California law expressly recognizes "rolling easements." Other states that have considered the doctrine of "rolling easements" have rejected the theory. See *Severance v. Patterson* (Tex. 2012) 370 S.W.3d 705 ["An easement is a property interest; the State can no more impress private property with an easement without compensating the owner of the property than it can build a highway across such land without paying the owner."] Id. at 720. The City's effort to mandate a "rolling easement" through the LCP is unlawful and a violation of the U.S. and California Constitutions.

All of the proposed provisions discussed above in Chapter 7 are unduly vague and unconstitutional on that basis. For example, "7-40. Managed Retreat. Require non-coastal dependent development built or redeveloped after enactment of the Coastal Act that is subject to wave action, erosion, or other shoreline hazards to be removed or relocated if it becomes threatened (i.e. generally unsafe for use or occupancy within three years) in the future by such hazards or poses a threat to the public or environment, including as may be exacerbated by sea level rise."

Since all development in near proximity to the coast is subject to erosion or wave action and will be "threatened" and "generally unsafe" in the future, the terms are too general to be applied in any meaningful way. The City offers no standards for what it considers "generally unsafe." Also, from what date is the three years measured? The City doesn't say. Further, how does the City predict whether a structure will be "generally unsafe" three years in the future? The City doesn't say. There terms are so vague that people of common intelligence must necessarily guess at their meaning. They are also overbroad.

Chapter 5, Coastal Access and Recreation

The City also proposes changes to Chapter 5 that are inconsistent with the Coastal Act.

The City begins with the following statement: "Maximizing coastal access and recreational opportunities is a primary objective of the California Coastal Act." That is correct, but the City's re-write of the LCP doesn't uphold that objective.

The City states: "Upon its admission into the United States in 1850, the State of California became the owner of all tidelands, submerged lands, and all lands lying beneath inland navigable waters. These lands are held and managed by the State for the benefit of all people of the state and are subject to the common law public trust doctrine." This isn't entirely correct. The U.S. Supreme Court ruled in *Summa Corp. v. California ex rel. State Lands Comm'n*, 466 U.S. 198, 209 (1984) that California must have expressly presented its sovereign interest over any land in question during the federal patent proceedings in order to assert its public trust easement. Certain lands within the City are derived from Mexican or Spanish land grants that California failed to override in timely federal patent proceedings, and thus are not public trust lands. Because of this, the City's assertion that "private lands that were previously landward of the mean high tide line may become subject to the state's ownership and protections of the public trust," also is not wholly correct.

The City next cites all the Coastal Act provisions that protect public access and recreation, but then doesn't live up to them.

The LCP states: "Half Moon Bay contains 6.2 miles of coastline, eight contiguous sections of beaches, **and a nearly complete span of the California Coastal Trail along the City's oceanfront**. The trail links open space and recreation areas, all highly utilized by locals and tourists alike." But the City's LCP Update would end the most visually stunning segments of the Coastal Trail, and effectively abandon a public easement for that trail even though Pub. Res. Code § 30235 compels the City to protect "coastal-dependent" uses like the Coastal Trail. The City's abandonment makes its recitation of the Coastal Act policies a mockery.

The LCP states: "Mirada Road. The western terminus of Mirada Road presents several opportunities for coastal access improvements such as parking, **Coastal Trail repair or retreat**, and potential vertical beach access. This location also straddles the City and San Mateo County jurisdictional boundary. As of 2020, San Mateo County was planning improvements to the pedestrian bridge connecting the cul-de-sac to the northern side of Mirada Road." This provision misleads the public by giving the impression that the City is considering repair of this segment of the Coastal Trail when in fact the City is working hard to include polices that mandate the relocation of the Coastal Trail away from the ocean.

Proposed Policy 5-1 states "5-1. Maximum Coastal Access and Recreational Opportunities. Provide maximum coastal access and recreational opportunities for all people consistent with public safety needs and the need to protect public rights, rights of property owners, and natural resource areas from overuse."

Yet, other policies do not protect the rights of property owners. Policy 7-40 demands the immediate removal of the Casa Mira homes without payment of just compensation. Other policies essentially compel the movement inland of the Coastal Trail rather than approving a shoreline protective device expressly mandated by Pub. Res. Code § 30235.

Pub. Res. Code § 30609.5 protects any state-owned land that has been formally designated as part of the California Coastal Trail. The segment fronting the Casa Mira

homes has been so designated. Yet, the City's LCP ignores this mandate and seeks to unilaterally change the reading of Pub. Res. Code § 30235 so that the City doesn't have to allow a seawall to protect the trail.

Proposed Policy 5-27 provides "5-27. Complete Trail System. Complete the trail system within the Planning Area to allow safe and environmentally compatible access to parks, beaches, and recreational open space areas, integrating with the regional trail system and minimizing adverse impacts to environmentally sensitive habitat areas or their buffers. The complete trail system should include: a. Continuous pedestrian and bicycle trails along the coastline."

Yet, other LCP policies don't allow shoreline protective devices to protect the segment of the Coastal Trail that runs along the ocean. Instead, the City is seeking to move the trail inland so it is not on the coast, but inland. Policy 5-28 deems the Coastal Trail to be "a coastal-dependent use" and declares its implementation, maintenance, and improvement along the coastline a priority. Yet, again, the City's other policies don't treat as either coastal-dependent or a priority. The policies are internally inconsistent, and thus in violation of state law.

Proposed Policy 5-31 states "5-31. Improve Existing Trails. Improve existing trails and trail amenities to address erosion, environmental concerns, and public safety. Consider options to retrofit or relocate existing trails and amenities to reduce impacts from sea level rise." Is the policy to improve an existing trail to counter erosion or to relocate it so that it is no longer a coastal dependent trail? The policy is internally inconsistent and there is no standard to determine which of those contradictory policies will be selected. That violates state law.

Proposed Policy 5-33 states "5-33. Trail Setbacks. New lateral trails along the bluff edge shall be set back a sufficient distance from the bluff edge to avoid impacts from erosion and sea level rise, generally 50 feet, and native vegetation shall be established and maintained between the trail and the edge to stabilize the blufftop. Outlooks and other trail amenities shall be incorporated to discourage damage from informal trails." Does this policy apply to the re-alignment of the existing trail fronting the Casa Mira homes? This policy also is inconsistent with Policy 5-36 that requires "future alignments of the California Coastal Trail that would be sufficiently protected from the highest projection of erosion and sea level rise scenarios," which are typically much greater than 50 feet. See also Policy 5-16. There is no standard to determine which policy applies to re-alignment of an existing trail.

Proposed Policy 5-36 provides "5-36. Long-term California Coastal Trail Alignment. Study, identify and implement future alignments of the California Coastal Trail that would be sufficiently protected from the highest projection of erosion and sea level rise scenarios and would preserve or establish native vegetation between the trail and the bluff edge." Implementation of this policy would literally eliminate all trails along the coastal bluffs. Is that what the City is intends? It would require a setback so far that most of the trail system could no longer be called a "coastal" trail. This policy also is inconsistent with other LCP policies discussed herein that favor coastal trails.

This policy also is inconsistent with Coastal Act view protection policies, discussed herein.

Proposed Policy 5-62 states "5-62. Acquisition for Coastal Access and Recreation. Facilitate dedications of lands as required by this LUP in order to reduce land purchases, expand opportunities for coastal access and recreation, and ensure proper management of such lands by a public agency or local land trust." The City already has an easement for a walking/bike path fronting the Casa Mira homes. Yet, the City's other LCP policies essentially will require abandonment of that easement due to the City's refusal to allow a seawall (privately funded) to protect that easement. The LCP policies are thus internally inconsistent.

Proposed Policy 5-63 states "Policy 5-63. Open Space Dedications. Any offers of dedication or easement required by this Plan shall be reserved until accepted by the State Department of Parks and Recreation, other State agencies, San Mateo County, or a special district." This policy is unlawful as it violates the rule against perpetuities.

Proposed Policy 5-64 states in part "In a zone extending approximately 300 feet inland from the mean high tide line, priority shall be given to coastal-dependent and related recreational activities and support facilities." Again, the City is failing to abide by this policy because the City also attempts to change the protections in Pub. Res. Code § 30235, meaning that an existing segment of the Coastal Trail is being abandoned by the City.

Proposed Policy 5-68 states "5-68. No-Cost and Lower-Cost Visitor and Recreational Facilities. Protect no-cost and lower-cost public access, visitor-serving, and recreational facilities including overnight accommodations from removal, redevelopment, and/or environmental hazards including erosion. These include major, free recreational attractions such as the California Coastal Trail and numerous beaches; and low-cost facilities such as Half Moon Bay State Park and other camping and RV facilities." The LCP is internally inconsistent because the City has a policy of "protecting" the Coastal Trail and not protecting the segment of the Coastal Trail fronting the Casa Mira homes.

Chapter 9, Scenic and Visual Resources

The City pays lip service to visual resources but fails to adequately protect a segment of the Coastal Trail with world-class views.

The City notes that Pub. Res. Code § 30251 provides "The scenic and visual qualities of coastal areas shall be considered and **protected as a resource of public importance**. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting." The LCP is

inconsistent with this statute because the City refuses to allow the segment fronting the Casa Mira homes to be protected as required by Pub. Res. Code § 30235. See also Pub. Res. Code § 30001.

Proposed Policy 9-1 states "Scenic and Visual Resource Areas. Identify and protect scenic and visual resource areas in Half Moon Bay, including but not limited to the scenic corridors, natural resource areas, and built environment resources as defined in this chapter and designated on Figure 9-1." The City already has identified the Coastal Trail as such a resource. On page 9-15, the draft LCP states "The California Coastal Trail is an **essential Half Moon Bay scenic resource**. The multimodal Class 1 trail contributes to the city's bicycle and pedestrian network and offers recreational opportunities. From the perspective of scenic and visual resources, traversing any segment of the trail within the city is a fulfilling experience. Throughout its extents the trail provides expansive views of the ocean, beaches, bluffs, foothills, coastal recreation activities, Pillar Point, the harbor and marina, and even historic resources. Along the blufftops, the trail also offers elevated viewing opportunities of the coastline and much of the inland hills." Yet, the City at the same time is unwilling to protect that segment of the Coastal Trail fronting the Casa Mira homes, as described herein.

Proposed Policy 9-3 states "Visual Quality. Preserve and enhance the unique visual quality that contributes to Half Moon Bay's coastal and small-town character, including its open, expansive views from the coastal terrace to the beaches, bluffs, ocean, and upland slopes." The LCP is inconsistent because it does not "preserve and enhance" the visual resources of the Coastal Trail fronting the Casa Mira homes.

Proposed Policy 9-17 states "California Coastal Trail Views. Ensure that views of the ocean, bluffs, upland slopes, and ridgelines from the California Coastal Trail are protected, particularly in areas adjacent to substantially undeveloped Planned Developments including Surf Beach/Dunes Beach, Venice Beach, West of Railroad, and North Wavecrest. Require sufficient setbacks, height limits, and other design standards for any new development permitted near the trail to minimize impacts to visual resources." The LCP is inconsistent because it does not protect the views from the Coastal Trail fronting the Casa Mira homes.

Other Ways That the LCP Update Is Inconsistent with the Coastal Act

Pub. Res. Code § 30001.5 provides, in part, "(b) Assure orderly, balanced utilization and conservation of coastal zone resources **taking into account the social and economic needs of the people of the state**."

Proposed Policy 7-40, combined with the policies restricting shoreline protective devices, which essentially condemn the Casa Mira homes without just compensation, violate Pub. Res. Code § 30001.5(b) by failing to account for the social and economic needs of the people. There is a severe housing shortage in California and yet the City is mandating the destruction of homes that the homeowners have proven that they are willing to protect through the construction of a seawall.

Pub. Res. Code § 30001.5 provides, in part, "(c) Maximize public access to and

along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." Proposed policies restricting shoreline protective devices, violate Pub. Res. Code § 30001.5(b) by failing to maximize public recreational opportunities through the protection of the existing Coastal Trail and by rejecting Casa Mira's offers to provide direct beach access to the public through privately-funded stairs fronting their homes.

Pub. Res. Code § 30001.5 provides, in part, "(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast." Proposed policies restricting shoreline protective devices, violate Pub. Res. Code § 30001.5(c) by failing to protect the existing coastal-dependent Coastal Trail and rejecting of Casa Mira's offers to provide direct beach access to the public through privately-funded stairs fronting their homes.

Pub. Res. Code § 30010 states "The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States." In other words, the Legislature has instructed that the Coastal Act may not be construed or applied in a way that results in a taking in violation of the state or federal constitution. Yet, that is exactly what the City proposes to do as explained in this letter.

Chapter 2, Development

In response to some of Casa Mira's arguments, the Planning staff and Commission asserted that the LCP Update would not result in a take because of Policy 2-13:

> "Nothing in this Land Use Plan is intended to nor shall be construed as authorizing the City of Half Moon Bay to grant or deny a permit in a manner which will take or damage private property for public use without the payment of just compensation."

This proposed policy is essentially meaningless.

The LCP Update cannot violate the U.S. and California Constitutions regardless whether the LCP Update contains a policy stating it doesn't mean to violate constitutional standards.

In addition, the "managed retreat" policies included in this LCP Update do not leave the City discretion to grant a permit to a certain class of owners of existing structures, i.e., those who own structures that were built after the adoption of the Coastal Act in 1977. Policy 7-40 states

> "Managed Retreat. Require non-coastal dependent development built or redeveloped after enactment of the Coastal Act that is

> subject to wave action, erosion, or other shoreline hazards **to be removed** or relocated if it becomes threatened (i.e. generally unsafe for use or occupancy within two to three storm cycles or approximately three years) in the future by such hazards or poses a threat to the public or environment, including as may be exacerbated by sea level rise."

So, for homes like the Casa Mira homes, that (1) were constructed after 1977; (2) cannot be relocated on within their property; and (3) will be threatened by shoreline hazards if the emergency rip rap is ordered to be removed, as the Coastal Commission has indicated that it will do here, the LCP Update clearly requires removal of the homes, and it leaves the City no discretion in the manner.

Suggested Changes to LCP Update

In order for the LCP Update to be consistent with constitutional requirements and the Coastal Act, the City must either

- remove the "managed retreat" provisions;
- add a provision that clearly states that the City will pay just compensation for property and structures destroyed due to the LCP's managed retreat requirements;
- adjust the LCP map to exclude Casa Mira (which is mapped as a PUD)[9] from the LCP boundary, thus allowing the Coastal Commission to process coastal development permits in accordance with the Coastal Act. (As part of the certification process, the Coastal Commission would certify this change);
- Change the date that the City deems a structure to be "existing" for purposes of shoreline protective devices. As Coastal Commission Guidance states: "This is from CCC Guidance: ". . . local governments have *sometimes specified a date by which a structure must have been constructed in order to qualify as an "existing structure" for the purpose of evaluating whether it may be eligible for shoreline protection*. In Marin County, the Local Coastal Program policy that implements Section 30235 specifies that existing structures are those that existed on the date the LCP was originally adopted (May 13, 1982)." Therefore, the Coastal Commission takes the position that local governments can decide what date a structure qualifies as an existing structure. This means that the City could decide that existing structures are those (1) **that pre-date the first certification of the City's LCP (1996)**; or that pre-date some other date selected by the City.

[9] The PUD was approved in 1975 prior to the enactment of the Coastal Act, and thus the City could also include a finding in its LCP Update that the Casa Mira PUD (and homes) are deemed pre-Coastal Act.

Casa Mira asks that the City make one or more of these adjustments to its LCP in order to protect the Casa Mira homes.

At present, the City's act of "re-interpreting" Pub. Res. Code § 30235 in a way that bans shoreline protective devices for the Casa Mira homes (and adding conditions), when the statute has not been interpreted that way for decades and decades, is inverse condemnation because the City is actively prohibiting the Casa Mira owners from protecting their homes as many other property owners in California have been allowed to in the past under exactly the same statute.

Casa Mira remains open to discussing these matters with planning staff.

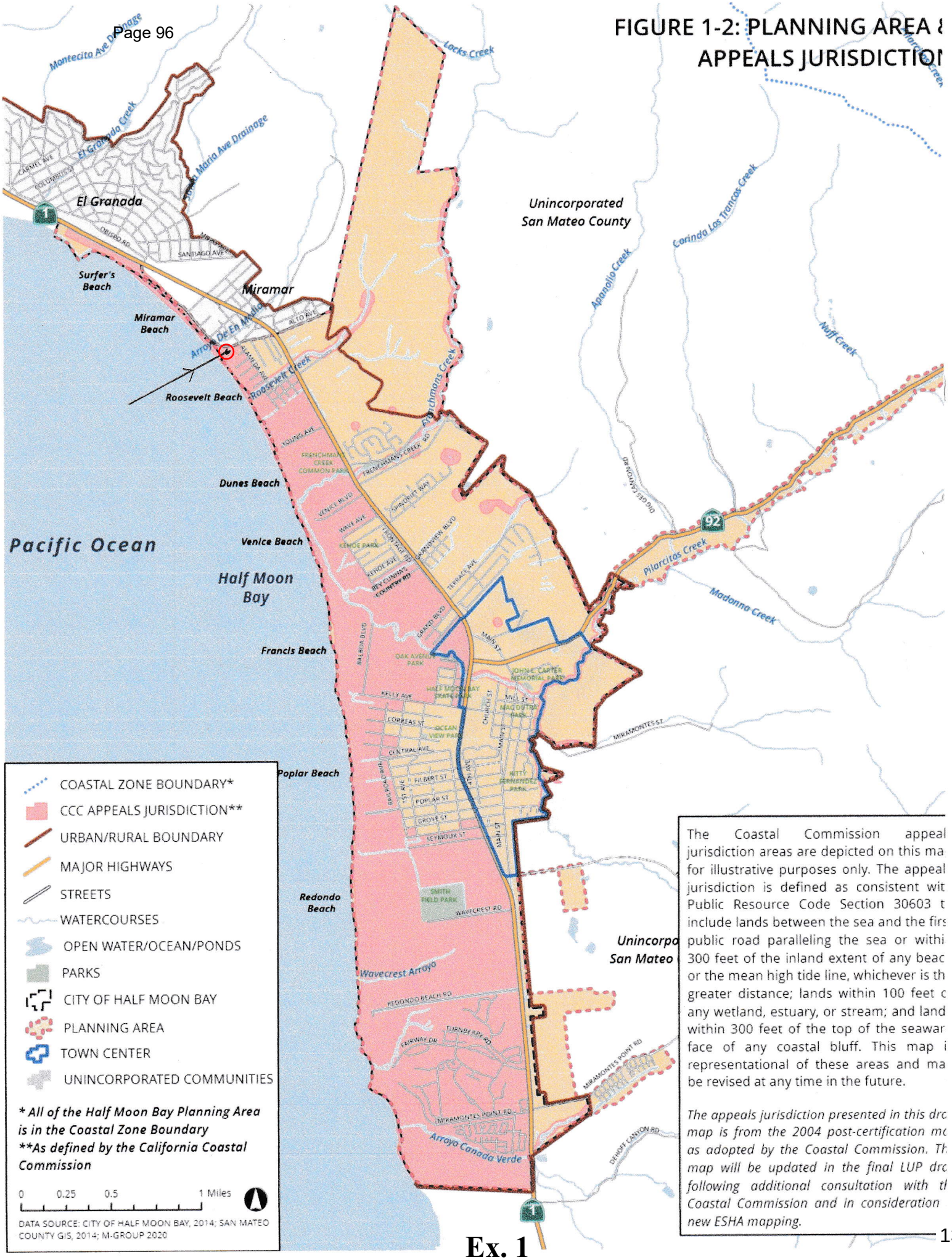
Sincerely,

/s/

Tom Roth

cc: Casa Mira HOA Board
City Attorney

FIGURE 1-2: PLANNING AREA & APPEALS JURISDICTION



The Coastal Commission appeal jurisdiction areas are depicted on this ma for illustrative purposes only. The appeal jurisdiction is defined as consistent wit Public Resource Code Section 30603 t include lands between the sea and the firs public road paralleling the sea or withi 300 feet of the inland extent of any beac or the mean high tide line, whichever is th greater distance; lands within 100 feet c any wetland, estuary, or stream; and land within 300 feet of the top of the seawar face of any coastal bluff. This map i representational of these areas and ma be revised at any time in the future.

The appeals jurisdiction presented in this dra map is from the 2004 post-certification ma as adopted by the Coastal Commission. Th map will be updated in the final LUP dra following additional consultation with th Coastal Commission and in consideration new ESHA mapping.

City of Half Moon Bay
ZONING MAP

ZONING DISTRICT

LEGEND

	R-1	Single Family Residential (5,000 sq.' lot)
	R-1-B-1	Single Family Residential (6,000 sq.' lot)
	R-1-B-2	Single Family Residential (7,500 sq.' lot)
	R-1-B-3	Single Family Residential (10,000 sq.' lot)
	R-2	Two Family Residential
	R-3	Multiple Family Residential
	MHP	Mobile Home Park
	C-D	Commercial, Downtown
	C-R	Commercial, Residential
	C-G	Commercial, General
	C-VS	Commercial, Visitor Serving
	P-S	Public Service
	IND	Industrial
	U-R	Urban Reserve
	OS-R	Open Space Reserve
	OS-A	Open Space - Active
	OS-P	Open Space - Passive
	OS-C	Open Space - Conservation
	A-1	Exclusive Floriculture
	PUD	Planned Unit Development

CCC Appeals Jurisdiction

HALF MOON BAY ZONING MAP:

Adopted by the City Council (City Council)	March 19, 1996
Certified by the California Coastal Commission (CCC)	April 10, 1996
GIS FORMAT MAP Adopted by the City Council Resolution C-51-10.	July 6, 2010
AMENDMENTS City Council Ordinance C-3-99 CCC Certification HMB MAJ 1-98A	April 6, 1999 February 5, 1999
City Council Ordinance C-4-99 CCC Certification HMB MAJ 1-98B	May 4, 1999 March 11, 1999
City Council Ordinance C-06-07 CCC Certification HMB MAJ 1-02	July 3, 2007 October 12, 2007
City Council Ordinance C-02-08 CCC Certification HMB MAJ 1-08	December 4, 2007 January 7, 2009
City Council Ordinance C-03-08 CCC Certification HMB MAJ 3-08	March 18, 2008 March 12, 2009
City Council Ordinance C-07-10 CCC Certification HMB MAJ 2-10A	May 18, 2010 March 11, 2011

This map depicts parcel information from the San Mateo County Assessor's Office. Assessor's parcels are mapped for tax purposes only; therefore, this map should not be used to determine if a parcel is a legal lot for land development purposes. Legal lots are those that are validly created or recognized under the State Subdivision Map Act and local ordinances.

Due to limitations inherent to the mapping process, the precise location of features depicted on this map may not be as shown. Any questions that may arise should be referred to the City of Half Moon Bay Planning Department. Actual locations of features shall govern for regulatory purposes.

City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019
Modified by M-Group

N W E S

June 2015

Scale 1:9,000
1" = 750'

0 500 1,000 2,000 3,000 4,000 5,000 Feet

Ex. 2

Brittney Cozzolino

From: Spectrum Unlimited LLC <info@clientbirthday.com>
Sent: Thursday, September 24, 2020 7:32 PM
To: planhmb
Subject: Half Moon Bay Land Use Plan

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I reject the new land use plan.

I completely reject changes to the 1996 Land Use Plan. I have lived in El Granada since 1972. In your planning the most pressing issue, traffic, is being ignored. Why?
Traffic equates to suffering and pain, it's not good for anyone. Forget about building hiking trails, think traffic, say no to proceeding with any of proposed project, think traffic. Traffic is everything on the coast side.

We need a reset. It's time to look at the coast side differently and encourage conversation groups to purchase all of our substantially undeveloped lands and make it open space. Where can I donate?

I know Half Moon Bay must be trying to dig out of bankruptcy. Are the taxes and fees a motivation for the pro-growth agenda? It's not worth it. Raise our property taxes if you must, but stop the growth.

Frederick Nelson-Bonebrake
PO Box 2500
El Granada CA 94028
650-726-2633

Date: September 30, 2020

To: Honorable Mayor and City Council

From: Jill Ekas, Community Development Director

Brittney Cozzolino, Associate Planner

Subject: September 30, 2020 Local Coastal Land Use Plan Hearing

This memo is intended to convey to the City Council additional written correspondence regarding the final draft Land Use Plan (LUP) update, and to address additional considerations brought forward by interested parties since the staff report was published on September 25, 2020.

Additional Correspondence

Carol Black: An email from Carole Black, resident of the Cypress Cove neighborhood, was received after the Planning Commission hearing on September 8, 2020 due to City email server issues. Staff is conveying this email to Council to ensure it is in the record, and to provide Ms. Black with responses to her questions/concerns as follows:

1. Pilarcitos Creek Trail. The draft LUP and City's adopted Bicycle and Pedestrian Master Plan (adopted September 2019) both acknowledge trail alignment constraints for a future Pilarcitos Creek Trail. As Ms. Black alludes to, this trail has been anticipated in various City plans since 1995 and is brought forward and acknowledged in the LUP as an opportunity for providing coastal access and recreation (a pillar of the Coastal Act). The LUP addressed how this trail alignment would need to consider land use compatibility with adjacent properties and avoid impacts to the riparian corridor, and how the City would work with private landowners to obtain trail easements (see Policies 5-30, 5-32, and 5-42 of final draft Chapter 5. Coastal Access and Recreation). The LUP and Bicycle Pedestrian Master Plan allow for substantial flexibility for trail alignment broadly, as well as specifically for this segment of Pilarcitos Creek Trail.
2. Short term rentals. The specific language that Ms. Black recommends for consideration in the LUP's short term rental policy (Policy 2-76) is better suited for consideration in the forthcoming short-term rental ordinance. The LUP provides a high-level policy addressing this type of use that will be more specifically regulated through an ordinance.
3. Land Use Compatibility. Any potential future development of properties near the Cypress Cove neighborhood would be required to comply with land use compatibility policies introduced in Chapter 2 of the draft LUP. Setbacks are established in the zoning code and then further considered in development review for policy consistency.

Coastside Land Trust: A letter from the Coastside Land Trust was received since the staff report was published on September 25, 2020. The letter generally requests that Council keep Coastside Land Trust's mission for protecting open space west of Highway 1 in mind when drafting and applying the Land Use Plan. Staff notes that where there are undeveloped lands west of Highway 1, they are primarily either in the Regional Public Recreation land use designation, which supports public access and recreational uses; the Open Space for Conservation land use designation, which supports habitat conservation and restoration; or the Planned Development land use designation, which has open space requirements for master planning.

Thomas Roth: A letter from Thomas Roth, representative of the Casa Mira HOA, was received since the staff report was published on September 25, 2020. Mr. Roth's "Suggested Changes to Revised LCP Update" remain the same as the changes he proposed in his September 23, 2020 letter, while acknowledging that the City's revisions "are a step in the right direction."

Additional Emails: At the time this memo was drafted, approximately 35 additional emails from local and Midcoast residents and one letter from Green Foothills have been received since the staff report was published on September 25, 2020. These emails generally identify concerns with the timing of review for the LUP update including revisions to the Planning Commission draft proposed for City Council consideration; the Surf Beach/Dunes Beach development proposal; and the Rocket Farms letter expressing interest in residential development. These three overarching topics are responded to below.

1. LUP Update Process. Several emails received request a continuance of the Council's final action on the LUP update. The September 30, 2020 hearing is the first of two City Council hearings scheduled for the LUP update. City Council is not being asked to approve the plan on September 30th. Staff will present options for Council for next steps during the presentation tonight.

   As noted in the staff report, the LUP update process began in 2013 and has a long history of public engagement as summarized in Appendix E of the plan. The Planning Commission Final Review Draft of the LUP update was complete and made available on August 3, 2020. The hearing schedule for the Planning Commission and City Council has been duly noticed, including through mailed notices to directly affected property owners, several newspaper notices, updates on the PlanHMB and City website, e-News communications, and notifications to multiple email notification lists. Since publication of the final draft plan, staff has been encouraging all interested parties to reach out with questions or concerns. Staff has continued to spend time with interested parties who have requested a meeting. All meeting requests were accommodated, and all input received has been carefully considered. Following receipt and consideration of any input, staff has recommended any appropriate revisions to the final draft to address these concerns while remaining within the bounds of the direction provided by the Planning Commission and the City Council for the goals and guiding principles of this plan.

2. Surf Beach/Dunes Beach. Several emails received express opposition to the proposed Dunes Beach hotel and RV park project for the Surf Beach/Dunes Beach Planned Development (PD) area. Staff would like to clarify that this project is being reviewed as a separate application for a specific plan and LUP amendment. The 2020 LUP update before the Council does not approve any development on any properties in the City's jurisdiction; rather, it specifies the allowable kinds, locations and intensities of development that *could* occur and the resource protection policies necessary to meet the

requirements of the Coastal Act. The September 30, 2020 and October 6, 2020 hearings on the LUP update are not project review meetings for the Dunes Beach hotel project.

As noted in the previous response on the LUP update process, staff has considered and recommended revisions to the LUP update in response to comments received from interested parties where they align with the Planning Commission's vision for the LUP update. Staff received a comment letter from a representative of the Dunes Beach project on September 14, 2020. While the Planning Commission did not have the benefit of reviewing this letter prior to their consideration of the LUP update on September 8, staff is recommending that Council consider relatively minor changes in response to this comment letter. These revisions are primarily intended to clarify site conditions, and do not include any changes to the potentially allowed uses for this PD.

Staff notes that one of the emails regarding the Surf Beach/Dunes Beach PD is from a resident and landowner of a parcel within the Surf Beach/Dunes Beach PD. The resident primarily addresses the project application as opposed to the LUP update. That said, the resident is interested in the project applicant consulting with minority property owners of the PD to meet the Implementation Plan's requirements for planning the unit as a whole. Staff notes that this is an existing requirement proposed to be brought forward with the LUP update and will be further addressed in the Implementation Plan updates that will follow the LUP update. Staff offers to meet with Ms. Barr to discuss her concerns more directly.

3. Rocket Farms. Several emails received express opposition to a residential development concept presented by Rocket Farms in their comment letter dated September 22, 2020. Staff has met with the representatives of Rocket Farms since receiving this email and had a productive dialogue about the housing options provided in the draft LUP, which are focused in the Town Center and through the Workforce Housing Overlay. Rocket Farms is interested in exploring other options for housing development on their property which are not included in the LUP update. There is no application for this proposal at this time from Rocket Farms. As noted in the September 25, 2020 staff report, the LUP update allows up to approximately 40 units on this property through the Workforce Housing Overlay, intended to be at affordable levels for local horticultural employees. No changes are proposed to the draft LUP for these properties.

Sierra Club: Finally, an email from Mike Ferreira, on behalf of the Sierra Club Loma Prieta Chapter's Coastal Issues Committee, was received since the staff report was published on September 25, 2020. Mr. Ferreira seconds the concerns regarding the LUP Update process and the Surf Beach/Dunes Beach PD as raised in the Green Foothills comment letter and as responded to above. Mr. Ferreira also brings up five additional and significant points regarding some of the undeveloped PDs in Chapter 2. Development. Staff acknowledges the importance of each point raised, and has gone back through the plan to confirm how each point is addressed in the final draft. Responses are provided below.

1. Nurserymen's Exchange watercourse opportunities: Mr. Ferreira recommends recognizing that the undergrounded watercourse in this PD could be daylighted in the discussion of this PD. Staff consulted with the biological consultant for the LUP update following the Planning Commission's question regarding the presence of the referenced watercourse, and confirmed that the habitat figures, particularly Figure 6-2, accurately reflects the daylighted location of this watercourse. Master planning requirements and policies in Chapter 6. Natural Resources also require and/or

encourage green infrastructure improvements such as restoring natural hydrological conditions. However, similar to how green infrastructure opportunities are recognized in the Development Vision for other PDs, Council could consider including additional language in the Nurserymen's Exchange Development Vision to address the potential for master planning to address daylighting this watercourse more specifically.

2. Separation of Pullman Watercourse from Surf Beach/Dunes Beach PD: As the Stoloski/Gonzalez PD was proposed for re-designation to the Residential – Low Density land use in the 2018 Planning Commission draft, there is no direct discussion of this subdivision except in the context of being adjacent to the Surf Beach/Dunes Beach PD. In that discussion, the Pullman Watercourse is noted as being to the north of the PD. Additional language could be added to clarify that "to the north" does not mean "adjacent to" in the Surf Beach/Dunes Beach PD narrative.
3. Carter Hill access: As the Coastal Commission staff's guidance was to keep options open for the master planning process for undeveloped PDs, staff's intent in noting possible access from Highway 92 as well as Lewis Foster Drive was to acknowledge the potential options for accessing Carter Hill. Council could consider additional language on where the preferred access point may be.
4. North Wavecrest, potential wetland areas and infrastructure constraints: While there is no formal wetland delineation for this area, Figure 6-1 Habitat Types does show where this area is most likely to contain coastal freshwater marsh. Natural resource protection needs and infrastructure needs (roads, sewer, water, drainage) are all required to be analyzed through the master planning process.
5. North Wavecrest, visitor-serving commercial uses: The concepts for community and commercial recreation are brought forward and updated from the 1996 LUP as presented in the 2018 Planning Commission draft. For example, the 1996 LUP states that "At least 15 acres of the site shall be reserved and developed for community recreation if another site is not designated pursuant to Policy 2-34." It further states that "At least 30% of the site shall be retained in open space for public and commercial recreational use."

Rocket Farms: An additional comment letter from Rocket Farms was received today, requesting additional land use options for their property including an expansion of the Surf Beach/Dunes Beach PD boundary to include the property they have identified interest in residential development for. Staff does not recommend any changes to the land use designation or PD boundary.

Planned Developments

The City has received additional input from landowners of Planned Development (PD) properties regarding the narrative sections that describe the site conditions and constraints of each substantially undeveloped PD. The general request was for staff to review and confirm the characterization of current known conditions about each area and update the narrative as necessary. Although these narrative sections were written carefully with the intent to be broad where exact site conditions are not yet known, staff reread each PD narrative section and recommends the following changes to address this request. Overall, these relatively minor revisions intend to further clarify site conditions to support master planning, while not coming to conclusions. This high-level approach with narrative language is consistent

with Coastal Commission staff direction to the City about maintaining discretion for future master planning of the PDs by clearly indicating challenges and opportunities in the site constraints and development vision sections for each PD.

Recommended revisions provided in the September 25, 2020 packet are noted in green, and newly recommended revisions are noted in yellow.

1. Nurserymen's Exchange: (page 2-45)
   Site Constraints. Nurserymen's Exchange is visible from the Highway 1 scenic corridor and provides views across the site to the upland slopes ~~are significant~~. The easternmost portion of the site is above the 160-foot contour line, with areas above the 90-foot contour line characterized by slopes over 30 percent grade. This eastern portion of the PD is also within 100 feet of the Very High Fire Severity Zone. The potentially buildable portion of the PD is a relatively flat area at the foot of the steeply sloped lands to the east. The PD is traversed by Roosevelt Creek and several manmade drainage ditches. Riparian vegetation is present along the Highway 1 frontage and on both sides of the Roosevelt Creek watercourse.

2. Surf Beach/Dunes Beach: (page 2-47)
   Site Description. The Surf Beach/Dunes Beach area is a partially undeveloped area totaling about 48 acres, bisected by Young Avenue and bounded by Half Moon Bay State Beach on the west and south, Highway 1 on the east, and the Stoloski/Gonzalez subdivision and Miramar neighborhood on the north. As of 2020, land north of Young Avenue has been predominately in agricultural use, with some parcels from the old unimproved Surf Beach subdivision now conserved by land trusts as open space. The area south of Young Avenue is used primarily for agriculture and stabling ~~and rental~~ of horses ~~and horseback riding~~. Frenchmans Creek riparian corridor and the Sweetwood Group Campsite are located south ~~border the southern end~~ of the PD. Young Avenue is the primary vehicular point of access for the Surf Beach/Dunes Beach PD and is a designated scenic coastal access route. The Dunes Beach section of Half Moon Bay State Beach is accessed via Young Avenue. Because most of the PD area has been in agricultural use, very little coastal scrub or other habitat typically found in undeveloped areas west of Highway 1 are present.

   Site Constraints. Site constraints for the Surf Beach/Dunes Beach PD include habitat considerations, land trust ownership, and presence of potential hazards, visual resources, and prime agricultural soils. Of note, the site is considered to have poor drainage which can be an indicator of wetland potential, although recent studies have not identified such wetlands. North of Young Avenue, land trust and public ownership account for nearly 2 acres and an additional approximately 2-acre area covering the northwest corner of the site is located in the potential tsunami inundation zone as mapped by the California Emergency Management Agency. South of Young Avenue is almost entirely mapped as containing prime agricultural soils.

   Visual resource protection is a key consideration for this PD. The site is ~~highly~~ visible from the Highway 1 scenic corridor and contains a designated scenic coastal access route (Young Avenue). The site also provides broad ocean views from Highway 1, and ~~expansive~~ views of the upland slopes are available over the site as seen from the Coastal Trail and beach. Policies brought forward from the 1996 Land Use Plan establish height limits for such areas at 15 feet unless an increase in height would not obstruct public views to the ocean from the highway. Furthermore,

the active agricultural operation has scenic and visual significance. A visual impact assessment will be an important factor in master planning this PD.

Lands with habitat value and environmental hazards surrounding the PD area may present additional ~~site~~ constraints to consider for master planning. These include the Frenchmans Creek riparian corridor to the south, which is designated ESHA as presented in Chapter 6. Natural Resources, presents risk of localized flooding, and contains a eucalyptus grove with high fuel load and a monarch butterfly overwintering site; State Parks land to the west, which contains potential CRLF and SFGS dispersal and foraging habitat and snowy plover nesting habitat; and Pullman Watercourse to the north, which supports potential CRLF and SFGS dispersal habitat and presents risk of localized flooding. Drainage conditions, as in the Venice Beach area, are considered poor. It is anticipated that stormwater management using green infrastructure measures will require a higher design storm performance standard to be effective in the Surf Beach/Dunes Beach PD.

Development Vision. Envisioned land uses for the Surf Beach/Dunes Beach PD include residential, agriculture, and agricultural compatible uses. The bisecting Young Avenue provides an opportunity to cluster compatible land uses away from Young Avenue on either or both sides of the road while maintaining the scenic approach to the State Beach. Development setbacks from Young Avenue and from the State Parks land to the west would help preserve visual resources from the Highway 1 scenic corridor, the Young Avenue scenic coastal access route, and the Coastal Trail and State Beach scenic recreational areas.

North of Young Avenue, a new residential neighborhood could be compatible with the Miramar residential area to the north, and new public recreational area such as a neighborhood park could provide opportunities to both residents and visitors. Neighborhood design could preserve remaining agricultural operations or community garden space to take advantage of prime soils, emphasize walkability and otherwise be suitable for a multi-generational neighborhood with young families, seniors, and assorted other household groups of mixed income levels. Continued use of the area north of Young Avenue for agriculture or agriculture compatible uses is also supported.

South of Young Avenue, agricultural and agricultural compatible uses are envisioned to be well-suited with the adjacent group campsite, environmentally sensitive riparian corridor, and on-site prime agricultural soils. Ideal uses include low-impact camping, open field agriculture with ancillary uses, agritourism, ecotourism, equestrian uses, and other similar types of outdoor commercial recreation that do not require a heavy development footprint These uses achieve Coastal Act goals of providing lower cost visitor-serving opportunities while maximizing preservation of prime agricultural soils.

The Surf Beach/Dunes Beach site presents numerous opportunities for improving multi-modal coastal access. Considerations include a separated class 1 bicycle and pedestrian route parallel to Young Avenue or along Knewing Avenue (a paper street bounding the north side of the PD),

extension of the Naomi Patridge Trail on Highway 1, and an interconnected network within the PD to link any future residential and recreational uses with the Coastal Trail. To reduce potential traffic impacts from new development, other circulation improvements could include a round-about at the intersection of Young Avenue and Highway 1. Within the PD, access to private development should be separate from Young Avenue to maintain this road as a primary coastal access route, such as with provision of a frontage road(s).

The PD's proximity to the Pullman Watercourse presents an opportunity for improving stormwater management on site and in Miramar to the north. The City could consider the benefits of reducing the risk of flooding and erosion of the Pullman Watercourse when evaluating the merits of a master plan for this area.

Should master planning not proceed or redesignation be preferred, the portion of the Surf Beach/Dunes Beach PD north of Young Avenue could be appropriate for the Residential – Low Density land use designation with the remainder being appropriately suited for the Rural Coastal land use designation.

3. Venice Beach: (page 2-49 to 2-50)
Site Description. The Venice Beach area is a partially developed area totaling about 44 acres. It is bordered on the north by Frenchmans Creek and on the south by the Casa del Mar subdivision. Venice Boulevard, an unimproved road to Venice Beach, bisects the area and is the primary vehicular point of access to the PD. Venice Boulevard is also a designated scenic coastal access route that provides access to the Coastal Trail and the State Beach. A 5-acre area of undeveloped land in scattered ownership on both sides of Venice Boulevard with four of these lots developed with single-family homes. North of the subdivision, there are two parcels totaling almost 9 acres; most of this area is developed for use as commercial equestrian operations, providing stables, rentals, and trails connecting to the equestrian trail adjacent to the Coastal Trail and State Beach. South of the subdivision, three parcels totaling 14 acres are undeveloped although they may have been used in the past to raise hay or barley. The PD contains ~~a significant amount of~~ central coast scrub habitat and invasive pampas grass, as well as prime agricultural soils.

Site Constraints. Site constraints for the Venice Beach PD include habitat considerations, land trust ownership, and presence of hazards, visual resources, and prime agricultural soils. Past biological resource evaluation of the western and southern portions of the PD indicate that these areas may be especially important as part of a habitat corridor and are characterized by central coast scrub which has been less disturbed than in other portions of the PD. Several sightings of CRLF have occurred in this area as indicated in Figure 6-3. Drainage conditions, as in the Surf Beach/Dunes Beach area, are considered poor. It is anticipated that stormwater management using green infrastructure measures will require a higher design storm performance standard to be effective in the Venice Beach PD.

Also similar to the Surf Beach/Dunes Beach PD, the Venice Beach PD offers a bi-directional viewshed with broad ocean views across the site from the Highway 1 scenic corridor and ~~expansive~~ views of the upland slopes are available over the site as seen from the Coastal Trail and

beach. In addition, Venice Boulevard is a designated scenic coastal access route. The 1996 Land Use Plan specified a 15-foot height limit for Venice Beach PD and other visual resource areas on the west side of Highway 1. This requirement is brought forward and allows for increased heights in cases where they would not obstruct public views to the ocean from the highway. Furthermore, the active agricultural compatible operation has scenic and visual significance. A visual impact assessment will be an important step in master planning this PD.

Lands with habitat value and environmental hazards surrounding the Venice Beach PD area may present additional ~~site~~ constraints to consider for master planning. These include the Frenchmans Creek riparian corridor to the north, which is designated ESHA as presented in Chapter 6. Natural Resources, presents risk of localized flooding, and contains a eucalyptus grove with high fuel load and a monarch butterfly overwintering site; and State Parks land to the west, which contains potential CRLF and SFGS dispersal and foraging habitat and Western snowy plover nesting habitat.

4. Carter Hill: No changes.

5. Podesta: No changes.

6. West of Railroad: (page 2-54 to 2-55)
Site Constraints. Concurrently with the Land Use Plan update, the City completed detailed erosion studies of the City-owned and maintained Poplar Beach Blufftop Park area immediately west of the West of Railroad PD. The analysis considered existing on-going erosion conditions as well as the effects of sea level rise. The estimated location of the bluff edge in 2050 and 2100 was mapped for a "business as usual" condition as well as a mitigated approach wherein drainage and public access improvements are implemented. In the unmitigated case, the bluff face is projected to recede as much as 200 feet by 2100 which would bring it into the West of Railroad PD. The mitigated case is about half that, or 100 feet. In either case, it should be assumed that ~~much~~ less blufftop land will remain between the West of Railroad PD and the beach below over the course of the Land Use Plan horizon to 2040; even less blufftop will remain in one hundred years (representing the anticipated life of residential development). As these blufftops support a heavily used section of the Coastal Trail and a variety of sensitive animal and plant species, this projected loss is significant.

The entire West of Railroad PD is designated potential ESHA in the Land Use Plan as it likely ~~contains numerous wetland areas, and~~ contributes to the overall biological productivity of the area for numerous special status and unique species including dispersal and foraging habitat. Previous studies have identified numerous wetland areas within and surrounding the PD, and an ~~A~~ approximately 300-foot wide swath of Coastal Terrace Prairie habitat, designated as ESHA, is present along the blufftop edge immediately west of the PD. Any new development must provide ~~minimum 100-foot~~ buffer~~s~~ ~~is required~~ from ~~this~~ these habitat types, as established in Chapter 6. Natural Resources. Additional site constraints include approximately 5.5 acres of land under public or land trust ownership as of 2020, and significant scenic views across the site facing west

from the Railroad Avenue public right-of-way towards the ocean and facing east from the Coastal Trail to the upland slopes.

7. North Wavecrest: No changes.

Policy 5-77. Equestrian Facilities.

For the September 25, 2020 staff report, staff recommended a revision to Policy 5-77. Equestrian Facilities to improve consistency with other policies in the LUP that support equestrian facilities as a permitted use on both the west and east sides of Highway 1. Staff recommends one additional revision to this policy to reduce redundancy with the environmental protection requirements contained in Chapter 6. Natural Resources, as the intent of this policy and the chapter it is contained in is to address coastal access and recreation opportunities. Note that in addition to the edit, the policy is also restructured, and thus the changes appear to be more significant. Shown in strikethrough/underline (recommended revisions provided in the September 25, 2020 packet are noted in green, and newly recommended revisions are noted in yellow) and in clean version, the final recommended language for this policy is as follows:

Strikethrough/Underline: Where ~~Limit~~ equestrian ~~uses and~~ facilities are a permitted use ~~west of Highway 1~~, ensure that new facilities will not conflict with other public recreation uses ~~and will not have adverse environmental impacts; to the level generally available as of the time of the LUP update~~ and require that existing equestrian facilities and activities improve practices to prevent and remediate adverse environmental impacts to creeks and other ESHAs as necessary. ~~Encourage relocation of equestrian facilities inland and/or upland~~. New f~~F~~acilities east of Highway 1 should be sited in consideration of potential linkages to ~~are preferred, where~~ future City ~~trails could link to the~~ or San Mateo County trail systems, and especially in locations where other equestrian-oriented events and programs can be accommodated. ~~New facilities shall not be established on the coastal terrace unless such use will not conflict with other public recreation uses and has no adverse environmental impacts.~~

Clean: Where equestrian facilities are a permitted use, ensure that new facilities will not conflict with other public recreation uses and require that existing equestrian facilities and activities improve practices to prevent and remediate adverse environmental impacts to creeks and other ESHAs as necessary. New facilities east of Highway 1 should be sited in consideration of potential linkages to future City or San Mateo County trail systems, and especially in locations where other equestrian-oriented events and programs can be accommodated.

Attachments:

1. Additional Written Correspondence

Brittney Cozzolino

From: [redacted]
[redacted] Tuesday, September 8, 2020 2:52 PM
To: planhmb
Subject: Public Comment re Local Coastal LUP, 9.8.2020 HMB Planning Commission Mtg

Public Comment: 9.8.2020 HMB Planning Commission Meeting Agenda item re Local Coastal LUP

I own a residence in HMB's Cypress Cove neighborhood and have attended and provided comment on this topic at prior meetings. I applaud the detailed review and consideration that this plan has received over many months.

In reviewing the revisions document presented with this evening's agenda, I wanted to mention/emphasize three questions/considerations:

1) Pilarcitos Creek Trail: I realize that this remains a concept and not as yet an actual plan. While the stated goals are attractive, the logistics for a potentially successful execution particularly along the section of the creek adjacent to Mariner's Church, Post Office and Cypress Cove property escape me and many neighbors. In addition to riparian considerations, there simply doesn't appear to be adequate space or access to construct or maintain a public trail while also avoiding incursion into and adverse impacts on adjacent properties. I understand that this is positioned as a "concept carry-forward." However, its persistence in sequential plans is at best disconcerting to abuttors.

2) STR wording: I hope and assume that there is an underlying requirement that, in addition to applicable state, county and local regulations, property restrictions including planned community, property or development tract and/or HOA C, C, & R's, Bylaws, Rules and Regulations, etc. which are more restrictive will also govern. If not currently specified, I ask that this be considered to respect restrictions attached to the property and accepted by property purchasers.

3) Stone Pine Property: As I recall prior documents had specified a 50' setback from adjacent residential property. I therefore hope and assume that this will at a minimum be maintained going forward in addition to the other proposed restricted planning options and robust requirements/ considerations re impacts on adjacent uses.

Thank you for your consideration,
Carole Black

COASTSIDE LAND TRUST

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Mayor Adam Eisen
Vice Mayor Robert Brownstone
Council Member Deborah Penrose
Council Member Harvey Rarback
Council Member Debbie Ruddock
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019

September 28, 2020

Subject: Proposed Land Use Plan for City of Half Moon Bay

Dear Mayor, Vice Mayor and City Council Members,

The Coastside Land Trust (CLT) has been a 501(c)(3) nonprofit since 1997. Our business office is located at 788 Main Street in Half Moon Bay. Our primary sources of income are private donations and grants.

We currently hold approximately 169 fee acres as permanently protected open space within the boundaries of the City of Half Moon Bay. Most of this land is in the Wavecrest area. CLT continues to acquire properties as a major part of our work, with the focus of our acquisitions being permanently protecting open space west of Highway 1. All of our acquisitions comply with our mission statement below.

We have always opposed, and will continue to oppose, housing, commercial and hotel development on the open spaces on the west side of Highway 1. We ask the Council to keep CLT's values in mind when drafting and applying the Local Coastal Land Use Plan.

Sincerely yours,

Jo Chamberlain
Executive Director

Mission Statement:
The Coastside Land Trust is dedicated to the preservation, protection and enhancement of the open space environment including the natural, scenic, recreational, cultural, historical, and agricultural resources of Half Moon Bay and the San Mateo County coast for present and future generations.

94-3290067

LAW OFFICES OF THOMAS D. ROTH
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SAN FRANCISCO, CALIFORNIA 94105
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September 29, 2020

By E-Mail

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Re: Supplemental Comments by Casa Mira and Its Members on the City of Half Moon Bay's 2020 Draft Land Use Plan (LUP) Update and Proposed General Plan Amendment, Proposed Changes Dated 9/25/20

Dear City Council and staff:

These supplemental comments and objections are being submitted on behalf of Casa Mira Homeowner's Association and its members[1] on the City of Half Moon Bay's

[1] Members include Robert D. Glynn, Jr., and Kathleen O. Glynn, as Trustees of the Glynn 1994 Revocable Trust Agreement, dated March 15, 1994, and the Glynn 1994 Revocable Trust Agreement, dated March 15, 1994; Paula Skinner, Karen Pearlman and Christen Agnello; William V. Regan III and Ann Williams Regan, as Trustees of the Regan Revocable Trust dated December 29, 1992, and the Regan Revocable Trust dated December 29, 1992; Stuart M. Schlisserman, as Trustee of the Stuart Mark Schlisserman Revocable Trust dated April 14, 2004, the Stuart Mark Schlisserman Revocable Trust dated April 14, 2004, Taraneh Razavi, as Trustee of the Taraneh

2020 draft Land Use Plan (LUP) Update and General Plan Amendment.

The Casa Mira HOA Board of Directors met with Planning staff via zoom on September 22, 2020 to emphasize its concerns with the proposed LCP Update.

Late on September 25, 2020, Planning staff released a staff report and some proposed changes to the LCP Update. While Casa Mira appreciates that the City's planning staff modified the LCP Update in some respects, the changes still do not resolve the threat that the City's planning documents create for the Casa Mira homes.

Comments on the September 25, 2020 New Proposed Changes to the LCP Update

On page 7 of the staff report, staff states that several substantially developed planned developments including Casa Mira (Miramar) have been "re-designated to reflect their actual land use." It is unclear where in the plan the PDs have been "re-designated," or what the new designation is.

On page 8 of the staff report, staff mentions that there is updated mapping. However, no updated mapping is provided with the staff report.

On pp. 13-15 of the staff report, staff discusses recommended changes to the shoreline hazards policies including the proposed deletion of the definition of "existing structures."

While the deletion of the unlawful definition of "existing structures" contained in the previous iteration of the proposed LCP Update is a step in the right direction, it does not wholly resolve the issues that the LCP Update creates for the Casa Mira homes. ***A better approach would be to include a definition that makes clear that "existing structures," i.e., existing at the time of the shoreline device permit application (but not including new development), are entitled to a permit for a shoreline protective device so long as the requirements set forth in Pub. Res. Code § 30235 are met.***

Razavi Living Trust dated September 29, 2009, and the Taraneh Razavi Living Trust dated September 29, 2009; Kelly Ann Kramer, as Trustee of the Kelly Ann Kramer 2017 Trust under Declaration of Trust dated July 18, 2017, and the Kelly Ann Kramer 2017 Trust under Declaration of Trust dated July 18, 2017; Gina M. Trinchero, as Trustee of the Gina Maria Trinchero 2003 Revocable Trust, dated July 2, 2003; Gregg E. Miller, as Trustee of the Miller Survivor's Trust dated April 5, 1993, and the Miller Survivor's Trust dated April 5, 1993; Roderick A. Young and Charlotte D. Jacobs, as Trustees; of the Young/Jacobs 1998 Trust; Gustavino Holdings, LLC; Michael Patrick Sullivan, Jr., as Successor Trustee of the Mavis R. Sullivan Declaration of Trust dated October 21, 2015, the Mavis R. Sullivan Declaration of Trust dated October 21, 2015, as to an undivided 1/2 interest; Kim M. Thomas, a 1/4th interest: in and to an undivided 1/2 interest; Michael Patrick Sullivan, Jr., a 1/4th interest in and to an undivided 1/2 interest; Kerry Sullivan, a 1/4th interest in and to an undivided 1/2 interest; Jamie Sullivan, a 1/12th interest in and to an undivided 1/2 interest; Ashley Sullivan, a 1/12th interest in and to an undivided 1/2 interest; and Maggie Sue Sullivan, a 1/12th interest in and to an undivided 1/2 interest.

Staff is correct that "the concept of managed retreat" is "one alternative" to address bluff erosion and collapse, "but [it] is **not** explicitly required by State Law." (Staff report, pp. 13-14.) Thus, to the extent that the City adopts such policies without paying just compensation for damages or the take of private property, the City assumes the corresponding liability.

The City's proposed shift in these policies from the previous iteration of the LCP Update is murky, and remains unlawful. In the staffs words, the revised draft seeks to "convert the managed retreat policy to a requirement for developing a plan for long-term protection of properties at risk of sea level rise and bluff erosion, such as through retrofitting, removal, or relocation (Policy 7-40. Property Protection Plans.)" **Here's the problem**: the City's revised policy, while better, still runs afoul of Pub. Res. Code § 30235. Section 30235 compels the issuance of a shoreline protective device for all existing structure so long as the device is designed "to eliminate or mitigate adverse impacts on local shoreline sand supply." Section 30235 doesn't mandate the issuance of a permit in the short-term, but allow a jurisdiction to forbid a shoreline protective device in the long-term. Therefore, the City's proposal still seeks to change what is required and what is allowed by § 30235. Such an effort is preempted by the Coastal Act, and an unconstitutional taking of private property.

Nothing in § 30235 specifically, or in the Coastal Act generally, allows a City to limit "long-term" (or even short-term) protection to "retrofitting, removal, or relocation." Indeed, Casa Mira has three times alerted the City that such an approach cannot be implemented in Casa Mira's case. It is not feasible to move the Casa Mira homes inland, because the parcel configuration and size cannot accommodate the ten homes at a location further inland and conform to all other City Code requirements, including, *inter alia*, setbacks and parking. And even if the City somehow waived all of those requirements (which it has never previously done), moving the homes is cost prohibitive.

In discussions with the City Planning staff, staff admitted that the Casa Mira homes are a unique class within the City. In other words, City staff is unaware of any other residential homes that face a relatively immediate threat of destruction (or forced destruction) due to bluff collapse. Casa Mira takes the City at its word on this point. Casa Mira's uniqueness is further heightened in its inability to address future bluff collapse through "retrofitting, removal, or relocation."

Staff next writes that it would allow "temporary shoreline protection when necessary for properties that have an approved plan in place while the plan is being implemented." (p. 14.) Again, this moves things in the right direction, but doesn't get Casa Mira to the promised land. The rub is that the City will only consider plans for "retrofitting, removal, or relocation," but Casa Mira won't be able to obtain approval for such a plan for the reasons described above. Thus, it is false promise to Casa Mira.

Policy 7-40 also is void for vagueness. It requires a property protection plan for coastal development permit applications "in an area subject to potential risk of shoreline hazards during the anticipated lifespan of the structure . . . ." Is it the life span of the structure being protected, or the life span of the shoreline protective device? What is meant by the term "area," or "potential"? The void-for-vagueness doctrine which derives from the due process concept of fair warning, bars the government from

enforcing a provision that forbids or requires the doing of an act in terms so vague that people of common intelligence must necessarily guess at its meaning and differ as to its application. The lack of definition of those terms makes it impossible to understand how this requirement will be applied.

Staff also hints that it may still change the definition of "existing structures" when it adopts the corresponding Implementation Plan to the LCP Update. (p. 14.) Ouch. That approach makes it seem like staff is simply just trying to delay any litigation over the issue because if the City adds back the offending and unlawful definition of "existing structures" when it adopts the Implementation Plan, that puts Casa Mira right back in the precarious position that it is in now. ***Staff is simply "kicking the can" down the road without any concrete assurance to Casa Mira***.

Staff writes that the proposed changes "are based on Coastal Commission guidance, but also allow for exercising discretion where the Coastal Commission guidance provides more flexibility." (p. 14.) That statement simply hides in bureaucratic doublespeak what staff is really saying – that Coastal Commission guidance doesn't provide "flexibility" for allowing Casa Mira a shoreline protective device, so tough luck Casa Mira. It is also is inconsistent. On the one hand, staff admits that the City is not bound by Coastal Commission guidance, but here the City makes clear it will largely adopt that same guidance anyway. Again, this places the City at risk for damages and taking that stem from that decision to incorporate guidance that is not legally required under state law.

Staff also suggests that the Coastal Commission may have jurisdictional oversight for permits for shoreline protective devices. But what staff doesn't confess is that the City may have jurisdiction. In its September 23, 2020 letter (and the previous September 3, 2020 letter to the Planning Commission) Casa Mira explains in some detail why the City likely has jurisdiction over the Casa Mira shoreline protective device. The City has never responded in writing to that analysis, nor explained if there is anything wrong in that analysis. Casa Mira asks that the City provide a detailed analysis of its Coastal Act jurisdiction as it applies to Casa Mira's proposed shoreline protective device.

On page 12 of the staff report, staff proposes to modify Policy 7-25. The proposal violates the Coastal Act and is preempted by the Coastal Act. Pub. Res. Code § 30235 provides in relevant part "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted ***when required to serve coastal-dependent use<u>s</u>*** or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply." Policy 7-25 requires consistency with that statute but then adds "when necessary to provide continued public access." Since the Policy already limits protective devices to situations where no feasible alternative exists, adding this new phrase changes the "feasibility" test and/or changes the language in § 30235. That is unlawful.

Policy 7-28, gives the appearance that it may allow shoreline protective devices, but other proposed policies simultaneously take away that right. First, while staff has deleted the previous offensive and unlawful definition of "existing structure," it has preserved the option to add it back in later when it adopts the Implementation Plan. (See

discussion above.) That simply gives Casa Mira false hope. Second, it effectively limits Policy 7-28, by adding a new Policy 7-40, that would make it impossible for Casa Mira to obtain a permit for a shoreline protective device.

Policy 7-40 provides:

> "In association with a coastal development permit approval, the City shall require owners of any property with a principle structure, such as a primary residence, closer than 100 feet to the blufftop edge, or located in an area subject to potential risk of shoreline hazards during the anticipated life span of the structure, to develop a property protection plan and submit it to the City for review and approval. In addition, at any time a landowner may voluntarily submit a property protection plan to the City for review and approval. The property protection plan shall:
>
> a. Provide an estimate of when the structure may be permanently unsafe for occupancy due to wave action, bluff failure, or erosion, including as may be exacerbated by sea level rise;
>
> b. Identify measures that could make the structures suitable for habitation without the use of bluff or shoreline protective devices, including necessary steps and thresholds for how and when to retrofit, remove or relocate the structure before it becomes permanently unsafe for use or occupancy or otherwise poses a threat to public safety; and
>
> c. Be recorded against the property once it has been approved by the City."

As explained, this creates many issues for Casa Mira.

The "property protection plan" doesn't allow shoreline protection devices. Instead, the property owner must "identify measures that could make the structures suitable for habitation **without the use of bluff or shoreline protective devices**, including necessary steps and thresholds for how and when to retrofit, **remove or relocate the structure** before it becomes permanently unsafe for use or occupancy or otherwise poses a threat to public safety. Casa Mira's parcel would not allow relocation, as explained earlier in this letter. So the "plan" would essentially require "removal" of the homes.

Policy 7-40 further states that "in the event that the approved plan identifies there is no feasible alternative that could make the structure(s) suitable for habitation while the approved plan is being implemented, a shoreline protective device may be allowed if the shoreline protective device is only in place for the time needed to **remove** or relocate the structure pursuant to the approved plan and if all coastal resources impacts are appropriately and proportionally mitigated and the site is fully restored upon removal of the protective device." So, there could be a temporary device only to allow removal of the homes, and restoration of the site.

Of course, that does very little to help Casa Mira's plight.

Thus, while staff gives the appearance that it would allow shoreline protective devices for Casa Mira by removing the new definition of "existing structures," it at the same time removes that right by requiring a "protection plan" that it knows Casa Mira could never comply with.

Thus, the new changes still result in the destruction, physical invasion, and taking of Casa Mira's homes. See *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1015, 1029 (1992); *Pumpelly v. Green Bay Co.*, 80 U.S. 166, 13 Wall. 166, 20 L. Ed. 557 (1872); *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982); *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978); Cal. Const., art. I, § 19, subd. (a). No exception to taking applies, and it would be futile for Casa Mira to ask the City to waive its managed retreat provisions. Planning staff has admitted that the City has never in its history waived planning or LCP requirements on any shoreline protective device application.

In addition, as described herein, the City prohibition of shoreline protective devices and replacement with a property protection plan that requires relocation or removal is inconsistent with the Coastal Act and Pub. Res. Code § 30235, and is preempted.

Casa Mira preserves and re-incorporates all objections and comments set forth in its previous letters to the Planning Commission and the City Council.

Suggested Changes to Revised LCP Update

In order for the LCP Update to be consistent with constitutional requirements and the Coastal Act, the City must either

- ***remove the "managed retreat" provisions*;**
- ***add a provision that clearly states that the City will pay just compensation for property and structures destroyed due to the LCP's managed retreat requirements*;**
- ***adjust the LCP map to exclude Casa Mira (which is mapped as a PUD)[2] from the LCP boundary, thus allowing the Coastal Commission to process coastal development permits in accordance with the Coastal Act. (As part of the certification process, the Coastal Commission would certify this change); or***
- ***commit to a definition of "existing structure" that will not change again, or during the LIP adoption, and that protects the Casa Mira homes.***

Casa Mira asks that the City make one or more of these adjustments to its LCP in order to protect the Casa Mira homes.

[2] The PUD was approved in 1975 prior to the enactment of the Coastal Act, and thus the City could also include a finding in its LCP Update that the Casa Mira PUD (and homes) are deemed pre-Coastal Act.

Casa Mira remains open to discussing these matters with staff.

Sincerely,

/s/

Tom Roth

cc: Casa Mira HOA Board
City Attorney

green foothills

September 29, 2020

Mayor Adam Eisen and Members of the
Half Moon Bay City Council
501 Main Street
Half Moon Bay CA 94019

Re: Local Coastal Program Land Use Plan Public Hearings

Dear Mayor Eisen and City Council members,

On behalf of Green Foothills, I write to respectfully request that you (1) refer the requests by property owners and their representatives for amendments to the Draft LUP (included in Attachment 3 of the Staff Report) that were received after the Planning Commission's September 8, 2020 meeting back to the Planning Commission for their review and consideration, and (2) provide additional opportunity for all interested members of the public to review and comment.

The Staff Report for your upcoming September 30, 2020 meeting includes **significant revisions to the Draft LUP that were submitted after the Planning Commission's final meeting**, and could not therefore be considered by the Commission. We are particularly concerned about revisions that could potentially facilitate the eventual approval of:

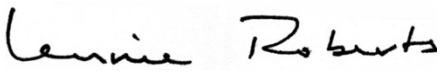
- Dunes/Surf Beach proposed 212-room luxury Hotel/Conference Center and 170-space high end RV Park and Clubhouse on 48 acres at Young Avenue
- Rocket Farms proposed 304 residential dwelling units in 19 buildings (duplexes) on 17 acres directly across Highway 1 from Dunes/Surf PUD, and adjacent to the Frenchman's Creek neighborhood.

Dunes/Surf Beach has already generated tremendous public opposition, due to widespread concerns over gridlocked traffic, loss of irreplaceable prime agricultural land, and impairment of scenic views, among others. The preposterous duplex housing proposal at Rocket Farms appears to have dropped in out of nowhere. Both of these proposals are inconsistent with the city's vision and overarching principles of concentrating new development, particularly housing, in the Town Center.

We greatly appreciate the tremendous amount of work and thought that city staff and the Planning Commission, working with Coastal Commission staff, have put into this document.

We urge you to refer these major changes back to the Planning Commission for their consideration.

Please take the time to get this right.



Lennie Roberts, Legislative Advocate, Green Foothills

cc: Jill Ekas, Community Development Director
Jeannine Manna, California Coastal Commission
Stephanie Rexing, California Coastal Commission
Julia Koppman Norton, California Coastal Commission

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 8:28 AM
To: Brittney Cozzolino
Subject: September 30, 2020, City Council Agenda Item 1A

From: Mike Ferreira <[redacted]>
Date: September 30, 2020 at 7:50:40 AM PDT
To: Adam Eisen <AEisen@hmbcity.com>, Robert Brownstone <Robert.B.Brownstone@gmail.com>, Harvey Rarback <harveyhmb@gmail.com>, "Ruddock, Deborah" <deborah.ruddock@gmail.com>, "Penrose Deborah B." <dbpenrose7@gmail.com>
Cc: Jill Ekas <JEkas@hmbcity.com>, "KoppmanNorton, Julia@Coastal" <julia.koppmannorton@coastal.ca.gov>
Subject: September 30, 2020, City Council Agenda Item 1A

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Eisen and Members of the Half Moon Bay City Council,

On behalf of the Sierra Club Loma Prieta Chapter's Coastal Issues Committee we wish to second the request from the Green Foothills organization to refer all recent communications back to the Planning Commission for analysis and communication with the concerned parties.

We particularly note that the letter from Rocket Farms, if taken seriously, should give pause and reflection regarding the details of the City's well intended Workforce Housing ambitions. This was to be a significant location in the City's concept but had drawbacks, in our view, relative to the lack of services and to the congested traffic situation on Highway One in the northern part of the City. Farmworkers do have families, their children do need to go to school, food and sundries do need to be purchased and numerous services such as medical and dentistry do need to be accessed. These needs comprise the significant majority of the automobile trips associated with housing that is not located adjacent to services.

As the Moonridge community demonstrates, farmworker housing does not need to be physically located on farms. We commonly extoll the environmental value of walkable, bikeable development in the City's core. We should avoid the unintended exclusion of farmworker families from the City's core. We ask that this be a focus of the Planning
Commission's consideration of potential changes.

Please also find some comments below regarding some of the undeveloped PUDs in Chapter 2 of the Local Coastal Land Use Plan. Thank you for all of the time and effort you are expending on behalf of your constituents, the City's environment and on behalf of consistency with the California Coastal Act.

Sincerely,

Mike Ferreira

Chapter Executive Committee Member &
Coastal Issues Committee Chair
Sierra Club Loma Prieta Chapter

Comments regarding Chapter 2 of the Land Use Plan

Comments are in yellow highlight

Nurserymen's Exchange page 2-44

Roosevelt Creek traverses the southern portion of the site, riparian scrub along the Highway 1 frontage, Monterey pine forest habitat upward sloping northeast corner of the PD

There also is a riparian stream recently validated through a dispute resolution process at the Coastal Commission that flows from the north and then under Alto Avenue into the PUD in an undergrounded pipe leading to a diversion "ditch." This was noted by a planning commissioner but did not get included under Natural Resources and should be recognized as a desired daylighting should a project be brought forward.

Surf Beach/Dunes Beach page 2-48

The PD's proximity to the Pullman Watercourse presents an opportunity for improving stormwater management on site and in Miramar to the north. The City could consider the benefits of reducing the risk of flooding and erosion of the Pullman Watercourse when evaluating the merits of a master plan for this area.

The separation of the Stoloski parcel from the PUD has resulted in the PUD no longer being adjacent to the Pullman Watercourse. This should be removed or placed in the discussion of the Stoloski parcel.

Carter Hill page 2-52

Site access could be taken either from Lewis Foster Drive or from an access easement off of Highway 92

The exit access onto 92 has very limited visibility to the east and only sudden visibility for westbound drivers on 92 due to the curve and the retaining wall. This access should not be recommended.

North Wavecrest Page 2-58

Residential uses would ideally be clustered near the Ocean Colony residential area for land use compatibility and accessibility from Redondo Beach Road, and would ideally comprise smaller one-story structures to provide more affordable housing inventory and protect scenic quality.

The above referenced area has a long recognized and large vernal wetland along the south side of Redondo Beach Road, is rich with natural protected resources and has no water, sewer, streets or drainage. Redondo Beach Road is inadequate to serve any sizable subdivision and public funds should not be expended to make it adequate.

Visitor-serving commercial uses would ideally be clustered near Wavecrest Road, which contains a Commercial – Visitor Serving land use node and compatible land uses, and would ideally comprise uses supportive of a primary outdoor recreational use with a limited footprint such as a small café or convenience store.

There is little to no public demand for this retail proposal and there is no historical precedent for this proposal in earlier plans.

Rocket Farms, Inc.
"2651 North Cabrillo Highway, LLC"

2651 Cabrillo Highway North
Half Moon Bay CA 94109

September 30, 2020

City of Half Moon Bay
Attn: Jill Ekas, Community Development Director (**Jekas@hmbcity.com)**
510 Main Street
Half Moon Bay CA 94019

Re: 2651 Cabrillo Highway North
Assessor Parcel Numbers 048-300-100 and 048-300-090
Half Moon Bay, CA
Local Coastal Land Use Plan ("LUP") Update / General Plan Update

Dear Ms. Ekas, Half Moon Bay Mayor, Vice Mayor, City Councilmembers, Planning Commission Chair, Planning Commission Vice Chair, Planning Commissioners, and staff including City Manager and Planners:

In advance of this evening's September 30, 2020 City Council hearing, we wanted the City to have a copy of our planned verbal testimony, which remarks are below:

The City Council, Planning Commission and senior staff have all received a letter from us, which contained a conceptual plan layout for a residential project.

We are asking for consideration by the City Council, ***prior*** to finalizing the draft LUP, to accommodate our property to recycle to a residential use which will allow both affordable housing and market-rate housing, with sufficient market-rate housing to make the project economically feasible.

The amount of housing that would be allowed under your currently proposed LUP is not a feasible premise for the property owned by 2651 North Cabrillo Highway, LLC, and operated by Rocket Farms.

It is important to impart to you and the community that like almost every business, ours has been severely and drastically impacted by COVID-19. This should be of no surprise to any of you, and while COVID-19 has consumed us in terms of operational priorities, we are pleased to be here, now that we have a clearer understanding of our direction and as a result can provide this important input for your consideration Our direction is now to attract a labor force that is based on more technologically supportable agricultural operations.

We now have requirements for our property that we believe dovetail with the direction of the State in terms of providing workforce housing, the kind of workforce housing meant for teachers and fire fighters and others.

Our proposal (which is the concept plan you have seen) is a place to start in terms of density and unit mix.

What does *no*t work for us is a maximum of 40 units for all affordable project on our property, which has been suggested.

We think an overlay zone, or perhaps expansion of an existing PD to include our property, is a good way to go. We think that this would provide Half Moon Bay with a more appropriate and meaningful solution to deliver housing that is accessibly priced for young families and workers.

In addition to assisting our ability to recruit and house workers, we are interested in building rental apartments, to accommodate residents of Half Moon Bay who may not be able to afford to buy a starter home with a price tag of almost a million dollars.

Here are some specific requests and suggestions, for the record:

- Provide a planning or zoning overlay that would allow our site to accommodate a combination of market-rate AND affordable housing.

  or

- Include our property within the Surf Beach/Dunes Beach PD Development.

The latter would help our site, and help the City achieve the "Development Vision" as described in the LUP Update for this PD area.

The LUP Update(1) describes "***a new residential neighborhood***" that would be suitable for "***a multi-generational neighborhood with young families, seniors, and assorted other household groups of mixed-income levels***."

That is the project we are interested in developing.

By expanding the footprint of the Surf Beach/Dunes Beach PD, from across the street, to include this site, our site can be part of achieving the LUP's "Vision."

While we know that the City wants to preserve agricultural resources, economic conditions are shifting, especially due to COVID-19. Our own industry is operating on razor-thin margins that will not be sustainable long term.

To give you an example, if we were a shopping center owner, and once had tenants like Sears, JC Penney's, or Pier 1: Things change. Economic shifts happen. COVID-19 happened. A land use that was once thriving, is not thriving any longer.

For industries like airports, restaurants, performing arts venues, sports stadiums, many of these are undergoing dramatic shifts since COVID-19. Again, land uses that were once thriving and sustainable, are no longer so.

A residential project at our site would help:

- Keep this property economically productive,

- Meet the needs of Half Moon Bay residents who do not have the financial means to buy a house here, and
- Help the City meet its RHNA allotment, by providing approx. 60 units of affordable housing

In closing, we are asking that the City provide a path for the LUP Update to accommodate a residential project on our site, similar to the previously-submitted concept plan, and allow us to continue these discussions with City Staff in earnest.

Thank you for your time, and consideration.

Very truly yours,

Charles Kosmont

Charles Kosmont
Managing Member
2651 North Cabrillo Highway, LLC

Nick Bavaro

Nick Bavaro
President
Rocket Farms, Inc.

c: Adam Eisen, Mayor – AEisen@hmbcity.com
Robert Brownstone, Vice Mayor - RBrownstone@hmbcity.com
Deborah Penrose, Councilmember - DPenrose@hmbcity.com
Harvey Rarback, Councilmember - HRarback@hmbcity.com
Debbie Ruddock, Councilmember - DRuddock@hmbcity.com

James Benjamin, Planning Commission Chair Jbenjamin@hmbcity.com
Steve Ruddock, Vice Chair Planning Commission Sruddock@hmbcity.com
Sara Polger, Planning Commissioner – Spolger@hmbcity.com
Rick Hernandez, Planning Commissioner – Rhernandez@hmbcity.com
Brian Holt, Planning Commissioner – Bholt@hmbcity.com

Bob Nisbet, City Manager – Bnisbet@hmbcity.com
Brittney Cozzolino, Associate Planner – BCozzolino@hmbcity.com
Bridget Jett, Consultant-Planning Analyst – BJett@hmbcity.com

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(1)

- **Chapter 2, Page number 2-47 or 2-48** of the proposed LUP Update (depending on which iteration is being utilized) discusses a Development Vision, for the area that is basically across the street from our property on North Cabrillo Highway.

  Our almost 17-acre property is ringed by **Young Avenue**.

- The draft LUP states:
  "*North of **Young Avenue**, **a new residential neighborhood** could be compatible with the Miramar residential area to the north*."

  The draft LUP also talks about:

> "*The bisecting **Young Avenue** provides an opportunity to cluster compatible land uses on either side of the road, while maintaining the scenic approach to the State Beach*."

The LUP further talks about the area by **Young Avenue**, being:

> *"…..suitable for **a multi-generational neighborhood with young families, seniors, and assorted other household groups of mixed-income levels***."

By expanding the footprint of the Surf Beach/Dunes Beach PD, from across the street, to include our property, our site could help the City achieve the LUP's "Vision" while keeping the property economically productive, providing new housing for Half Moon Bay residents who may not be able to afford to purchase a residence, and help the City meet its RHNA allotment by providing approx. 60 units of affordable housing.

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 5:20 PM
To: Brittney Cozzolino
Subject: Draft Land Use Plan

From: Ellen Koland
Sent: 29 September 2020 16:37:48 (UTC-08:00) Pacific Time (US & Canada)
To: Adam Eisen; Robert Brownstone; Deborah Penrose; Harvey Rarback; Adam Eisen; Robert Brownstone; Deborah Penrose; Harvey Rarback; Debbie Ruddock
Subject: Draft Land Use Plan

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Dear Council Members,

I am urging you to hit the "pause" button on adoption of the LUP tonight. I recognize that this has been in the making for many years so you are inclined to just say "yes" to this draft but there are several compelling reasons to take a deep breath and acknowledge that more work needs to be done on it.

1) This year's fires, especially the one south of us last month, are forcing many of us to recognize that the coastside is extremely vulnerable to wildfires. In fact, many parts of the coast have been designated as high or extreme risk. This is no longer theoretical. It is our "new normal". Although fire hazard and CPUC maps are included in this draft, this new reality has not been adequately addressed in this plan. Because there are just 2 roads in and out of Half Moon Bay, the potential need for evacuation MUST be addressed and considered in this plan.

2) Proposed large developments must also be evaluated in the context of the "new normal". A concept plan was recently submitted by Rocket Farms to build 300 duplexes across the highway from the Dunes Beach proposal to build a hotel, conference center and luxury RV park. These proposals will add thousands of daily trips to Highway 1. They will not only have a daily adverse impact on this stretch of Highway 1, currently graded "F" in the draft, but they will dramatically affect timely, safe, evacuation of coastal resident if/when the need arises.

3) The draft before you was only made available to the public last Thursday. Substantial comments were submitted by at least 2 developers including a 34 page letter by the attorney for the Dunes Beach Development. Changes were made to the last draft reviewed by the Commission without public review by the Planning Commission or an opportunity for public comment.

I recommend that the Council postpone the adoption of the LUP tonight until the following actions are taken:

- Convene public meetings of relevant agencies , e.g., the council, the county, CalFire, Caltrans, and any other agency involved in protecting the safety of the coastside, to address the increased risk of wildfires on the coast and recommend changes to the plan that would protect residents, not increase danger to us. Then direct the Planning Commission to consider the recommendations and modify the relevant sections of the Plan;

- If you choose to ignore this recommendation, at a minimum refer this draft back to the Planning Commission to review any comments made since their review of last draft AND allow adequate time for the public to review and comment on any new changes to the draft.

Thank you.

Ellen Koland

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 4:21 PM
To: Brittney Cozzolino
Subject: Preserve Dunes Beach -- Empty Economic Calories

From: Gerard Mooney
Sent: 29 September 2020 11:04:21 (UTC-08:00) Pacific Time (US & Canada)
To: Adam Eisen; Robert Brownstone; Deborah Penrose; Harvey Rarback; Debbie Ruddock
Subject: Preserve Dunes Beach -- Empty Economic Calories

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable HMB Council: Adam Eisen, Robert Brownstone, Deborah Penrose, Harvey Rarback, and Debbie Ruddock

I would like to register my thoughts with you regarding the Dunes Beach Proposal prior to this weeks Council meeting where the Final Draft of the LCP will be voted on. I am not anti growth but I am for Smart Growth. More and more communities around the country are reconsidering their growth at all costs as they have not realized the economic benefits promised by developers and corporations. Why? Because the economic costs over time far out way the promised jobs and tax inflows. The developers make their money and move on. The community is left with increased traffic congestion and upkeep of roads, water, sewer, housing and education infrastructure and the destruction of environment, and the list goes on. These types of development are more often empty economic calories that destroy the fabric of communities like HMB.

Before the latest draft of the LCP is voted on and approved I urge you to hold open and complete public hearings. The impact on our community demands nothing less.

Thank you in advance for listening to community input.

Gerard Mooney
[redacted]

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 4:07 PM
To: Brittney Cozzolino
Subject: FW: development in northern HMB/Miramar

From: Jessica Hope [redacted]>
Sent: Tuesday, September 29, 2020 2:42 PM
To: Adam Eisen <AEisen@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>
Subject: development in northern HMB/Miramar

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, kind leaders of our lovely community! Thank you for your service.

I heard there are a new hotel and conference center, as well as a big housing complex, proposed just south of Miramar. As far as Dunes Beach, I know the city needs to do whatever it needs to do, but I really hope that everything is being done completely transparently. I want to know that if decisions are being made because of money, that we can all see where the money is flowing - and that that money will be flowing INTO our community and not out of it.

I am particularly anxious about Rocket Farms's continued negative impact on our area because of their unconscionable light pollution. My understanding is that the owner lives near L.A. and doesn't care that his lights illuminate our night sky for many miles in every direction. If he has money to invest in his operation here, it should be to first pay local people to either install covers on his greenhouses or covers/shields/cones on his lights so they only illuminate downward. Only then can he be granted permission to do anything else. **Please use your power to force the owner of Rocket Farms to end his light pollution before you give him the right to do anything new in our area.**

Thanks very much!
Jessica Hope
[redacted]

"A global shift towards a plant-based diet is vital to save the world from the worst impacts of climate change." - United Nations (2010)

https://nutritionstudies.org/could-changing-our-diets-defeat-covid-19/

https://ijdrp.org/index.php/ijdrp/article/view/193/139

https://plantpurecommunities.org/defense-against-covid-19/

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 6:04 PM
To: Brittney Cozzolino
Subject: LCP

From: Ozhmb
Sent: 29 September 2020 17:47:36 (UTC-08:00) Pacific Time (US & Canada)
To: Deborah Penrose
Subject: LCP

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dr. Penrose,

Tomorrow you will be taking action on a “Final Draft” of the LCP Update.
My understand is that you recently received a 34 page letter from the attorney of the Dunes Beach owner/developer in which changes have been made to the document that were not passed through the Planning Commission or the general public. I see this as wrong. You are not getting the community input on this entire process.

After having the privilege of living on the coastside for 35 years it appears that our city is only looking at the money that is coming in from large projects like hotels or even subdivisions or even larger ones such as Dunes Beach. Have you noticed the amount of traffic we have had to deal with since the tunnel opened? How we are landlocked almost every weekend? I worry about families and especially the elderly that need emergency care and can not get an ambulance to their home. Or firefighters dealing with fires due to the congestion on our roads. If we keep building large projects as stated we will never be able to go anywhere. The city complains that locals cant shop locally well that’s because we cant get out on our roads!!!!!

I moved here decades ago for the beauty and serenity and needless to say the serenity has disappeared. Now you are willing to give up the beauty by approving Dunes Beach as well as other large scale projects at or near that location. Do you ever get out and walk the bluffs? Isn’t it crowded enough?

Half Moon Bay is becoming another Santa Cruz with the traffic. They built another lane in their city on Highway 1 through their town but we don’t even have room to do that. I am not proposing that. We need to keep the beauty, wildlife, agriculture and our coastside!

Please reconsider taking action tomorrow evening. The LCP is long and complex and needs a full and fair airing, the residents of Half Moon Bay and the entire coast need to be heard.

Thank you for taking time to read this and hopefully reconsidering approving the LCP.

Sincerely,

Brittney Cozzolino

From: Lisa Maulhardt [redacted]
Sent: Tuesday, September 29, 2020 4:21 PM
To: planhmb
Subject: Public comment: For the record at HMB City Council meeting 9/30/2020

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilmembers:

Having been evacuated during the 2017 Tubbs fire, and as a 17-year Coastside resident and homeowner who is glued to ARCGIS maps and Pulsepoint apps and the like since the CZU Complex fire, I have a particularly strong opinion about prioritizing growth over safety and humanity here on the coast when it comes to decisions that affect traffic and access to emergency services--which the Dunes Beach development certainly will.

Please do not approve the LCP update tomorrow. It is unnecessary from a timing perspective, and it is potentially dangerous to rush this consideration. The developers' attorneys are pushing too quickly to accommodate a thoughtful review by the Planning Commission and by constituents. There is a process we should abide by -- we don't want to look back ten years from now and if living conditions have degraded accordingly, or (god forbid) a disaster has caused massive tragedy here on the coast, realize that another few weeks studying a document might have made the difference. Please fight for that valuable time.

Thank you for considering my comments. Thank you in advance for thoughtfully stewarding the future of this community.

Lisa Maulhardt

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 5:22 PM
To: Brittney Cozzolino
Subject: LCP Update Final Draft tomorrow

From: Maj-Lis Voss
Sent: 29 September 2020 16:52:03 (UTC-08:00) Pacific Time (US & Canada)
To: Adam Eisen; Robert Brownstone; Deborah Penrose; Harvey Rarback; Debbie Ruddock
Subject: LCP Update Final Draft tomorrow

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilmembers:

Regarding the proposed LCP Update “Final Draft” tomorrow, an approval as it stands now is a mistake. The proposed development will negatively impact the coastside for generations to come. It will create just another sad looking town overtaken by hotels, RV parks, parking lots, and overflowing trash containers.

More time and effort is needed to research and study long term impacts of the proposed development on the economic and social environment. Community assessments should be carried out, and traffic, transportation, and housing needs quantified. Coastside residents and the environment in which they live should be the priority for decision makers, and their opinions should be actively sought in decisions that greatly impact their lives.

Development of this exceedingly fragile environment will have repercussions that are irreversible. Local infrastructure will be overwhelmed, emergencies will create havoc and suffering, and the coastside will no longer be the unique natural environment many of us sought out and moved to. Developers and corporations are not concerned with these issues.

I urge you to halt this process, to postpone approval of the LCP Update, and to return the document to the Planning Commission for further research and input from our community.

Thank you,

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 5:16 PM
To: Brittney Cozzolino
Subject: Surf/Dunes Beach PUD

From: Philippa Barr
Sent: 29 September 2020 16:53:22 (UTC-08:00) Pacific Time (US & Canada)
To: Deborah Penrose
Subject: Surf/Dunes Beach PUD

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Subject: Surf/Dunes Beach PUD

Dear Half Moon Bay City Council members,

I write again as a property owner in the Surf/Dunes Beach Planned Unit Development (PUD).

For some time it has been my understanding that since the text in our current Local Coastal Program (LCP) requires that the PUD be "planned as a unit," that during the preparation of a Specific Plan, that there would be at least some attempt at consultation with minority property owners such as the Coastside Land Trust and me. That this has not occurred to date, despite two previous correspondences regarding this matter, one from my attorney, is very disappointing.

There is similar wording in the update before you but as of this writing, I have not been consulted AT ALL.

I now see that changes to the draft update are being made at the late request of the attorney/advocate for the Surf Beach/Dunes Beach project without Planning Commission or public engagement.

Because it seems that my concerns have been relegated to general public comment status rather than as that of a property owner in the PUD, I have instructed my attorney to attend the September 30th meeting and then respond to make sure that my interests and those of others are considered.

It is very important, given the serious impacts of these changes to our LCP, that the public be given a chance to participate in more than just two Zoom meetings. It is my hope that you, as elected officials, will arrange for a process that will allow your constituents to more deeply engage.

Sincerely,

Philippa Barr

[redacted]

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 4:04 PM
To: Brittney Cozzolino
Subject: Letter for HMB Council Meeting 9/30/2020

From: Stacey Redman [redacted]>
Sent: Tuesday, September 29, 2020 3:46 PM
To: Debbie Ruddock <DRuddock@hmbcity.com>
Cc: Stacey Redman [redacted]>
Subject: Letter for HMB Council Meeting 9/30/2020

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September 29, 2020

Dear Councilmember Ruccock,

My husband and I are residents of El Granada. I have lived on the coast for a little over 7 years. I grew up in San Carlos and frequented the coast on a regular basis with my parents and siblings and then later with friends and then with my own children as they grew. My son now brings his 3 boys to the coast to enjoy the ocean, the beaches and the wildlife that has been lost on the Peninsula because of careless development that has taken place in the Bay Area.

I am deeply concerned and vigorously oppose the Dunes Development. This development is being proposed by interests that (I do not believe) have our coast and our quality of life here on the coast in mind.

I was shocked and disappointed to hear that after receiving a last minute 34 page letter from legal counsel representing the Dunes Developer you chose to make edits / changes to the LCP documents that were not vetted properly with either the Planning Commission or the general public. In my opinion the developer is using back door methods to subvert the community input. The LCP document is long and it is a very complex issue that needs a full public airing.

I am also opposed to a possible 300 unit duplex project that is being considered/planned by Rocket Farms. This will only compound the situation and create a nightmare of traffic and infrastructure needs here on the coast.

We have a fragile ecosystem of land and wildlife - both of these projects would inevitably negatively impact or destroy this system forever. The recent pandemic, wildfires and crowds should have woken us up to the minimal access roads in and around the coast and reinforced the fact we DO NOT have the infrastructure to allow these large developments.

Living on the coast is a great experience and we are more than willing to put up with Pumpkin and holiday traffic along with those wanting to access the beaches on a warm day. In my view, it is reckless to consider these developments and theLCP draft does not adequately address the concerns surrounding traffic and emergency access. This is a safety issue on top of everything else.

Additionally, I believe it will ultimately hurt the downtown HMB business as those of us north of town will not be able to get into town (we sometimes cannot now) due to traffic on Highway 1.

For all of the reasons above we adamantly oppose this proposal to build this Hotel complex or residential units on the Dunes property. We do not intend to be insulting to anyone on the Council, however, we want to say “WHAT ARE YOU THINKING”? The future of this fragile coast side is in your hands.

If the beauty of the wild life, the importance of open spaces to our environment, the protection of our beaches, the quality of life for residents does not compel you than I am not sure what will…..

No action should be taken to approve ANYTHING in regards to these developments without the proper input from the residents here….We have been under SIP during a Pandemic and this has enabled meetings to be virtual (which some residents do not have access to or feel ignored). Please wait until in person hearings can be held.

Respectfully,

Stacey Redman and Allen Cunningham

[redacted]

[redacted]

--

Stacey Redman

[redacted]

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 4:13 PM
To: Brittney Cozzolino
Subject: Dunes Beach

From: steven.slomka
Sent: 29 September 2020 10:14:49 (UTC-08:00) Pacific Time (US & Canada)
To: Deborah Penrose
Subject: Dunes Beach

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Deborah -

This is not the Supreme Court. Please give everyone a chance to read, understand and comment on the new proposal.

Thank you.

Steve Slomka
Frenchman's Creek

Sent from my Samsung Galaxy smartphone.

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 4:23 PM
To: Brittney Cozzolino
Subject: Final Draft of the Local Coastal Program Update

From: Vic Froelicher [redacted]>
Sent: Tuesday, September 29, 2020 10:25 AM
To: Adam Eisen <AEisen@hmbcity.com>; robert brownstone <robert.b.brownstone@gmail.com>; Deborah Penrose <DPenrose@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>
Subject: Final Draft of the Local Coastal Program Update

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members

The upcoming meeting tomorrow regarding a "Final Draft" of the Local Coastal Program [LCP] Update is premature especially with two important additions aimed at accelerating growth on the HMB coastline in the Dunes Beach area. You are to be commended for the thoughtful Update that guides development and preservation in Half Moon Bay and Dunes Beach. However, my wife and I are very concerned because after receiving two extensive proposals for projects on both sides of Highway One at Dunes Beach**,** changes were made to the document that were not evaluated by the Planning Commission nor the general public. This is a subversion of the community input process by the developers. The LCP is long and complex and needs a full and fair airing. We request that the Council delay approving it till there is adequate evaluation and discussion.

There are problematic aspects in the LCP draft, particularly inadequate concern with the traffic impacts of new development on Highway 1. With increased fire dangers, unchecked development along this important evacuation/emergency vehicle route is dangerous and a matter of public safety. Even now on weekends we are nearly trapped in our neighborhoods with Hghway One looking like a parking lot. Accidents are caused by all this congestion as evidenced by the ambulance sirens. Many of us are senior citizens with complicated illnesses whose access to emergency health care would be obstructed at these times.

My wife and I strongly object to the development of the Dunes Beach Hotel/Conference Center Resort and RV Park and the 300 duplex unit residential development . There already are adequate facilities for vacationing visitors to our beaches and city. On the weekends our beaches, restaurants and hotels are adequate for the crowds coming over 92 or on Hghway 1. Trying to add more attractions makes little sense except for the developers who will be the only ones benefiting while they decrease the aesthetics of our coastline and our small beach town ambiance. We are very concerned about impacts of these developments on traffic, the

loss of prime agricultural soils, wildlife, ocean views, and public safety [packed evacuation routes and obstructed emergency access].

Please delay releasing a final statement regarding growth in our beautiful town till the impact of additional projects, specifically those affecting the Dunes Beach area, are evaluated.

Susan and Vic

[redacted]

Victor Froelicher MD, FACC, FAHA, FACSM, KN6GSI
Emeritus Professor of Cardiovascular Medicine and Sports Medicine
Board of Directors, Coastside Emergency Corp, 2020
Former Lt Colonel USAFMC

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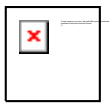
(*) \ (*) 

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 4:11 PM
To: Brittney Cozzolino
Subject: Do Not Proceed: Dunes Beach and Rocket Farms Development Vote

From: Thea Sullivan
Sent: 29 September 2020 09:54:58 (UTC-08:00) Pacific Time (US & Canada)
To: Adam Eisen; Robert Brownstone; Deborah Penrose; Harvey Rarback; Debbie Ruddock
Subject: Do Not Proceed: Dunes Beach and Rocket Farms Development Vote

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Hello City Council Members,

The COVID-19 pandemic has put a spotlight on the fragile infrastructure of the Coastside. The massive influx of visitors has led to unprecedented traffic and strain on our small community. Since the beginning of the summer, residents (and voters) have been asking you for a comprehensive plan to keep our residents, our visitors, and our environment safe. So far, the response from the City Council and the City Planning Commision, has been passive and lackluster. Now, with a critical vote scheduled to permit massive building projects, I urge the Council to delay any vote until 1) the community has had a chance to review the last minute documents received from the attorney of the Dunes Beach owner/developer, and 2) clearly stipulate that ANY new major building plans need to include related infrastructure plans to ensure safety and funding for residential impacts (roads, schools, coastside, sewer/flooding, etc.).

We have clear evidence that tourism is not the best or only solution for the Coastside. The City Council members, along with the Planning Commision, are charged with looking out for the best interests and safety for our residents. Rubber-stamping the proposed development is ignoring the concerns of the residents, as well as setting the Council up for lawsuits when these "passive" decisions begin to endanger the lives of locals. Additionally, with an election coming on the horizon, I would also suggest that the council postpone any vote until the new city council members are elected and can more adequately reflect the voice of the constituents.

Thank you for hearing my opinion. I know that I am joined by others who feel that 1) it would be premature to vote at this time without giving the public time to review any updated documents and 2) no building plans should be voted on unless they clearly address the impact of the additional sites on traffic, water, schools/community, etc.

Sincerely,
Thea Sullivan
[redacted]

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 4:18 PM
To: Brittney Cozzolino
Subject: Do not approve LCP Draft Update

From: Warren Wolfeld <[redacted]>
Sent: Tuesday, September 29, 2020 1:21 PM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: FW: Do not approve LCP Draft Update

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Eisen and Councilmembers Brownstone, Penrose, Rarback and Ruddock:

Thank you for your dedicated service to our community.

I understand that the Council will be receiving a presentation from Staff about the proposed LCP Update "Final Draft" tomorrow, after which the Council may vote to approve it in its present form. In my view that would be a massive mistake, likely to impact HMB and the Coastside for many years.

In particular, I note that lawyers for the Dunes Beach Hotel developer recently submitted a huge letter (34 pages!!), and that staff made changes to the LCP Draft in response to that letter. Neither the Planning Commission nor the public have had an opportunity to study the changes carefully. The LCP is lengthy and complicated and much more time is needed to allow your busy constituents to evaluate and comment on these changes. And the Planning Commission, which has the necessary expertise and perspective, also must be given this opportunity.

The changes made to the document in response to the developer's lengthy letter are of particular concern because the letter naturally is tilted in favor of the development. The public has not had time to study the changes and consider their impact. In fact the last-minute submission of the letter seems to have been calculated specifically to avoid sufficient consideration and comment by the public, by Staff, and by yourselves. I implore you to **slow down** the process to allow such study, and also to return the document to the Planning Commission for their own expert input. I would oppose any changes to the document which are not clearly required by law, and which would make it any easier to have the Dunes Beach project approved. We must not allow the cynical tactics of the developer's cronies to subvert our own careful consideration by all the right people.

The recent wildfires have greatly underscored the inappropriateness of the Dunes Beach Hotel development. What will we all think when the fires return, which they will? What will we all think when El Granada, Montara, and even HMB are burning, and the only escape routes on Highway 1 are clogged up from traffic trying to get out of Dunes Beach? And when the only routes for firefighters to get into the burning communities are blocked by that very same traffic? You may recall exactly that nightmare in the Oakland Hills firestorm in 1991, which ultimately killed 25 people, injured 150 others, and left a large portion of the community in shambles. What will your constituents think about the Council's urgency to finish the LCP tomorrow, without sufficient attention paid in the document to the traffic impacts of the development? Currently there is far too little attention paid in the document to those impacts.

Given the actual experience of the recent wildfires so close to our community, the Council's vote tomorrow to approve an LCP Update without sufficient attention to the traffic impacts could literally have life-and-death consequences.

I acknowledge that the LCP Update has been long in coming, and now that progress seems to have been made, the Council may feel a sense of urgency to complete it while the momentum exists. Councilmembers may even feel an urgency to complete it prior to the upcoming election. Those are the wrong reasons to vote tomorrow to approve it. Rushing it through, without a full vetting and opportunity for expert and public comment, would be a huge mistake. **There is no particular necessity to approve the document at tomorrow's meeting. The necessity is to get it right, not to get it done**.

Thank you for considering my comments, and for postponing any approval of the LCP Update until the newest changes can be fully vetted.

Best regards,
Warren Wolfeld

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 6:41 PM
To: Brittney Cozzolino
Subject: LPC Update

From: Johanna Mayer [redacted]>
Sent: Tuesday, September 29, 2020 5:32 PM
To: Harvey Rarback <HRarback@hmbcity.com>; Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: LPC Update

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Dear Member of the Half Moon Bay City Council,

It is my understanding that the City Council may be planning to vote on an LCP Update tomorrow after it was revised by city staff in response to a 34 page letter from the lawyers representing the proposed Dunes Beach project developer. This is without an opportunity for adequate public review and assessment of the implications of these changes to the LPC.

As citizens, we have often been reassured that there will be ample time for review and discussion of any large development proposal, but then there seem to be sudden votes and meetings that are too short, infrequent or preclude adequate public input. Please let me know how I can view the developer's letter regarding the LPC review as well as the staff's analysis and recommendations. These documents should be made available to the public prior to any discussion, with ample time for review. Further, the planning commission needs to be involved in any process that alters the LPC.

I recall attending a meeting with a representative of the developer who attempted to reassure the public that the process would be open and input would be solicited. I also recall her contention that the developer has a "right" to profit from his/her investment. Where is this right guaranteed? If one invests in the stock market, one takes a risk of loss. Land speculation is no different. The residents and taxpayers in this community have rights and our local government has a responsibility to protect the community from quality of life degradation and to protect public safety that would be compromised by excess use, such as traffic snarls that could impede evacuation in the event of the kinds of disasters that are becoming more frequent. Traffic on weekends is already a nightmare for residents. The promised financial benefits from development fail to come close to the costs to the community, if they manifest at all.

Another aspect of quality of life has to do with loss of open space and natural habitat, which is crucial to maintaining our ability as humans to live in harmony with the natural world. This balance is vital to the health of our population and natural environment as well as to the health of our agricultural and tourist industries. I cannot bear to contemplate the impact of a hotel and RV lot in my neighborhood on the roads, the beach trail and the beaches themselves. We do not have the resources to manage the current influx. The development of the land near Dunes Beach would represent a tragic loss of a beautiful space that supports health and wellbeing of life, human and wildlife.

I have lived here for 34 years and seen many changes that have required adjustments and sacrifices from those of us who call Half Moon Bay home. The Dunes Beach project and any large development in this area is unthinkable.

Please slow down this process so that the influences in City government are fully transparent.

Sincerely,
Johanna Mayer
[redacted]
Half Moon Bay, CA 94019

Sent from my iPad

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 6:41 PM
To: Brittney Cozzolino
Subject: Council Meeting 9_30_2020 Dune Beach Hotel and RV Park

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From: [redacted]
Sent: Tuesday, September 29, 2020 6:07 PM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: Council Meeting 9_30_2020 Dune Beach Hotel and RV Park

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HMB Council
Adam Eisen
Robert Brownstone
Deborah Penrose
Harvey Rarback
Debbie Ruddock

Dear HMB Council members,

Before the HMB City Council meeting tomorrow I would like to voice my opposition and share my concerns about the planned Dune Beach Hotel and RV Park. In my opinion any new large facility that will bring more visitors, increase traffic and stretch local resources is not in the interest of local residents. We all remember how many local residents suffered recently from a flood of visitors that brought all kinds of issues. A regular commute to work, shopping, medical visits were difficult already for some time. (I do not even want to think how more visitors and more dense population would farther complicate the evacuation). Because of a high demand for electricity we experienced blackout warnings on almost a regular basis. The new resort will bring thousand, or more vehicles each day, the conference center, all AC-ed luxury suites and the RV park will need vast amount of electricity and water. While pictures of the resort are showing a relaxing atmosphere for visitors, local residents will be stripped of a favorite place and views.

I think that a legitimate interest and a quality of life of local residents is more important than a profit of a large corporation and tax revenues.

Sincerely

Peter Strop
[redacted]
Half Moon Bay, CA 94019
9_29_2020

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Tuesday, September 29, 2020 7:57 PM
To: Brittney Cozzolino
Subject: Dunes Beach - progression of process is concerning

From: JLogan <[redacted]>
To: Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Adam Eisen <AEisen@hmbcity.com>
Subject: Dunes Beach - progression of process is concerning

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Dear HMB City Council Members: In this so very complicated time in our lives - I would like to express concern based on what I have been made aware of regarding the large coastside property commonly referred to as Dunes Beach.

Underlying all is that there is a huge property that appears to be under assault from development in ways that will forever negatively affect how we live here :::
Traffic - already a complication, emergency services - inability to get to me and you in event needed;
unlikely to benefit our Community financially ---- what income will support the services that will be demanded?,
the incompatibility with rural views and nature.
For instance, I have experienced traveling and staying in a large Class A RV ----- and there is no way around it, they are cumbersome upon the road - especially those that are what we depend on for our daily lives (needing long distances to slow down and speed up, places to make U-turns, block vision of other drivers/vehicles, etc. They are more suited to major multi-lane roads), they are cumbersome in the RV Park, they completely block views, do not fit in with what makes the coastside the Coastside.

I do hope that the process in undertaken in an orderly manner always ---- and without changes that are not fully and with due consideration vetted. This is no time for a late addition as I have heard about to cause changes or allowances to a carefully prepared LCP Update. Don't want to hear --- wish we had halted the vote and taken the time.

Thank you all for your dedication to 'us'. This is not the time to allow cracks to insert into a document that will guide us for decades.
Regards,
Joyce Logan

Brittney Cozzolino

From: Jill Grant <[redacted]>
Sent: Tuesday, September 29, 2020 7:42 PM
To: planhmb
Subject: Comment to LCP 2020 - page 2

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Please define coastal-dependent and coastal-related development versus other development. Which category does Dune's Beach fall under?

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

Stay healthy and happy!

Jill Grant

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 7:27 AM
To: Brittney Cozzolino
Subject: No, No & No to Dunes Beach Development

From: Kit O'Doherty <[redacted]>
Sent: Tuesday, September 29, 2020 10:31 PM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: No, No & No to Dunes Beach Development

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City Council Staff and Members,

Thank you for your service, I know your roles are mostly unenviable.

I attended a previous city council meeting the date of which I cannot remember, but I do remember a packed out room with individual after individual voicing strong opposition to the Dunes Beach Development. There was no support in the room that I can remember for this development, if there was, it paled in comparison with the outcry of concern. As a council you have heard, loud and clear, over and over what your constituents want - and they DO NOT WANT the Dunes Beach Development. Your job now, is to use your position of power and commitment to represent, to ensure the development does not happen:

NO: to any changes to the final draft of the LCP update based on a last minute 34 page letter from the attorney of the Dunes Beach owner/developer - absolutely unacceptable
NO: to approving of the LCP Update Draft at tomorrow's meeting
NO: to any additional proposed large scale developments e.g., Rocket Farms proposal (sheesh)

The community has spoken and doesn't have the time or capacity to show up at every meeting repeating the same message over and over and having it fall on deaf ears. Now is the time to act on what you have already heard. My support for this council depends on it.

Kit O'Doherty
[redacted]
Half Moon Bay, CA 94019
[redacted]

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 8:08 AM
To: Brittney Cozzolino
Subject: Opposition of LCP Draft Approval for 9/30/20 Meeting

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From: Teresa Bowerman
Sent: 29 September 2020 11:26:39 (UTC-08:00) Pacific Time (US & Canada)
To: Adam Eisen; Robert Brownstone; Deborah Penrose; Harvey Rarback; Debbie Ruddock
Subject: Opposition of LCP Draft Approval for 9/30/20 Meeting

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Aeisen, Vice-Mayor Penrose & Half Moon Bay City Council Members,

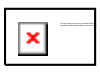
I am submitting this letter to you in opposition of HMB City Council approving the LCP Update Draft. Additionally, I oppose any future development(s) of the Dunes Beach area for Dunes Beach Hotel/Resort RV and/or otherwise.

Development of Dunes Beach will impact our scenic corridor and ocean views on Hwy 1 along with wildlife, our ecosystem, open space preserve, and create additional gridlock traffic congestion for our two-lane road. Additionally, now with increased fire danger, it will pose serious public safety for resident evacuations and emergency vehicles to access the highway.

Thank you for your attention to this urgent matter.

Very truly,

Teresa Bowerman
Coastside Resident



Virus-free. www.avg.com

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 8:20 AM
To: Brittney Cozzolino
Subject: Dunes Beach Development - Please don't rush approval

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From: David Chang [redacted]>
Sent: Wednesday, September 30, 2020 6:54 AM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: Dunes Beach Development - Please don't rush approval

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To: HMB City Council

This is an unprecedented time we are all experiencing. Even without a global pandemic, the social and political fabric of our country was fraying. The last thing we need now is to lose faith in our local governments, that they are failing to represent the interests of the people they serve.

The LCP for the Dunes Beach project feels like there has been inadequate time for the community to review and comment. I don't know yet, whether I am for, or against it. But I do know that we should take a considered approach towards the review of a project that could have such a significant impact on the City, the Coastside residents, and visitors.

Please allow the time for a thorough community review before taking your vote.

Sincerely,

David Chang
Montara

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 10:08 AM
To: Brittney Cozzolino
Subject: LCP update

From: Diana Purucker
Sent: 30 September 2020 09:08:28 (UTC-08:00) Pacific Time (US & Canada)
To: Deborah Penrose
Subject: LCP update

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Penrose,
Please slow down in your consideration of changes to the LCP to allow time for careful consideration of the potential impacts of the modifications.
As a coastside resident, I am concerned about the addition of any major project which will increase the number of cars on routes 1 and 92. With the continuing effects of climate change on our environment, it is increasingly likely that a weather or fire incident will necessitate an evacuation at some point. The limited access is already a huge concern.
We live in a lovely bubble, but it is not impenetrable. Please give the changes to the LCP very careful thought before making any decisions. The point is to get it done right, not just to get it done.

Thanks for your attention.
Diana Purucker

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 10:52 AM
To: Brittney Cozzolino
Subject: LCP and Dunes Resort

From: [redacted]
[redacted]43:09 (UTC-08:00) Pacific Time (US & Canada)
To: Adam Eisen; Robert Brownstone; Deborah Penrose; Harvey Rarback; Debbie Ruddock
Subject: LCP and Dunes Resort

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,
I am writing to request that you NOT approve the LCP update tonight.
The public and Planning Commission MUST have time to review ANY changes made in response to the letter you received from the Dunes developers.
And, to be clear, I am adamantly opposed to any LCP changes that would make it easier to approve their project.
We simply cannot handle the traffic and safety risks – let alone the environmental impact. It's the wrong project in the wrong place.
Thank you for listening to and acting upon the will of the people of the Coastside.
Sincerely,
Kristy Koberna

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 11:05 AM
To: Brittney Cozzolino
Subject: No Approval for LCP Update Tonight

From: Beth Pielert <[redacted]>
Sent: Wednesday, September 30, 2020 10:57 AM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: No Approval for LCP Update Tonight

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilmembers,

I understand that tonight's agenda includes the possibility of you approving the LCP Update. It has come to my attention that the developer for The Dunes Beach Hotel submitted a 34-page letter, which resulted in city staff adjusting the LCP update without proper vetting from The Planning Commission.

This looks bad. It is not okay for the developer to bypass community input, nor is it okay for a city worker to help them do it. This LCP has, in my opinion, been tampered with and as a council, I urge you to review it carefully before approving. Furthermore, I would like the city employees who bypassed the proper process of involving the The Planning Commission investigated.

As someone who is intimately involved with the community here on the Coastside, I, along with many community members have consistently opposed The Dunes Beach Hotel project.

Rushing through this LCP update benefits only the developer. I urge you to take the time needed to review a proposal that has enormous, negative ramifications on our community here in Half Moon Bay.

There are numerous reasons why The Dunes Beach Hotel project does not benefit the community. I liken this proposal to 'paving over paradise'. The stretch of Dunes Beach is currently an open space, home to wildlife, native plants and clear views to the ocean from Hwy 1. The Dunes Beach Hotel will literally pave this over, seal off the views and have a huge impact on our already overburdened single lane road in and out of our community. Not to mention the enormous water and sewage impacts this hotel will have, competing with the current residents and farmers which we cherish.

The recent CZU Lightning Complex fire we all suffered from, and which I was intimately involved with as a member of SMC LAEG (San Mateo County Large Animal Evacuation Group) further underscores how deadly additional traffic burdens can be on our community.

Thank you for reading my letter and for not approving an LCP update which has been tampered with and requires thorough investigation.

Warmly,

Beth Pielert
Miramar Resident
Filmmaker
ALAS Volunteer
CERT & SMC LAEG

Producer/Writer/Director
leavesawaken.com
goodfilmworks.com

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 12:04 PM
To: Brittney Cozzolino
Subject: Dunes Project

From: Rebecca Michael
Sent: 30 September 2020 11:10:13 (UTC-08:00) Pacific Time (US & Canada)
To: Robert Brownstone; Deborah Penrose; Harvey Rarback; Debbie Ruddock
Subject: Dunes Project

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Dear council members,

I am forced to keep this brief, because I have stitches in my finger & can't type well. I'm sure you're fine with that!

I am extremely concerned on so many levels about the pending Dunes project. My #1 concern is safety. This massive project, when finished, will not only destroy the pristine beauty of this area forever, but it will also cause major traffic in & out of our coastside. My biggest fear is when we have a major disaster, like fires (highly likely with climate change), earthquakes, tsunamis, etc. I recently graduated from the most recent CERT class, and it was frequently brought up that there are really only 2 ways in & 2 ways out of our area. First responders getting into this area will be very difficult, not to mention evacuating! I shudder to even think about it. Why would any sane person even consider this disaster of a project?! Please do whatever you possibly can to stop this nightmare for the safety of all coastsiders, including yourselves. Also, if this project is approved, please remember that once this precious property is built on, there is no going back. It is ruined forever.

Thank you,
Rebecca Michael

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 1:22 PM
To: Brittney Cozzolino
Subject: LCP Update, Final Draft~

From: IRMA MORAWIETZ <[redacted]>
Sent: Wednesday, September 30, 2020 12:10 PM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: LCP Update, Final Draft~

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Dear Council members:

I understand that the Council will be receiving a presentation from Staff about the proposed LCP Update "Final Draft" today, regarding Dunes Beach project.
The LCP is a complex document and we as a community have not been given adequate time to review it.

I am very concerned because this last minute 34 page letter from the attorney of the Dunes Beach owner/developer, City staff made changes to the document that were not vetted with the Planning Commission nor the general public during the Commission's input process.
This is a blatant attempt by the developer to subvert the community input and process.The LCP is long and complex and needs full and fair airing!

We don't need the Dunes Beach project with its Hotel/Conference Center Resort and RV Park and other future major development near that location (e.g., 300 duplex unit and residential development.

Have you seen the traffic lately and it's not even Pumpkin Festival and it is only going to get worse! If, there is an emergency like a fire or an accident situation, there is no place to go.

Let's not destroy what beauty there is is left on the coast, there are enough developments happening when people built new homes. Let's do it one home at a time and not tax our environment, safety and mental health.

All in our community should get to decided what is the best way to serve where we get to live.

Please postpone your decision on the LCP update on the new changes.

thanks, Irma Morawietz

Heal Your Spirit One Massage @ a Time~
Irma Morawietz 'LMT ,CNA, BA, SoulCollage Facilitator®
Licensed Massage Therapist & Certified Nurse's Aide
www.MassageOnTheCoast.com
[redacted]

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 2:08 PM
To: Brittney Cozzolino
Subject: LCP Update and Dunes Beach

From: Ed F <[redacted]>
Subject: LCP Update and Dunes Beach
Date: 30 September 2020 at 1:58:27 pm GMT-7
To: Adam Eisen <aeisen@hmbcity.com>, Debbie Ruddock <druddock@hmbcity.com>, Harvey Rarback <harveyhmb@gmail.com>, dpenrose@hmbcity.com, rbrownstone@hmbcity.com

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Dear Mayor Eisen, Vice Mayor Brownstone and Councilmembers Penrose, Rarback and Ruddock:
The proposed LCP Update Final Draft that is being presented this evening should not be considered until several irregularities in this process are investigated and resolved. The foremost of these are the untoward influence that has been given to the developer/owners of the Dunes Beach properties that are bisected by Young Avenue.

After many of us participated openly and in good faith in the Planning Commission's process for reviewing the LCP, we come to find that a last minute 34 page letter submitted by the lawyer for the developer/lawyers led City staff to make additional changes to the document...changes that benefit the Dunes Beach developer/owners.

The rush to push the LCP through seems like a blatant attempt to skirt public scrutiny of this undue influence. Holding a 'public hearing' and then making a decision in the next week does not allow enough time for the majority of the public to fully review this large and complex document and provide informed input. This occurring on the cusp of private and secret meetings held between this lawyer and individual staff and/or Council members in recent months can lead us to one conclusion: that the fix is in. Without acknowledgement nor transcripts of these secret meetings, the LCP Update and the development process and decision-making on these items borders on the illegal.

The Council has already abdicated its authority to reject the original Dunes Beach proposal out of hand, by denying an amendment to the existing general plan

requested by the developers. We have been given the excuse that the City does not want to risk a lawsuit from the developer. This fear does has some merit, as the Dunes Beach developer/owners have a well-documented history of intimidating several communities in the South Bay and Central Valley allowing them to gobble up thousands of acres of agricultural lands to open them up for pricey developments or hold communities hostage by withholding water rights for prime agricultural lands.
The list of 'coincidental' irregularities goes on -- a list that perhaps warrants investigation by a grand jury.

Even absent this 'extreme' scenario, there remains the irresponsible risk to the community's properties and lives that ANY large scale development on the Highway 1 corridor poses. This fire season, and the prospect of more and more in the years ahead pose an existential threat that should not be ignored. [A threat that is, by the way, ignored in this LCP document] This threat to our lives and health of the Coastside communities Trumps [forgive the obscenity] any claim of individual property rights made by the Dunes Beach gaggle of high-priced lawyers, architectural firms, influence peddlers, and their covert allies in city government, whether they be staff, Commission members, or elected officials. Instead, this existential threat requires that a moratorium on large scale developments along the Highway 1 corridor be enacted, and maintained until a Coastside-wide Commission that includes all stakeholders affected, analyzes the issues and recommends solutions to this threat.

We, the community members of the Coastside will not sit idly by and have our lives put at risk in the name of private profit and political machinations. And we are prepared to halt these developments by any means necessary.

Edwin Ferran
[redacted]
El Granada

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 2:07 PM
To: Brittney Cozzolino
Subject: You live here and would consider this project?

From: MaryAnne Hines <[redacted]>
Subject: You live here and would consider this project?
Date: 30 September 2020 at 1:29:22 pm GMT-7
To: "Aeisen@hmbcity.com" <Aeisen@hmbcity.com>, "Rbrownstone@hmbcity.com" <Rbrownstone@hmbcity.com>, "Dpenrose@hmbcity.com" <Dpenrose@hmbcity.com>, "Hrarback@hmbcity.com" <Hrarback@hmbcity.com>, "Druddock@hmbcity.com" <Druddock@hmbcity.com>
Cc: "jekas@hmbcity.com" <jekas@hmbcity.com>

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Dear Councilmembers:

The Dunes Beach Hotel development is going to have a huge negative effect on our Coastside. The infrastructure of the coastside cannot handle a project of this size. Highway 1 traffic is already really really bad. The city has already proven that it is unable to handle the amount of tourists that descend on this small community. During the fires tourists were begged not to come to the coast so as not to clog the only escape routes and the only routes to get firefighters in. Why is there such a rush to get this development approved? Proper infrastructure and assurance of the safety of the residents of the coastside need to come first.

The fact that you live here and would even consider this project is beyond me. You know that traffic has gotten progressively worse. You also know that the coastside has plenty of hotels and RV parks to accommodate the visitors that do come. WE DON'T NEED ANYMORE. The coastide is already unable to manage the tourists that do come. Our trails, roads and beaches are littered with trash and that is not being managed. It's us citizens that have to go out and clean up after tourists. Not to mention the eyesore this project will be. **You have to ask yourselves why we need this on the coast. We don't, so what is your agenda?**

I understand that there is a 34 page letter submitted from the lawyers of the developers and that staff made changes to the LCP Draft in response to that letter. Neither the Planning Commission nor the public have had an opportunity to study the changes carefully. The public and the Planning Commission, which

has the necessary expertise and perspective, also must be given this opportunity. Rushing it through, without a full vetting and opportunity for expert and public comment, would be a huge mistake.

Thank you for considering my comments, and for postponing any approval of the LCP Update until the newest changes can be fully vetted.

MaryAnne Hines
Montara, California

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 2:18 PM
To: Brittney Cozzolino
Subject: LCP Final Draft

From: STEPHEN Okonek <[redacted]>
Subject: LCP Final Draft
Date: 30 September 2020 at 2:09:50 pm GMT-7
To: AEisen@hmbcity.com, RBrownstone@hmbcity.com, DPenrose@hmbcity.com, DRuddock@hmbcity.com

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Dear HMB City Council Members,

I am concerned that you want to pass the current draft of the LCP tonight. I understand changes have been made since the Planning Commission and the public have had an opportunity to study these changes. I believe both the Planning Commission and the public need time to read and think about and comment on these changes. It is very important to give both the Planning Commission and the public time to understand and ponder these changes, which we have not been afforded. Rushing this process without giving access to the public would most likely lead to a challenge in the courts, further delaying the passage of the LCP.

The developments being considered for the Dunes Beach area, on both sides of Hwy 1, if built, will seriously increase traffic on Hwy 1 (already jammed many days and evenings) and would lead to loss of lives in the event of a fire (a very real possibility lately) or tidal wave or powerful earthquake which would block the exit route for much of the population. In addition, development on the west side of Hwy 1 would close a view corridor and eliminate agricultural acreage. Approving such developments after limiting public access to a changed LCP proposal would be very short sighted.

My plea to you is please return the newly altered LCP proposal to the Planning Commission for review, then allow the public time to review, ponder, and comment publicly on the LCP before voting on it. If you are not willing to do this, I would like a personal response as to why you are rail roading this through.

Sincerely,

Bonnie Okonek
[redacted]

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 3:04 PM
To: Brittney Cozzolino
Subject: Please do not approve the LCP draft tonight

From: Glenda Lee Mahoney <[redacted]>
Subject: Please do not approve the LCP draft tonight
Date: 30 September 2020 at 2:32:08 pm GMT-7
To: Adam Eisen <AEisen@hmbcity.com>, RBrownstone@hmbcity.com, DPenrose@hmbcity.com, HRarback@hmbcity.com, Debbie Ruddock <DRuddock@hmbcity.com>

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Dear city councilors,

I live on Roosevelt Blvd., and I've been notified that you are planning to vote on whether to approve the new draft of the LCP update at tonight's meeting. I have also been told that the attorney of the Dunes Beach developer sent a last-minute 34 page letter that led the city staff to make changes to the LCP that have not been publicized or reviewed by the planning commission.

I urge you not to approve the LCP until the planning commission and the public both have an opportunity to review and comment on these changes. The community overwhelmingly opposes the Dunes Beach Hotel development and it's become obvious that the developer is trying to find ways around letting the residents of Half Moon Bay have any input on what he builds. The hotel would have a devastating impact on local wildlife and be located too close to the coastline to be sustainable in any long-term way.

Also, the traffic impacts of this development would create a huge public safety issue in the event of an emergency. We are currently seeing how quickly people need to evacuate if there were ever a fire threatening the town, and the fact that there are no alternative evacuation routes for our neighborhood besides highway 1 is a real concern. The city council needs to address fire safety and evacuation routes before any further development is approved, and these issues need to be thoroughly addressed in the LCP.

Our community will be voting on city councilors very soon, and I hope that you will continue to focus on public safety and community-serving, downtown-centered growth over developer dollars.

Thank you,
Glenda Mahoney

[redacted]

Brittney Cozzolino

From: Brittney Cozzolino
Sent: Wednesday, September 30, 2020 3:07 PM
To: Brittney Cozzolino
Subject: Final Draft of the Local Coastal Program: Dunes Beach

From: Peter Buranzon [redacted]>
Subject: Final Draft of the Local Coastal Program: Dunes Beach
Date: 30 September 2020 at 2:34:53 pm GMT-7
To: Aeisen@hmbcity.com
Cc: Rbrownstone@hmbcity.com, Dpenrose@hmbcity.com, Hrarback@hmbcity.com, Druddock@hmbcity.com

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Mayor and Council members,

It has been brought to my attention that the HMB City Council will be taking action on a final draft of the Local Coastal Program Update tonight. As you well know, the LCP Update is a long and complex document that requires time to read carefully before having a full and fair hearing. Please delay any action on the LCP Update.

Of particular concern to me is the proposed development at Dunes Beach. Apparently the attorney representing the Dunes Beach owner/developer issued a last minute 34 page letter to the city which resulted in changes to the LCP that were not vetted by the Planning Commission nor the general public. This stinks of subversion to the community input process.

As a 27 year resident of the coast side I am strongly urging you to delay any action on the LCP update until our community has had adequate time to completely review and comment on it. This is the only fair and right thing to do. In addition, I strongly oppose any development of the Dunes Beach area. I remember years ago when another developer wanted to build an “eco” minded facility at the open space near Dunes Beach and he was shut down by a united and strong community opposition.

I know a couple of you and I know that you have lived on the coast side for a long time. You have seen the changes. The traffic has become nearly unbearable, especially from Princeton Harbor down to The Ritz-Carlton. Highway 92 is a parking lot. On the weekends, especially, we have become prisoners in our own homes because of the bumper to bumper traffic. No one wants to go out anymore.

Our infrastructure has been overwhelmed. We cannot afford another development of this nature. The roadways have become more and more dangerous and in the case of an emergency, first responders, including fire and police, would have an even more

difficult time getting through. What if it were your loved one that needed the help but could not get it because of the congested roadways?

The coast side is losing it's sense of place and community. We must choose ***quality*** of life over quantity. Who benefits from this Dunes Beach Hotel/Conference Center Resort and RV Park development? Someone wants to cash in on the treasures of the coast side without any regard to the negative impact that it will have on a majority of the community that live here. Honestly, talk to the people that have lived here for decades. Everyone is fed up with the massive crowds and traffic that have deeply affected the quality of life here.

We must also consider the environmental impact. More pollution from yet more cars. More trash on our beaches left behind by those who do not live here or respect our beautiful coast side. Every hotel and restaurant or building that goes up on the West side of Highway 1 blocks yet another view. Dunes beach and the surrounding land is one of the very few remaining views on this stretch of coast of our beautiful Pacific Ocean. And what about the wildlife that lives in that area? Where do they get pushed out to? I surf and bike and walk that area often and cannot imagine looking up at the shore to see yet another development.

Please do the right thing and delay any action on the proposed LCP update. Do what is right for our community as a whole and help to preserve what is left of our quality of life before it is ruined forever.

Respectfully,

Peter L. Buranzon

Brittney Cozzolino

From: Jill Ekas
Sent: Wednesday, September 30, 2020 4:27 PM
To: Brittney Cozzolino
Subject: FW: Comments for Sept 30 City Council Meeting

From: Debbie Ruddock <DRuddock@hmbcity.com>
Sent: Wednesday, September 30, 2020 4:10 PM
To: Jill Ekas <JEkas@hmbcity.com>
Subject: Fw: Comments for Sept 30 City Council Meeting

Debbie Ruddock
Councilmember
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019
DRuddock@hmbcity.com

From: Marion Adeney <[redacted]>
Sent: Wednesday, September 30, 2020 4:05 PM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>; planhmb <planhmb@hmbcity.com>
Subject: Comments for Sept 30 City Council Meeting

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Dear HMB City Council Members,

I am writing to express my concern about the proposed approval of the Coastal Land Use Plan, and to urge the Council to send this plan back to the Planning Commission to allow for further public comment. My reasons are as follows.

First, although I have diligently tried to follow these proceedings, including calling into City Council and Planning Commission meetings, I have not had adequate time to fully review and comment on the plan. I am sure there are many other community members who feel similarly, especially given the fires and other events of August and September that have occupied our attention.

Second, it has come to my attention that there have been recent changes to the previously finalized Plan because of last minute input from the developer of the proposed Dunes Beach Hotel project, and that these changes have not been vetted through public comment. This is a circumvention of the required public input into this process. Thus, this plan should not be allowed to move forward until an opportunity for such input occurs.

Third, although I have heard many comments in meetings about aspects of the plan, most specifically (although not only) the Dunes Beach development proposal, I have not heard any formal response from the City Council or the Planning Commission to address these concerns. Among many relevant comments, several that stand out are:

1. The lack of need for new large development (e.g., Dunes Beach Hotel project) given COVID-19 and our already struggling hospitality businesses on the coast;
2. The increase in traffic and environmental pressure that such a large development will add to our already strained roads, infrastructure, and ecosystems; and
3. The lack of adequate emergency evacuation routes that would be greatly exacerbated by the additional people and cars that new large development would bring. This last concern becomes even greater with the addition of a 300-unit housing development also proposed near the Dunes Beach site.

To these very practical concerns, I add the negative impacts of large developments on environmentally sensitive ecosystems and the rural character of our coastline. These last two are close to my heart and those of many coastal residents. However, the lack of adequate evacuation routes, and the impact said proposed developments would have on an emergency evacuation is foremost in many people's minds. In fact, our coastal communities were recently identified in a nationwide study as areas with limited evacuation routes in case of an emergency. With the unprecedented growth of catastrophic fire impacting our state (most recently as close as Pescadero!), I urge the City Council to seriously address this public concern, first of all, by not approving this Land Use Plan with last-minute, un-vetted changes.

Finally, although I have heard many comments voicing opposition to aspects of the Land Use Plan, I have not heard the City Council or the Land Use Planning Commission directly address these community concerns. I don't see how we can consider this a transparent and participatory process if the concerns of the community are not addressed. For all the reasons explained above, I urge you to send the Land Use Plan back to the Planning Commission to allow for adequate public comment to the proposed changes. Furthermore, I urge the Council and the Commission to respond to public concerns in a transparent way before any Land Use Plan or development project is approved.

Thank you for your consideration.

Best,

Marion Adeney
Montara Resident

--
****
Marion Adeney, PhD
[redacted]
****

Brittney Cozzolino

From: Jill Ekas
Sent: Wednesday, September 30, 2020 4:26 PM
To: Brittney Cozzolino
Subject: FW: Delay approval of LCP Update

From: Debbie Ruddock <DRuddock@hmbcity.com>
Sent: Wednesday, September 30, 2020 4:11 PM
To: Jill Ekas <JEkas@hmbcity.com>
Subject: Fw: Delay approval of LCP Update

Debbie Ruddock
Councilmember
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019
DRuddock@hmbcity.com

From: [redacted]
[redacted] PM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: Delay approval of LCP Update

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Dear HMB Council:

Please do not approve the LCP Update draft tonight. Its approval process should be slowed down for sufficient public review time.

Coastside open space is a treasure which, once given away, cannot be regained. We oppose any changes to the LCP which would make it easier to have the Dunes Beach project approved. The majority of citizens who pay attention to development on this coast oppose this project. Long-held community values include maintaining HMB's small-town character, preserving its surrounding agricultural lands, and guarding its scenic views. The current LCP requires protection of scenic views between the highway and the ocean. The Dunes site currently provides habitat for a wide variety of wildlife which would not survive the impact of such development.

Extra hotel rooms and conference center are NOT needed in HMB. The city's hotel occupancy rate in 2018-2019 was only 65%.

Furthermore, location of the proposed Dunes development is along one of the worst traffic sections of Highway 1. Development here would be a public safety issue.

Please slow down consideration of the LCP Update and allow time for adequate public input. Furthermore, please do not support a project like the Dunes Beach development which would erode the quality of all our lives here!

Sincerely,

Kathy & Jim Lockhart

Brittney Cozzolino

From: Jill Ekas
Sent: Wednesday, September 30, 2020 4:25 PM
To: Brittney Cozzolino
Subject: FW: Dunes Beach

From: Debbie Ruddock <DRuddock@hmbcity.com>
Sent: Wednesday, September 30, 2020 4:16 PM
To: Jill Ekas <JEkas@hmbcity.com>
Subject: Fw: Dunes Beach

Debbie Ruddock
Councilmember
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019
DRuddock@hmbcity.com

From: Barbara A Haughey <[redacted]>
Sent: Wednesday, September 30, 2020 4:13 PM
To: Debbie Ruddock <DRuddock@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>
Subject: Dunes Beach

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I am writing to protest the Recent changes that have been made to the Dunes Beach project by the developers and city insiders without going to the Planning Commision and without giving the public a chance to review
I am completely against the Dunes Beach Project. Don't any of you care about the Quality of Life in Half Moon Bay? Already the highways and Main Street are completely blocked every weekend. HMB citizens are not able to even move around our community and we have become prisoners in our own homes. And now you want to additional traffic brought on by this project. You are making our community totally unliveable!!
We will not forget if you push these changes thru and vote them thru next week. HMB voters have a long memory! Do not destroy our wonderful HMB Community PLEASE! Or you will regret it when your turn comes up for election
Regards. Barbara Haughey

Sent from my iPhone

Brittney Cozzolino

From: Jill Ekas
Sent: Wednesday, September 30, 2020 4:27 PM
To: Brittney Cozzolino
Subject: FW: Dunes Beach Project

From: Debbie Ruddock <DRuddock@hmbcity.com>
Sent: Wednesday, September 30, 2020 4:11 PM
To: Jill Ekas <JEkas@hmbcity.com>
Subject: Fw: Dunes Beach Project

Debbie Ruddock
Councilmember
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019
DRuddock@hmbcity.com

From: Deanne Spears <[redacted]>
Sent: Wednesday, September 30, 2020 3:33 PM
To: Debbie Ruddock <DRuddock@hmbcity.com>
Subject: Dunes Beach Project

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Ruddock,

I am writing to voice my concern over the Dunes Beach project. Our infrastructure cannot cope with a development of this size. It would change the character of our little coastal town forever. Traffic on the Coastside is already a nightmare on the weekends. If a fire broke out, we would be trapped. This is a very bad idea, and I urge you and the other council members to reject it.

Deanne Spears
[redacted]
HMB

Sent from my iPhone

Brittney Cozzolino

From: Jill Ekas
Sent: Wednesday, September 30, 2020 4:25 PM
To: Brittney Cozzolino
Subject: FW: Dunes Beach Proposal

From: Debbie Ruddock <DRuddock@hmbcity.com>
Sent: Wednesday, September 30, 2020 4:15 PM
To: Jill Ekas <JEkas@hmbcity.com>
Subject: Fw: Dunes Beach Proposal

Debbie Ruddock
Councilmember
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019
DRuddock@hmbcity.com

From: Donna LuLu [redacted]>
Sent: Wednesday, September 30, 2020 2:37 PM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: Dunes Beach Proposal

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Dear Council,
We, the community members who live here and who will suffer the consequences of a poor decision regarding a hotel at Dunes Beach are not impressed by the developer and his attorneys' attempt to bamboozle us by flooding us with paper and pushing past a more judicial and just system that is in place to address proposals and avoid such blatant actions of circumvention.

You, as council members and representatives of the community that lives here are responsible to see to it that the proper steps are taken and efforts to rush things through while waving green dollars under your noses is not appropriate in submitting a proposal.

One week's time is certainly not enough time to review any proposal with such huge, and might I add, detrimental consequences to our community as a hotel at Dunes Beach.

Now, getting to the matter of a hotel at Dunes Beach…I'm still quite flabbergasted that the idea is even considered.

We have seen this scene before. Speculative developers come into a community, degrade the quality with their flagrant disregard in both the community and the environment with cheap, unsuitable construction that chokes our streets, and our lifestyles in our chosen community, and then they leave with pockets of money. They promise tax relief to cities that are struggling but do nothing else. Whether or not tax relief actually comes is always debatable, and even if it did, at what cost?

This project promises to alter our way of life, alter the character of our community and certainly alter our environment and its effects beyond what we can measure. Rather than contributing to our community, it detracts and displaces the use of our land, the people that live here, and our experience of our community.

Developments like this put pressure on the value of our housing and increase the schism between haves and have nots.

It puts an enormous pressure on traffic which STILL hasn't had any resolution but rather, gets a hands up approach of 'oh well, there's nothing we can do'. An approach that is certainly not innovative nor resolute to resolution and quite the stick-the-head- in-the-sand approach while we slog it out day in and day out.

There is no interest in integrating the local community with a hotel for the rich overlooking the ocean, for those who come and go and leave us their garbage and sewer waste bills with needed upgrades.

Our community does, in fact, have a unique and individual character that doesn’t include monsters on our beachfronts.

Our community should be designed by our community and not by outsiders who come with so-called expertise and speculative models that leave us in the lurch, at the very least, and certainly disrupt the shape of our neighborhoods and our neighbors as their only guarantee.

I urge you to vote against this project and preserve the unique character of our community that supports and upholds our neighbors as part of our community instead of pushing us out.

Vote against this project because it’s not innovative, sustainable, affordable nor does it build connection with our neighbors and community but rather quite the opposite.

Donnalynn Polito
El Granada Resident

Brittney Cozzolino

From: Jill Ekas
Sent: Wednesday, September 30, 2020 4:26 PM
To: Brittney Cozzolino
Subject: FW: Dunes project

From: Debbie Ruddock <DRuddock@hmbcity.com>
Sent: Wednesday, September 30, 2020 4:13 PM
To: Jill Ekas <JEkas@hmbcity.com>
Subject: Fw: Dunes project

Debbie Ruddock
Councilmember
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019
DRuddock@hmbcity.com

From: Carol Martin <[redacted]>
Sent: Wednesday, September 30, 2020 2:45 PM
To: Debbie Ruddock <DRuddock@hmbcity.com>
Subject: Fwd: Dunes project

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---------- Forwarded message ---------
From: **Carol Martin** [redacted]>
Date: Wed, Sep 30, 2020 at 2:44 PM
Subject: Fwd: Dunes project
To: <Hrarback@hmbcity.com>

---------- Forwarded message ---------
From: **Carol Martin** <[redacted]>
Date: Wed, Sep 30, 2020 at 2:43 PM
Subject: Fwd: Dunes project
To: <Dpenrose@hmbcity.com>

---------- Forwarded message ---------
From: **Carol Martin** [redacted]>
Date: Wed, Sep 30, 2020 at 2:43 PM
Subject: Fwd: Dunes project
To: <Rbrownstone@hmbcity.com>

---------- Forwarded message ---------
From: **Carol Martin** <[redacted]>
Date: Wed, Sep 30, 2020 at 2:39 PM
Subject: Dunes project
To: Rbrownstone@hmbcity.com

Dear Ms. Ruddock,

I am writing to you to oppose the Dunes Project as well as the Rocket Farm housing project. My biggest concern is the traffic which has only worsened. If there is an evacuation or a medical emergency Coastside residents would be in real danger. We don't have a 4 lane highway and any future development that doesn't address this is poor planning.

We have a beautiful area we live in to preserve and protect. Tourism should not be more important than quality if life and preserving our environment. There will be increased water use, increased trash, threats to wildlife and the loss of farm land. This development does nothing to improve the Coastside or the people who live here.

Please don't let these projects become your legacy.

Carol Martin

Brittney Cozzolino

From: Jill Ekas
Sent: Wednesday, September 30, 2020 4:27 PM
To: Brittney Cozzolino
Subject: FW: Slow Down Approval of the LCP Update

From: Debbie Ruddock <DRuddock@hmbcity.com>
Sent: Wednesday, September 30, 2020 4:11 PM
To: Jill Ekas <JEkas@hmbcity.com>
Subject: Fw: Slow Down Approval of the LCP Update

Debbie Ruddock
Councilmember
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019
DRuddock@hmbcity.com

From: Alexandra Steele <[redacted]>
Sent: Wednesday, September 30, 2020 3:19 PM
To: Adam Eisen <AEisen@hmbcity.com>; Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Harvey Rarback <HRarback@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: Slow Down Approval of the LCP Update

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Dear Councilmembers:

I understand that the Council will be receiving a presentation from Staff about the proposed LCP Update "Final Draft" tomorrow, after which the Council may vote to approve it in its present form. From my perspective that would be a horrible mistake that could impact our seaside community for years to come.

The timeliness for the public to review the most recent letter from the lawyer is frankly not enough time. Not to mention the fact that our community is still reeling from the devastating fires and has not had adequate room to examine this proposal. The public has not had time to study the changes and consider their impact. In fact the last-minute submission of the letter seems to have been calculated specifically to avoid sufficient consideration and comment by the public, by Staff, and by yourselves. I implore you to **slow down** the process to allow such study, and also to return the document to the Planning Commission for their own expert input.

We have not responsibly examined the coastsides infrastructure for such a development. Quite frankly, we don't have the roads to support our coastal community as is, nevermind with this development. This is dangerous for our community. Our freeways are constantly congested, with severe accidents on the rise.

Given the actual experience of the recent wildfires so close to our community, the Council's vote tomorrow to approve an LCP Update without sufficient attention to the traffic impacts could literally have life-and-death consequences.

Moving ahead with this would be a tragic mistake. Thank you for your consideration, and I hope that it may persuade you to postpone approval of the LCP Update until it can responsibly be vetted by the public.

Kindest Regards,
Alexandra Steele

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Alexandra Steele
[redacted]

Brittney Cozzolino

From: Jill Ekas
Sent: Wednesday, September 30, 2020 4:25 PM
To: Brittney Cozzolino
Subject: FW: Strong Opposition to Proposed Development Plan!!

From: Debbie Ruddock <DRuddock@hmbcity.com>
Sent: Wednesday, September 30, 2020 4:15 PM
To: Jill Ekas <JEkas@hmbcity.com>
Subject: Fw: Strong Opposition to Proposed Development Plan!!

Debbie Ruddock
Councilmember
City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019
DRuddock@hmbcity.com

From: ARLENE DUGONI <[redacted]>
Sent: Wednesday, September 30, 2020 2:41 PM
To: Adam Eisen <AEisen@hmbcity.com>; planhmb <planhmb@hmbcity.com>
Cc: Robert Brownstone <RBrownstone@hmbcity.com>; Deborah Penrose <DPenrose@hmbcity.com>; Debbie Ruddock <DRuddock@hmbcity.com>
Subject: Strong Opposition to Proposed Development Plan!!

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Dear Mayor Eisen,

We strongly reject the proposed developments of Dunes Beach and Rocket Farms as well as the approval of the final LCP draft.

We spent considerable time reviewing the Development portion of the final LCLUP draft. It is a complicated and lengthy document, and we do not believe the general public has been given sufficient time to evaluate and provide feedback, especially in regards to the last minute changes that were made after the City received a letter from the attorney of the Dunes Beach developer. It also appears that the document was not properly vetted by the Planning Commission before the final draft was sent out.

It almost appears that the City's last minute changes to the plan were deliberately made in conjunction with the developers in an effort to disallow the public from having sufficient time to respond to a document that will severely effect the quality of life for the residents of HMB. This will not be tolerated.

As all residents of HMB are already aware, the traffic congestion is intolerable. We currently do not have a concrete solution to address this issue. Therefore it is unimaginable and unacceptable to have a proposal to increase development without a plan as to how to handle increased cars and traffic. I believe that we have a cultural "new norm," and even after the pandemic has subsided, we will continue to have traffic issues to the degree we have now.

We understand that there is a need for housing, especially low income, and that some development is inevitable. However, there must be a balance between growth and maintaining the charming, close knit, and environmentally conscious town HMB has always been. If we begin to allow large scale development on every parcel of open land, we will forever negatively impact what makes HMB the "Happiest Seaside Town." We know you don't want that, and neither do we!

We strongly oppose the development of Dunes Beach in it's current proposed form, as well as building high density homes on the Rocket Farms parcel. We strongly urge the Council members to either postpone a vote for approval of the final draft, or veto it in its current form.

We greatly appreciate all the work you have done up to this point to keep Half Moon Bay and it's stretch of coastal land one of the most beautiful in the state. Up until now, there has been a good balance of open spaces, nature, and development. Please maintain that balance and do everything possible to keep our home, Half Moon Bay, such a special place.

Best regards,
Dr. William and Arlene Dugoni
Miramar Residents