

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT ST., SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5260  
FAX (415) 904-5400  
TDD (415) 597-5885



# F6a

February 18, 2011

[Click here to see additional correspondence received.](#)

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director  
Charles Lester, Senior Deputy Director  
Ruby Pap, North Central Coast District Supervisor  
Renée T. Ananda, North Central Coast District, Program Analyst

SUBJECT: **City of Half Moon Bay LCP Amendment No. HMB-MAJ-2-10-A (IDES Rezone) for Public Hearing and Action at the California Coastal Commission's March 11, 2011 meeting to take place in Santa Cruz.**

---

## SYNOPSIS

This Local Coastal Program (LCP) amendment request from the City of Half Moon City proposes changes to the land use and zoning designations for a 0.44-acre portion of a 0.86-acre parcel located at 745 Main Street in Half Moon Bay, San Mateo County, that is currently split-zoned residential and commercial. The land use designation would change from residential medium density (RM) to Commercial-General (C-G) and the zoning would change from Single-family Residential (R-1-B-2) to Commercial-Downtown (C-D). The purpose of the amendment is to establish a uniform commercial land use designation and corresponding zoning for the entire parcel so that the current use of the site as a cultural society facility would conform to the standards for the Commercial-General land use designations and Commercial-Downtown zoning.

Staff recommends that the Commission **certify the LCP amendment request as submitted**. If the Commission does not adopt any suggested modifications the LCP amendment would be effective upon Commission action.

## 1. BACKGROUND

The subject property is owned by Irmandade do Divino Espiritu Santo (IDES), a Portuguese cultural society/organization, and is located at 745 Main Street, and abuts the southern limit of the City of Half Moon Bay's Historic Downtown area located east of Highway 1 (Cabrillo Highway) (**EXHIBITS 1 and 2**). The 0.86-acre (37,361 square feet) site is developed with three one-story structures (a 4,989-sq.-ft. meeting hall, 4,956-sq.-ft. small hall w/chapel, kitchen, and a 6,124-sq.-ft. large hall), and a parking lot. It is used for various community events (dinners, celebrations, dances, festivals, parties, and receptions). The City of Half Moon Bay Planning Commission approved a Coastal Development Permit (CDP) and variance on May 2009, allowing a 583-sq.-ft addition to the non-residential structure located on the site. The variance for the building addition raised the issue of the existing use's consistency with the residential zoning currently applied to that portion of the property. As a result, in June 2009 the Planning Commission initiated the process to amend the LCP for the residentially-designated portion of the site. Resolution Nos. P-04-10 and C-32-10; and Ordinance No. C-07-10 were passed and

adopted for this LUP amendment through the local government process, on March 23, 2010, May 4, 2010, and May 18, 2010, respectively. **(EXHIBITS 6, 7, and 8)** The amendment application was then transmitted to the Commission August 19, 2010.

## **2. STANDARD OF REVIEW**

Section 30512 of the Coastal Act requires the Commission to certify an LUP amendment if it finds that it meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. A majority vote of the appointed Commission membership is required. The standard of review for the proposed amendment to the City's IP is that it must be in conformity with and adequate to carry out the policies of the LUP. A majority vote of the Commissioners present is required

## **3. MOTIONS, STAFF RECOMMENDATION, and RESOLUTIONS**

### **A. APPROVAL OF THE LUP AMENDMENT PORTION OF AMENDMENT NO. HMB-MAJ-2-10-A (IDES) AS SUBMITTED**

**MOTION 1:** I move that the Commission certify Land Use Plan Amendment No. HMB-MAJ-2-10-A as submitted by the City of Half Moon Bay.

#### **STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **YES** vote. Passage of the motion will result in certification of the Land Use Plan Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

#### **RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT:**

The Commission hereby certifies the Land Use Plan Amendment No. HMB-MAJ-2-10-A as submitted by the City of Half Moon Bay and adopts the findings set forth below on the grounds that the amendment is in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

### **B. APPROVAL OF THE IP AMENDMENT PORTION OF AMENDMENT NO. HMB-MAJ-2-10-A (IDES REZONE) AS SUBMITTED**

**MOTION 2:** I move that the Commission reject Implementation Plan Amendment No. HMB-MAJ-2-10-A by the City of Half Moon Bay as submitted.

#### **STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Following the staff recommendation will result in certification of the Implementation Plan Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION:**

The Commission hereby certifies the Implementation Plan Amendment No. HMB-MAJ-2-10-A for the City of Half Moon Bay as submitted and adopts the findings set forth below on grounds that the Implementation Plan as amended, is in conformity with and is adequate to carry out the provisions of the Land Use Plan, as amended and certified, and certification of the Implementation Plan Amendment will meet the requirements of the California Environmental Quality Act, because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment; or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

#### **4. FINDINGS and DECLARATIONS**

The Commission hereby finds and declares as follows:

##### **A. Amendment Description**

The proposed LCP amendment would change the land use and zoning designation for a 0.44-acre portion of a 0.86-acre parcel located at 745 Main Street in Half Moon Bay, San Mateo County. The land use designation would change from residential medium density (RM) to Commercial-General (C-G) and the zoning would change from Single-Family Residential (R-1-B-2) to Commercial-Downtown (C-D). **(EXHIBITS 3 and 4)**

##### **B. Site Description**

The IDES property is bounded by Main Street on the west, Johnston Street to the east, Correas Street on the north, and Filbert Street to the south. **(EXHIBIT 2)** It can be accessed either from Main Street or Johnston Street. Development within the surrounding area comprises businesses, including small businesses that have been established in converted historic houses, and the Coastside County Water District office. Single-family residences are located on the Johnston side of the property (to the east of the site). Zoning designations directly abutting the site are Commercial-Downtown (C-D) to the southwest, west, and northwest, and Single-family Residential (R-1-B-2) to the southeast, east, and northeast.

The 0.86-acre (37,361 square feet) site is developed with three one-story structures: (1) a 4,989-sq.-ft. meeting hall; (2) a 4,956-sq.-ft. small hall with chapel, kitchen; and (3) a 6,124-sq.-ft. large hall; and a parking lot. It is used for various community events (dinners, celebrations, dances, festivals, parties, and receptions). **(EXHIBIT 2)**

##### **C. Analysis**

###### **Land Use**

Section 30250(a) of the Coastal Act requires that new development be located in or near existing developed areas that are able to accommodate it and where it will not result in significant adverse effects, either individually or cumulatively, on coastal resources. The proposed LCP Amendment is located in the already developed downtown area of the City of Half Moon Bay. The proposed LCP amendment would result in the entire 0.86-acre IDES parcel/site being designated and zoned for Commercial uses, which would match the existing use of the site as a club or lodge. The purpose of the C-D district is to minimize the impact of commercial development on adjacent residential areas by providing a transition area of lower intensity commercial uses. The C-D district allows “Club or Lodge” use as a principal, permitted use, therefore the current use of the site would be consistent with the commercial land use designation and zoning. The majority of the site along the Main Street side of the parcel is already zoned C-D. The proposed LUP amendment would concentrate commercial development in an existing developed area, consistent with Coastal Act Section 30250. The proposed zoning change is adequate to carry out and conforms to the LUP as amended.

#### Public Access

Coastal Act sections 30210 and 30211, and require protection of the public’s right to access the coast and the opportunity to use and enjoy the coast for recreation. The site is located east of Highway 1 within its downtown area. It is not near any coastal area access points, and as described above, existing roadways are adequate to circulate traffic in the town without impacting public vehicular access to the coast. The existing use does not limit coastal access and recreation opportunities for the public, and any future commercial redevelopment would be concentrated in the downtown away from coastal access points. Therefore, the proposed LUP Amendment is consistent with Coastal Act Sections 30210 and 30211. The proposed zoning change is adequate to carry out and conforms to the LUP as amended.

#### Environmentally Sensitive Habitat Areas (ESHA) and Wetlands

Coastal Act Section 30240 requires the protection of environmentally sensitive habitat areas against significant disruption of habitat values. It additionally requires that development adjacent to these areas shall be sited and designed to prevent significant adverse impacts. The subject site and the surrounding area are developed and there is no ESHA, wetlands, or riparian habitat located on or adjacent to the IDES property. Any future commercial redevelopment on the property would not result in impacts to ESHA, wetlands, or riparian habitat. Therefore, the proposed LUP Amendment is consistent with Coastal Act Sections 30240. The proposed zoning change is adequate to carry out and conforms to the LUP as amended.

#### Hazards

Coastal Act Section 30253 requires the minimization of adverse impacts and risks to human life. The IDES property is located in an existing developed area east of Highway 1 and is not located on a site that is susceptible to bluff retreat or landslides. Should future commercial redevelopment be considered, it would need to conform to the Certified LCP policies on hazards and requirements for commercial development currently applied to the majority of the site. Therefore, the proposed LUP Amendment is consistent with Coastal Act Sections 30253. The proposed zoning change is adequate to carry out and conforms to the LUP as amended.

#### Visual Resources

Coastal Act Section 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. The IDES site is located in an urban, developed, setting near the Historic Downtown area of Half Moon Bay. The site is adjacent to the “Old Downtown” area as

designated on the Certified LUP's Visual Resources Overlay. **(EXHIBIT 5)** The commercial land use designation, as proposed in this amendment request, would not conflict with the Certified LUP policies for Visual Resources or the historic character of the adjacent area. The IDES site is not visible from the coast, nor is it adjacent to, any designated scenic resources. Development standards in the C-D zoning district require: a maximum building height of three stories, not to exceed 36 feet (three stories); and a minimum site area of 5,000 square feet with a 50-foot minimum site width (there are no set back requirements). The three structures on the IDES property are all one-story and conform to the regulations. Any future re-development of the property would have to conform to these regulations, and would be compatible with the land uses in the surrounding neighborhood. Therefore, the proposed LUP Amendment is consistent with Coastal Act Sections 30251. The proposed zoning change is adequate to carry out and conforms to the LUP as amended.

## **6. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The Coastal Commission's review and development process for LCPs and amendments to them has been designated by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake an environmental impact analysis on LCP amendments, although the Commission can and does use any environmental information that the local government has developed. The City of Half Moon Bay prepared an Initial Study / Negative Declaration for the IDES Rezone pursuant to CEQA. No comments were received on the project. The City of Half Moon Bay City Council issued Resolution N. C-32-10 certifying and adopting the Negative Declaration on May 4, 2010.

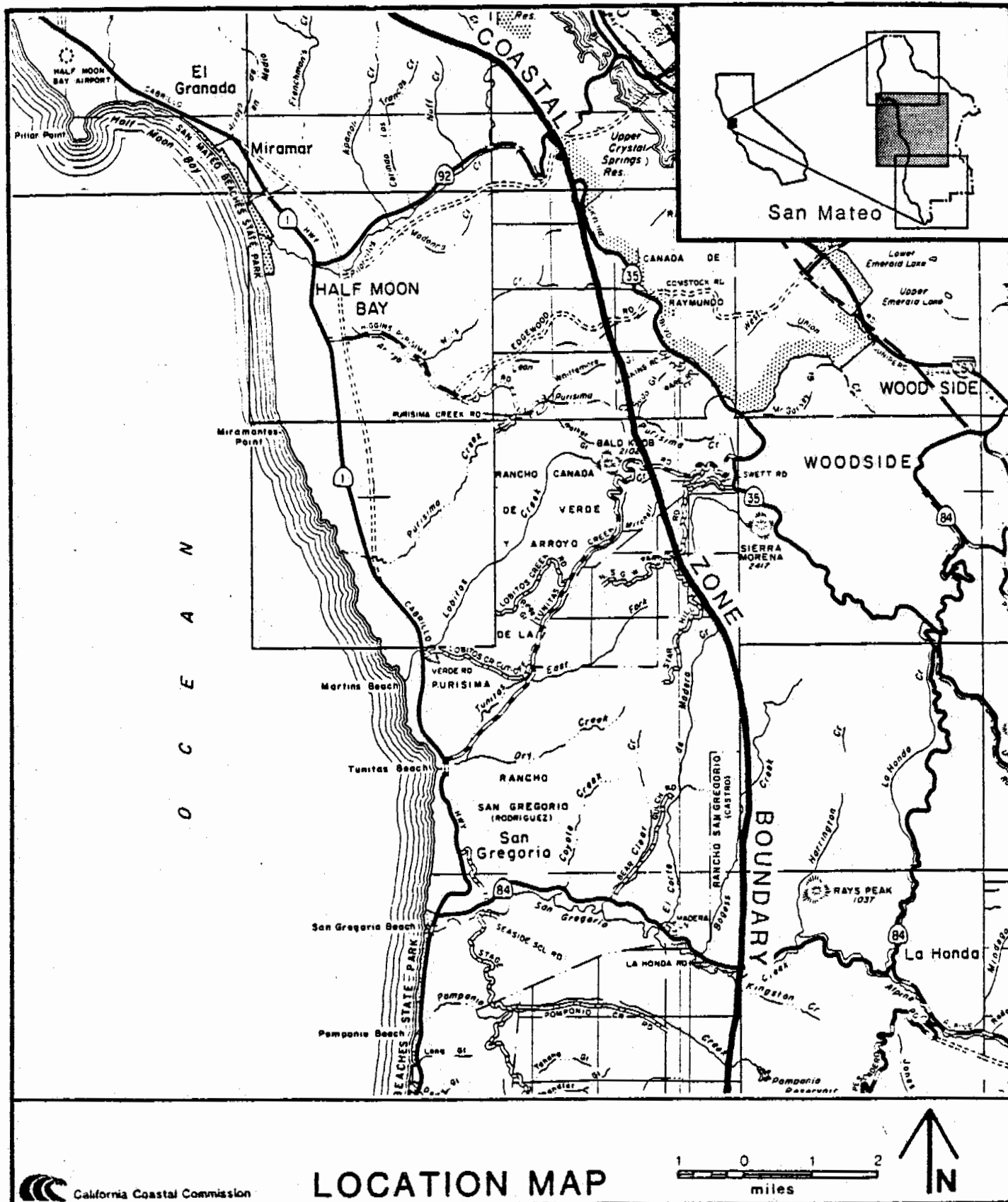
The Coastal Commission must make a finding that the amendment fully complies with the Coastal Act. It must also make a finding of consistency with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

*...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.*

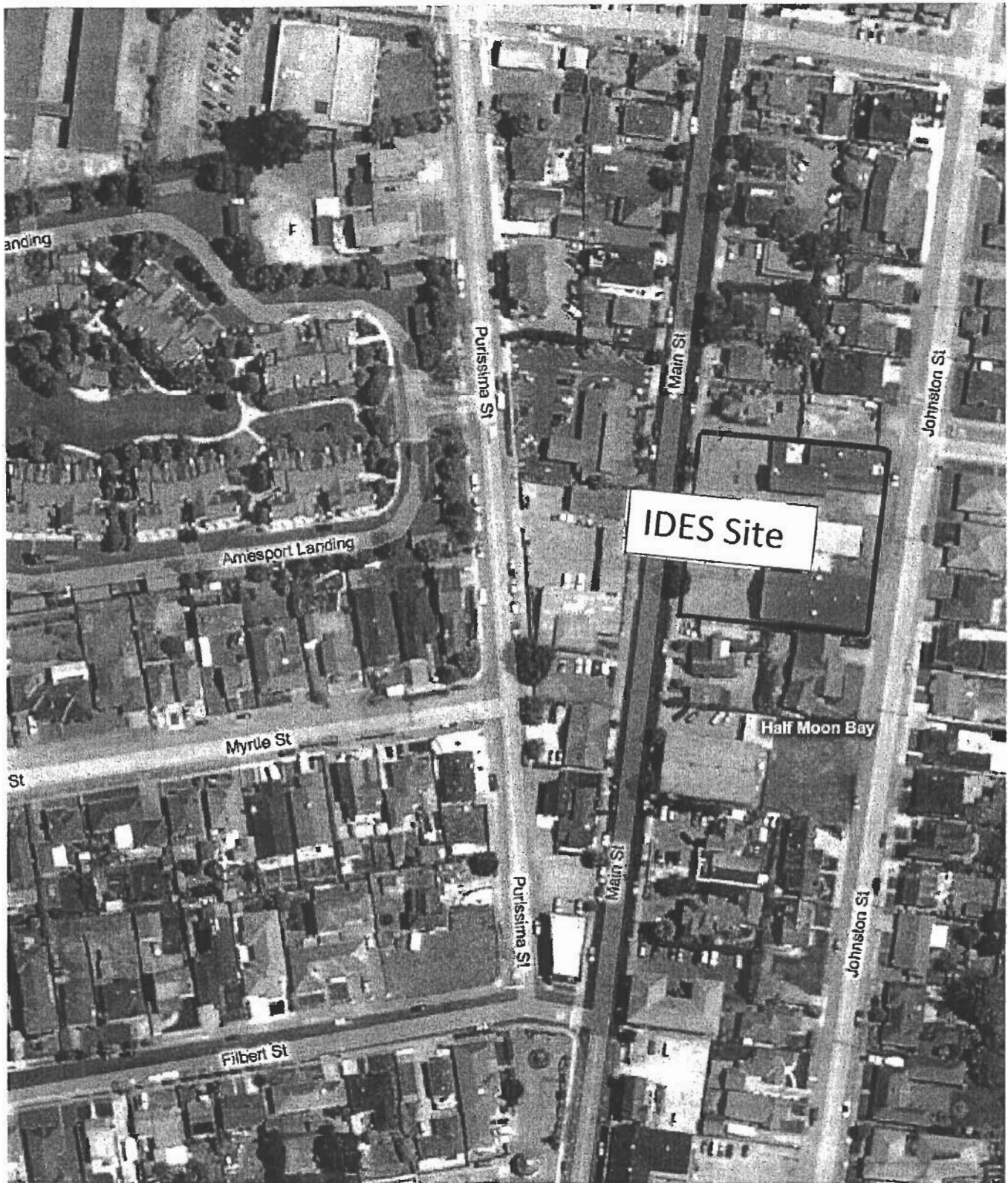
The City's proposal is consistent with the Coastal Act and the Certified LUP. It will not result in any significant adverse impacts on coastal resources. The Commission incorporates its findings on LUP conformity at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse effects of the project that have been received as of the writing of this report. Therefore, the Commission finds that approval of the Zoning Code will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

## **EXHIBITS**

1. Regional Location Map
2. Vicinity / Aerial Map
3. Existing and Proposed Zoning Maps
4. Existing and Proposed Land Use Plan Maps
5. Visual Resources Overlay Map
6. City of Half Moon Bay Resolution No. P-04-10
7. City of Half Moon Bay Resolution No. C-32-10
8. City of half Moon Bay Ordinance No. C-07-10



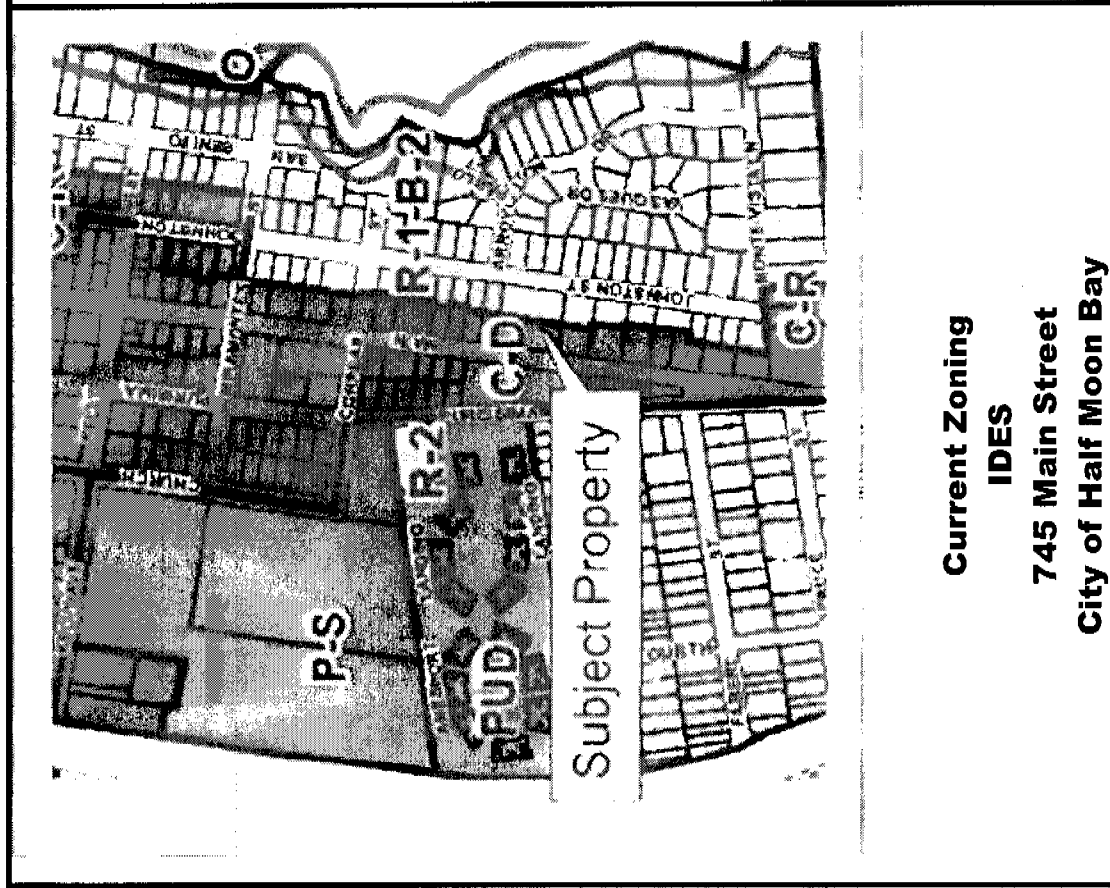
County of San Mateo



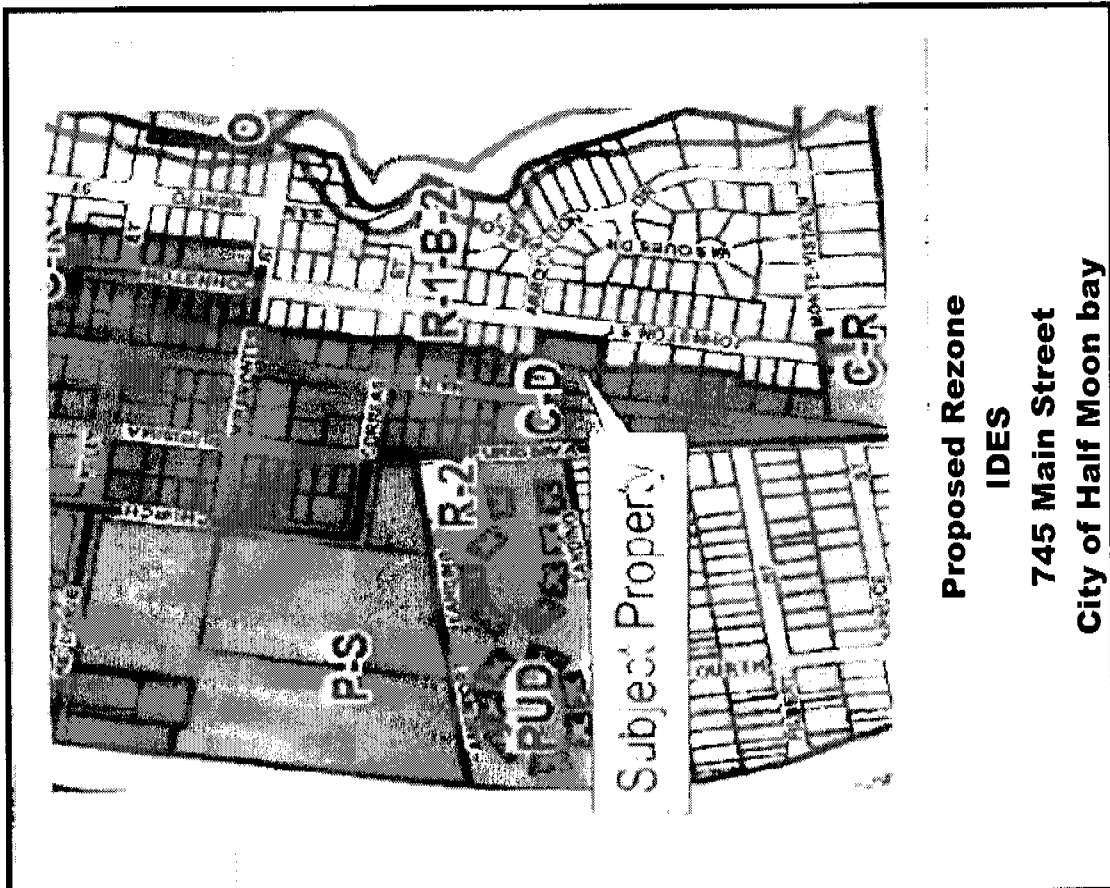
Source: RealQuest.com Derived from data that is Copyright, 2009, County of San Mateo. All rights reserved.



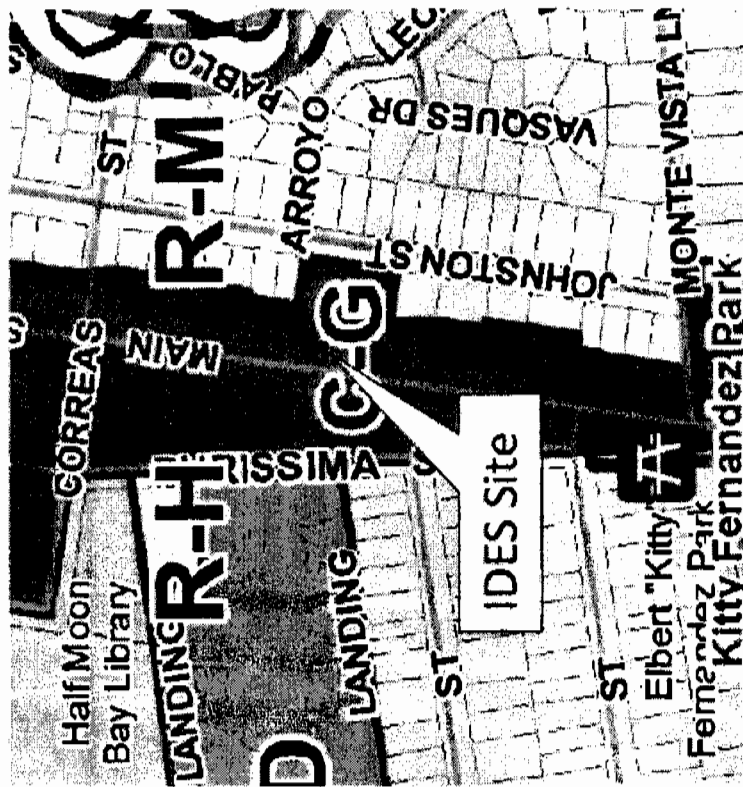




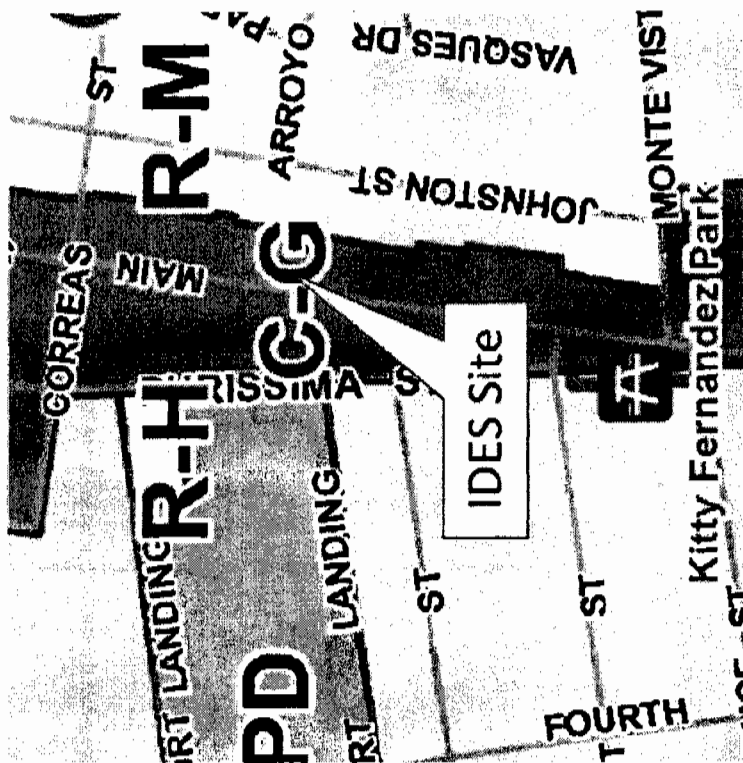
Source: City of Half Moon Bay





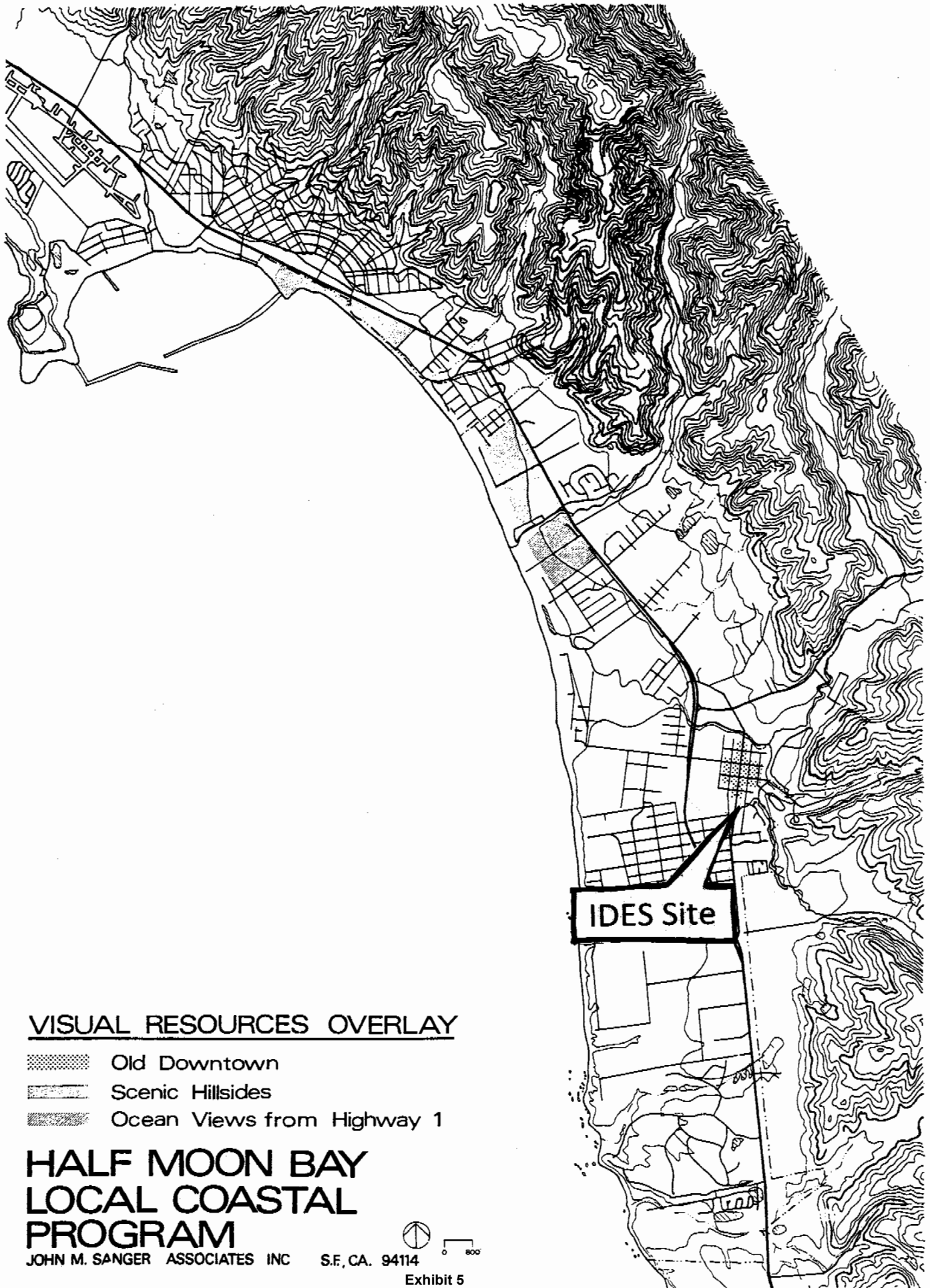


LCP Land Use Plan After Rezoning



LCP Land Use Plan Prior to Rezoning

Source: City of Half Moon Bay



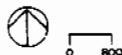
## VISUAL RESOURCES OVERLAY

-  Old Downtown
-  Scenic Hillsides
-  Ocean Views from Highway 1

# HALF MOON BAY LOCAL COASTAL PROGRAM

JOHN M. SANGER ASSOCIATES INC

S.F., CA. 94114



**RESOLUTION NO. P-04-10**

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION, APPROVE A GENERAL PLAN/LCP LAND USE PLAN AMENDMENT CHANGING LAND USE DESIGNATIONS FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL GENERAL, AND REZONING PROPERTY SHOWN ON THE ADOPTED ZONING MAP FROM R-1-B-2 (SINGLE-FAMILY RESIDENTIAL) TO C-D (COMMERCIAL DOWNTOWN) LOCATED AT 745 MAIN STREET (APN: 056-192-070)**

**WHEREAS**, pursuant to Section 18.24.010(C)(D) of the Half Moon Bay Municipal Code application PDP-035-09 has been initiated by City of Half Moon Bay to amend the adopted General Plan/LCP Land Use Plan from Low Density Residential to Commercial General and change the zoning designation on the subject property from R-1-B-2 (Single-Family Residential) to C-D (Commercial Downtown) on the adopted Zoning Map; and

**WHEREAS**, the notice of public hearing to consider the General Plan and LCP Land Use Plan Amendment and Rezoning of the subject property was completed in accordance to Section 65854, 65090 and 65091 of the Government Code of the State of California; and

**WHEREAS**, the City of Half Moon Bay is committed to the maximum public participation and involvement in matters pertaining to the General Plan and its Elements, the Local Coastal Program, and the Zoning Code; and

**WHEREAS**, a public notice containing a brief description of the proposed amendment and the date, time, and place of the Planning Commission public hearing was published in the Half Moon Bay Review on February 24, 2010, a newspaper of general circulation in the City; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on March 23, 2010 with all those in attendance desiring to be heard were given an opportunity to speak on this application; and

**WHEREAS**, the Planning Commission considered all written and oral testimony presented in their consideration of this application; and

**WHEREAS**, the procedures for processing the application and amending the Zoning Map have been followed as required by law; and

**WHEREAS**, the project was determined to be subject to CEQA, and an Initial Study/Negative Declaration (IS/ND) State Clearinghouse No. was prepared for the project by the City of Half Moon Bay; and

**WHEREAS**, the ND was circulated for public review between December 23, 2009 to January 22, 2010 and all those desiring to comment were given the opportunity; and

**WHEREAS**, the Planning Commission has determined that the ND is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable with State and County Guidelines; and

5-4

**WHEREAS**, pursuant to Section 150074(a) of the State CEQA Guidelines that the ND was presented to the Planning Commission and that the Commission reviewed and considered the information contained in the ND prior to making recommendation to the City Council ; and

**WHEREAS**, the Planning Commission recommends to the City Council, adoption of the ND pursuant to Section 15074(b) of CEQA Guidelines and that it shall adopt the proposed ND only if it finds on the basis of the whole record, before it includes Initial Study and public comments, that there is no substantial evidence that the project will have a significant effect on the environment and that the ND reflects the independent judgment and analysis of the City of Half Moon Bay; and

**WHEREAS**, the Planning Commission has made the required findings for approval of the ND and the project, as set forth in Exhibit A to this resolution; and

**WHEREAS**, the amendment to the Zoning Map shall be administered in a manner fully in conformity with the Coastal Act, and shall take effect immediately upon Coastal Commission approval; and

**NOW THEREFORE BE IT RESOLVED** the Planning Commission of the City of Half Moon Bay, as the Advisory Body to the City Council, does hereby resolve and recommend approval of application PDP-035-09 to the City Council including adoption of the Final Negative Declaration (SCH No. 2009122062), General Plan and LCP Land Use Plan Amendment to redesignate the subject property from Low Density Residential to Commercial General and Rezoning from R-1-B-2 (Single-Family Residential) to C-D (Commercial Downtown) on the City's Zoning Map as stated in this Resolution.

The documents that constitute the record of proceedings on which the Planning Commission's findings are based are located with the Planning Department of the City of Half Moon Bay, 501 Main Street, Half Moon Bay, CA 94109. This information is provided in compliance with Public Resources Code Section 21081.6 and Title 14 of the California Code of Regulations.

**PASSED AND ADOPTED** by a two-thirds vote of the voting members of the Planning Commission of the City of Half Moon Bay at its meeting thereof held on the 23<sup>rd</sup> day of March, 2010, by the following vote:


AYES: Commissioners Deman, King, Jonsson, Roman, and Chair Poncini

NOES:

ABSENT:

ABSTAIN:

  
Steve Flint, Planning Director

  
Linda Poncini, Chair

55

**EXHIBIT A  
FINDINGS AND EVIDENCE  
PDP-035-09**

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION, APPROVE A GENERAL PLAN/LCP LAND USE PLAN AMENDMENT CHANGING LAND USE DESIGNATIONS FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL GENERAL AND REZONING PROPERTY SHOWN ON THE ADOPTED ZONING MAP FROM R-1-B-2 (SINGLE-FAMILY RESIDENTIAL) TO C-D (COMMERCIAL DOWNTOWN) LOCATED AT 745 MAIN STREET (APN: 056-192-070)**

1. **Local Coastal Program** – The project as proposed or as modified by conditions, conforms to the Local Coastal Program.

**Finding:** The development as proposed or as modified by conditions, conforms to the Local Coastal Program. The following specific Coastal Act policy is especially noted:

**Coastal Act § 30253:** New development shall: (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard; (2) 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.

**Policy 4-6:** Applications for grading and building permits and applications for subdivisions shall be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami run-up, landslides, flooding, or other geologic hazards such as expansive soils and subsidence areas, in areas of known geologic hazards, as indicated on the Geologic Hazards Map, a geologic report shall be required. Mitigation measures shall be required where necessary.

**Compliance for Coastal Act § 30253 and Policy 4-6:** The probability of the occurrence of one or more magnitude 6.7 or greater earthquakes occurring from the fault source of the San Gregorio fault between 2002 – 2031 is indicated as 0.10 within a 95% range of confidence. The probability of strong seismic ground shaking due to ground rupture exists throughout the region. However, the project only proposes the development of a street and related improvements, which will not expose people or structures to potential substantial adverse effects.

The project area is approximately 4,350 feet from the nearest coastal bluff. The USC Tsunami Research Group in association with the National Oceanic and Atmospheric Administration (NOAA) and the California Office of Emergency Services in order to prepare a tsunami evacuation planning map for the City performed modeling. No inland water bodies exist on or near the project site, nor are there any substantial slopes around the project area. The map indicates that the project is not within the tsunami inundation area.

Flood Insurance Rate Map Community Panel No. 060319 0005 A dated June 3, 1986 indicated that the project site is located in Zone C, which is defined as areas outside of a 100-year flood hazard zone. Therefore, the roadway is not within a 100-year flood zone.

**Coastal Act Policy 30001:** That existing developed uses and future developments that are carefully planned are essential to the economic and social well-being of people employed within the Coastal Zone.

**Compliance:** The proposed rezoning does not propose further development of the project site. However, the site is adjacent to existing public service buildings and adequate infrastructure, which is consistent with the policies for the concentration of new development with consideration to the protection of specific resources (e.g. agricultural and biological). Although the site along Johnston Street is currently zoned Single-Family Residential, it has the public services required to support a commercial use comparable to other commercial uses fronting Main Street.

2. **California Coastal Act** – Any development to be located between the sea and the first public road parallel to the sea conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**Evidence:** The proposed project will not restrict or otherwise adversely affect public coastal access or public coastal recreational opportunities. The project proposal is located on privately-owned property and is not adjacent to any public road or access to the sea. The project is located at a developed site with existing adequate public infrastructure to support commercial development as required by Coastal Act Section 30250. Any new development resulting from the approval of the project will not interfere with the public's right of access to the sea.

The project site is developed with public and quasi-public uses, accessory structures, an expansive parking lot absent of any water feature. The project does not include encroaching, expanding, or filling materials to any environmental sensitive habitat area within the City. The proposed project has been reviewed for compliance with Chapter 3 of the City's LCP, and has been found to be in conformance with that plan for the protection of biological resources. Therefore, there is no impact from the proposed project or conflict with local policies or ordinance protecting biological resources.

### 3. **Environmental Review – Findings**

**California Environmental Quality Act (CEQA)** – The project is consistent with CEQA guidelines and will not have a significant effect on the environment.

**Evidence:** The project is not exempt from CEQA and an Initial Study/Negative Declaration (ND) has been prepared. The IS/ND was circulated for public consideration and comment from December 23, 2009 through January 22, 2010. Following project approval, a Notice of Determination (NOD) will be posted by City staff with the County of San Mateo Office of the Recorder, consistent with CEQA requirements.

The Commission finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and that the ND reflects the lead agency's independent judgment and analysis.

**THE CITY OF HALF MOON BAY**

**RESOLUTION NO. C-32-10**

**PDP-035-09**

**A RESOLUTION OF THE CITY OF HALF MOON BAY ADOPTING  
A NEGATIVE DECLARATION AND APPROVING A LOCAL COASTAL PROGRAM  
(LCP) LAND USE PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION  
FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL-GENERAL  
ON PROPERTY LOCATED AT 745 MAIN STREET (APN 056-192-070)**

**RECITALS**

**WHEREAS**, the City of Half Moon Bay is committed to the maximum public participation and involvement in matters pertaining to the General Plan and its Elements, the Local Coastal Program and the Zoning Code; and

**WHEREAS**, The City of Half Moon Bay initiated a Local Coastal Plan (LCP) Amendment to change the land use and zoning designations from Medium Density Residential to Commercial-General, and from Residential (R-1-B-2) to Commercial Downtown (C-D) respectively, on property located at 745 Main Street; and

**WHEREAS**, the procedures for amending the LCP Land Use Plan and Zoning Map for the subject property as set forth in the Half Moon Bay Municipal Code and California State Law have been followed; and

**WHEREAS**, the project was determined to be subject to CEQA and an Initial Study/Negative Declaration (State Clearinghouse No. 2009122062) was prepared for the project by the City of Half Moon Bay; and

**WHEREAS**, the Negative Declaration was circulated for public review from December 23, 2009 to January 22, 2010 and all those desiring to comment were given the opportunity; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on March 23, 2010 at which time all those in attendance desiring to be heard were given an opportunity to speak on this application; and

**WHEREAS**, the Planning Commission considered all written and oral testimony presented for consideration; and

**WHEREAS**, pursuant to Section 15074(a) of the State CEQA Guidelines, the Negative Declaration was presented to the Planning Commission and all information contained in the Negative Declaration was considered prior to making recommendation to the City Council; and



**WHEREAS**, the Planning Commission determined that the Negative Declaration is correct, adequate and complete, and was prepared in accordance with the California Environmental Quality Act (CEQA) and applicable Guidelines and recommended City Council approval pursuant to Section 15074(b) of CEQA; and

**WHEREAS**, the City Council conducted a duly noticed public hearing prior to adopting the Negative Declaration and Resolution to amend the LCP Land Use Plan on May 4, 2010, at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

**WHEREAS**, the City Council considered all written and oral testimony presented; and

**WHEREAS**, the City Council finds that the Negative Declaration is complete, correct, and adequate, and has been prepared in accordance with all applicable regulations and guidelines of the California Environmental Quality Act; on the basis of the whole record, including the Initial Study and comments thereto, there is no evidence that the project will have a significant effect on the environment; and the Negative Declaration reflects the independent judgment of the City of Half Moon Bay; and

**WHEREAS**, the Local Coastal Program, as amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Half Moon Bay does hereby adopt the Negative Declaration (SCH # 2009122062) and approve an Amendment to the certified Local Coastal Program Land Use Plan by changing the Land Use Plan designation from Medium Density Residential to Commercial-General on property located at 745 Main Street (APN 056-192-070).

This resolution amending the LCP Land Use Plan shall be transmitted to the California Coastal Commission for certification and shall take effect immediately upon its certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the resolution by the City is legally adequate.

**PASSED AND ADOPTED** on this 4<sup>th</sup> day of May, 2010, by the following votes:

\* \* \* \* \*

I, the undersigned, hereby certify that the forgoing Resolution was duly passed and adopted on the 4<sup>th</sup> day of May, 2010 by the City Council of Half Moon Bay by the following vote:

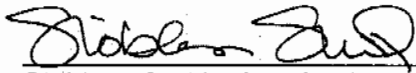
AYES, Councilmembers: Alifano, Kowalczyk, Muller, Patridge & Mayor Fraser

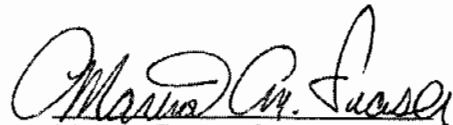
NOES, Councilmembers:

ABSENT, Councilmembers:


ABSTAIN, Councilmembers:

ATTEST:

  
Siobhan Smith, City Clerk

  
Marina Fraser, Mayor  
051210

APPROVED AS TO FORM:

  
Anthony P. Condotti, City Attorney

**EXHIBIT A  
FINDINGS AND EVIDENCE  
PDP-035-09**

**A RESOLUTION OF THE CITY COUNCIL ADOPTING A NEGATIVE DECLARATION  
AND APPROVING A LOCAL COASTAL PLAN (LCP) LAND USE PLAN  
AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM MEDIUM  
DENSITY RESIDENTIAL TO COMMERCIAL GENERAL ON PROPERTY  
LOCATED AT 745 MAIN STREET (APN 056-192-070)**

- 1. Local Coastal Program** – The project as proposed or as modified by conditions, conforms to the Local Coastal Program.

**Finding:** The project entails an amendment to the LCP Land Use Plan which changes the land use designation from Medium Density Residential to Commercial – General on property located at 745 Main Street. Following certification of the proposed LCP Amendment by the California Coastal Commission, any future development proposed or modified by conditions on the subject property will conform to the Local Coastal Program. The following specific Coastal Act policy is noted:

**Coastal Act § 30253:** New development shall: (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard; (2) 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.

**Policy 4-6:** Applications for grading and building permits and applications for subdivisions shall be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami run-up, landslides, flooding, or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, as indicated on the Geologic Hazards Map, a geologic report shall be required. Mitigation measures shall be required where necessary.

**Compliance for Coastal Act § 30253 and Policy 4-6:** The probability of the occurrence of one or more magnitude 6.7 or greater earthquakes occurring from the fault source of the San Gregorio fault between 2002 – 2031 is indicated as 0.10 within a 95% range of confidence. The probability of strong seismic ground shaking due to ground rupture exists throughout the region. However, the project only proposes changing land use designations on the property and no development is proposed.

The project area is approximately 4,350 feet from the nearest coastal bluff. The USC Tsunami Research Group in association with the National Oceanic and Atmospheric Administration (NOAA) and the California Office of Emergency Services in order to prepare a tsunami evacuation planning map for the City performed modeling. No inland water bodies exist on or near the project site, nor are there any substantial slopes around the project area. The map indicates that the subject property is not within the tsunami inundation area.

Flood Insurance Rate Map Community Panel No. 060319 0005 A dated June 3, 1986 indicated that the project site is located in Zone C, which is defined as areas outside of a 100-year flood hazard zone. Therefore, the property is not within a 100-year flood zone.

**Coastal Act Policy 30001:** That existing developed uses and future developments that are carefully planned are essential to the economic and social well-being of people employed within the Coastal Zone.

**Compliance:** The change of land use designations on the subject property does not propose any further development. However, the site is adjacent to existing public service buildings and adequate infrastructure, which is consistent with the policies for the concentration of new development with consideration to the protection of specific resources (e.g. agricultural and biological). The property is served by all public facilities and services required to support a commercial use comparable to other uses fronting Main Street.

2. **California Coastal Act** – Any development to be located between the sea and the first public road parallel to the sea conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**Evidence:** The proposed project will not restrict or otherwise adversely affect public coastal access or public coastal recreational opportunities. The project proposal is located on privately-owned property and is not adjacent to any public road or access to the sea. The project is located at a developed site with existing adequate public infrastructure to support commercial development as required by Coastal Act Section 30250. Any new development resulting from the approval of the project will not interfere with the public's right of access to the sea.

The project site is developed with public and quasi-public uses, accessory structures, an expansive parking lot absent of any water feature. The project does not include encroaching, expanding, or filling materials to any environmental sensitive habitat area within the City. The proposed project has been reviewed for compliance with Chapter 3 of the City's LCP, and has been found to be in conformance with that plan for the protection of biological resources. Therefore, there is no impact from the proposed project or conflict with local policies or ordinance protecting biological resources.

3. Environmental Review – Findings

**California Environmental Quality Act (CEQA)** – The project is consistent with CEQA guidelines and will not have a significant effect on the environment.

**Evidence:** The project is not exempt from CEQA and an Initial Study/Negative Declaration (ND) was prepared. The IS/ND was circulated for public review and comment from December 23, 2009 through January 22, 2010. Following project approval, a Notice of Determination (NOD) will be posted with the County of San Mateo Office of the Recorder in accordance with CEQA requirements.

The City Council finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and that the ND reflects the independent judgment and analysis of the City of Half Moon Bay.

**THE CITY OF HALF MOON BAY**

**ORDINANCE NO. C- 07-10**

**PDP-035-09**

**LOCAL COASTAL PROGRAM (LCP) IMPLEMENTATION PLAN  
AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM R-1-B-2  
(SINGLE-FAMILY RESIDENTIAL) TO C-D (COMMERCIAL DOWNTOWN)  
AT PROPERTY LOCATED AT 745 MAIN STREET (APN 056-192-070)**

**RECITALS**

**WHEREAS**, the City of Half Moon Bay is committed to the maximum public participation and involvement in matters pertaining to the General Plan and its Elements, the Local Coastal Program and the Zoning Code; and

**WHEREAS**, The City of Half Moon Bay initiated a Local Coastal Plan (LCP) Implementation Plan (IP) Amendment to change the zoning designation from Residential (R-1-B-2) to Commercial Downtown (C-D) on property located at 745 Main Street; and

**WHEREAS**, the Zoning Map is a part of the LCP Implementation Plan of the City; and

**WHEREAS**, the procedures for amending the Zoning Map designation on the subject property as set forth in California State Law and the Half Moon Bay Municipal Code have been followed; and

**WHEREAS**, the project was determined to be subject to CEQA and an Initial Study/Negative Declaration (State Clearinghouse No. 2009122062) was prepared for the project by the City of Half Moon Bay; and

**WHEREAS**, the City Council a conducted duly noticed public hearing to adopt the Negative Declaration and a Resolution to amend the LCP Land Use Plan introduce the ordinance on May 4, 2010, at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

**WHEREAS**, the City Council considered all written and oral testimony presented for consideration; and

**WHEREAS**, the City Council reviewed the Negative Declaration and Mitigation Monitoring Program, and accepted the environmental documentation as complete and adequate; and

**WHEREAS**, the amendment to the LCP Implementation Plan/Zoning Map will be administered in a manner fully in conformity with the Coastal Act and shall take effect immediately upon Coastal Commission certification.

## **DECISION**

**NOW THEREFORE, BE IT ORDAINED** that the City Council of the City of Half Moon Bay hereby approves Ordinance No. Ord. C- -10 (PDP-035-09), subject to the following:

**SECTION 1. CEQA Review.** By Resolution, the City Council of the City of Half Moon Bay adopted a Negative Declaration (SCH # 2009122062) for the proposed zone change, finding that the Negative Declaration is complete, correct, and adequate, and has been prepared in accordance with all applicable regulations and guidelines of the California Environmental Quality Act; on the basis of the whole record, including the Initial Study and comments thereto, there is no evidence that the project will have a significant effect on the environment; and the Negative Declaration reflects the independent judgment of the City of Half Moon Bay.

**SECTION 2. LCP Amendment.** By Resolution, the City Council of the City of Half Moon Bay approved an Amendment to the certified Local Coastal Program Land Use Plan by changing the Land Use Plan designation from Medium Density Residential to Commercial-General on property located at 745 Main Street identified by Assessor Parcel Number (APN) 056-192-070.

**SECTION 3. Zone Change.** The Zoning Map Amendment changes the zoning designation from Residential (R-1-B-2) to Commercial Downtown (CD) on property located at 745 Main Street (APN 056-192-070).

**SECTION 3. Findings.** The City Council finds that the procedures required to amend the zoning designation on the subject property have been followed and are consistent with all regulations set forth in Chapter 18.24 (Amendments) of the Zoning Code, the Local Coastal Program and Coastal Act.

**SECTION 4. Effective Date.** Pursuant to Section 36937 of the Government Code of the State of California, this ordinance shall take effect and be in full force only after the Zoning Map and LCP Land Use Plan Map Amendments are certified by the California Coastal Commission pursuant to Chapter 6, Article 2, of the California Coastal Act. In the event that the Coastal Commission certifies the amendment subject to certain modifications, the amendment shall not become effective until the modifications have been approved by this Council and confirmed by the Executive Director of the California Coastal Commission.

**SECTION 5. Publication.** The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.



**SECTION 6. Coastal Act Conformity.** The City Council of the City of Half Moon Bay acknowledges that the Coastal Commission may require other terms and modifications that may be suggested by a resolution of certification, agrees to issue coastal development permits consistent with these modifications, and intends for the Local Coastal Program, as amended by this ordinance, to be carried out in a manner fully in conformity with the California Coastal Act.

**SECTION 7. Severability.** In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

**INTRODUCED** on the 4th day of May 2010.

**PASSED AND ADOPTED** on this 18<sup>th</sup> day of May, 2010, by the following votes:

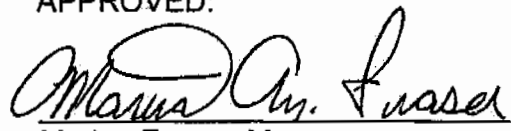
AYES, Alifano, Muller and Mayor Fraser

NOES,

ABSENT, Kowalczyk, Patridge

ABSTAIN,

APPROVED:

 3/19/10  
Marina Fraser, Mayor

ATTEST:

  
Siobhan Smith, City Clerk

APPROVED AS TO FORM:

  
Anthony Condotti, City Attorney

# Irmandade do Divino Espirito Santo



F6a

RECEIVED  
MAR 07 2011  
CALIFORNIA  
COASTAL COMMISSION

I.D.E.S. Society of Half Moon Bay, PO Box 866, Half Moon Bay, CA 94019

March 3, 2011

California Coastal Commission  
North Central Coast District Office  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

LCP Amendment No. HMB-MAJ-2-10-A  
Item No: F6a  
John Furtado – President of I.D.E.S. Society  
IN FAVOR

Dear Members of the Coastal Commission:

This letter is in reference to LCP Amendment No. HMB-MAJ-2-10-A, Item No: F6a – the request by the City of Half Moon Bay to amend its certified Land Use Plan designation for a 19,034 square foot property from medium density residential to Commercial-General and amend the Implementation Plan to rezone the property from Single-Family Residential (R-1-B-2) to Commercial Downtown.

As President of the I.D.E.S. Society of Half Moon Bay, the owner of the property in question, I and the membership support the change of zoning for many obvious and just reasons. The property in question was deeded to the I.D.E.S. Society by Manuel P. Dutra in January, 1896; the property, which lies between Main St. and Johnston St., has never had any other function than what it currently is... a community service, religious, cultural and fraternal organization. The property has NEVER been used as residential in the history of Half Moon Bay; it has only been commercial. The commercial use of the property has been on-going and without interruption for 115 years and pre-dates the existence of the City of Half Moon Bay and the California Coastal Commission. What obviously happened is a City Planner, at some point, without really paying attention to what the uses of properties in Half Moon Bay were, arbitrarily drew a line down the middle of the entire block and designated the parts facing Main St. as "commercial" and the part on Johnston St. as "residential". This dividing line runs right through the middle of our property.

This error was discovered when we applied for a permit to renovate our main kitchen and the City of Half Moon Bay cooperated with us by granting a temporary re-zoning in order to do the kitchen renovation. The "change" to commercial zoning is only common sense and is an obvious and logical conclusion to correct a problem that should never have existed.

Signature on File

John Furtado, President  
I.D.E.S. Society of Half Moon Bay