

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: October 31, 2012
TO: Tonya Ward, Associate Planner
City of Half Moon Bay, Planning Department
501 Main Street
Half Moon Bay, CA 94019
FROM: Madeline Cavalieri, District Manager
RE: **Commission Appeal No. A-2-HMB-12-022**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: PDP-042-11 H
Applicant(s): City Of Half Moon Bay, Attn: Mo Sharma; California Dept. Of Transportation
Description: Mitigated Negative Declaration and Coastal Development Permit for certain improvements to Highway 1 corridor. Improvements will consist of a phased roadway improvement program set forth in the Highway 1 Traffic Safety and Congestion Mitigation Plan located entirely within public rights-of-way in the City of Half Moon Bay
Location: within Highway 1 Public Rights-of-way, Half Moon Bay (San Mateo County)
Local Decision: Approved
Appellant(s): California Coastal Commission, Attn: Commissioner Steve Blank;
California Coastal Commission, Attn: Commissioner Brian Brennan;
Jerome D. Steinberg
Date Appeal Filed: 10/25/2012

The Commission appeal number assigned to this appeal is A-2-HMB-12-022. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Half Moon Bay's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Karen Geisler at (831) 427-4863.

cc: City of Half Moon Bay, Attn: Mo Sharma; California Dept. of Transportation

Attachment A: Appeal Reasons

The City of Half Moon Bay approved a coastal development permit on October 10, 2012 to authorize improvements to the Highway 1 corridor. The project includes upgrading two lane stretches of highway to three lanes to include a single through lane in each direction and a middle turn lane; adding right and left turn lanes at intersections; widening two lanes to four lanes at three proposed new traffic signals; extending and relocating existing roads; and construction of a new four-way intersection at Roosevelt Boulevard to provide a primary entrance to the Nurseryman's Exchange property (an agricultural property). Much of the proposed project is located within the Caltrans Highway 1 right-of-way, and yet Caltrans has not authorized the City to undertake such a project on the Caltrans right-of-way.

The City-approved project raises LCP conformance issues related to biological resources, provision of public services, growth inducement, public access, visual resource impacts, and agriculture, including for the following reasons:

The City characterizes the project as a public service utility project, which the City says is not regulated by development standards found within the City's LCP. In spite of this, the City maintains that the project is consistent with the City's LCP but it does not provide adequate analysis or information to support this determination because the approval does not include a determination as to whether or not the project is in compliance with the applicable LCP policies and standards. Specifically, the certified LCP includes strong protections for sensitive habitats and biological resources (including LCP Policies 3-3, 3-4, 3-5, 3-7, 3-10, 3-11, and 3-13) by requiring new development to avoid sensitive habitat and riparian areas, and to be set back an adequate distance from such areas to avoid significant impacts to such resources. The City-approved project would impact the riparian and wetlands areas that are located adjacent to Highway 1, including Pilarcitos Creek and Pullman Ditch, but the City did not adequately evaluate the impacts that such a project would have on existing sensitive habitat or how to mitigate such impacts for the current project. For example, Pilarcitos Creek has previously been identified as an important habitat resource in Half Moon Bay, including in relation to habitat for the listed endangered San Francisco Garter Snake and listed threatened California Red-Legged Frog.

The City's approval appears to be inconsistent with the LCP's sensitive habitat and biological resources policies because there are no required setbacks, conditions or mitigations that would avoid or minimize impacts to sensitive habitat on the project site, or that would ensure that the development would not damage habitat within or in close proximity to the site, and require restoration of damaged habitats, including as required in LCP Policies 3-4 and 3-5.

In addition, the approved project could potentially be growth-inducing and intensify the potential for future development in certain areas currently zoned for agricultural uses, inconsistent with the LCP's agricultural protection policies and standards (including Land Use Plan Chapter 3 and related Implementation Plan agricultural zoning standards). Also, the City's LCP includes strong protections for public access to the coast (including Land Use Plan Chapter 2). The potential growth-inducing impacts of the City-approved project could result in public access impacts because the area is already highly constrained in terms of the availability of public services.

specifically with respect to traffic capacity, which could affect the ability of visitors to access the coast.

Finally, the City's LCP includes strong protections for scenic and visual resources as a resource of public importance and in relation to roadside views and scenic highways, and protects scenic and visual resources from impacts due to development and requires that development be visually compatible (including Land Use Plan Policies 7-1, 7-9 and 7-13). The currently approved project may result in development that would be visually incompatible with the surrounding natural environment as seen from nearby roads and from Highway 1 itself, leading to adverse public-viewshed impacts inconsistent with the scenic and visual protection policies and standards of the LCP.

In summary, the approved project would result in development that could lead to adverse coastal resource impacts related to sensitive habitat (including wetland and riparian habitats), visual resources, agriculture, and may lead to growth inducement and intensification of urban development that may affect public access to the coast. It is also not clear whether the City coordinated with Caltrans on the approved project, and thus some question as to whether the underlying landowner (Caltrans for Highway 1) supports and/or would allow for the City-approved project, including in terms of the way in which it affects Caltrans future plans. The City's approval lacks the necessary analysis to ensure that such project is consistent with the LCP and with the Coastal Act's access and recreation requirements, including such requirements that serve to mitigate for impacts. Thus, Coastal Act and LCP consistency is not assured, and the project warrants Commission review and deliberation regarding these issues.