

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

www.coastal.ca.gov

F4

NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

December Meeting of the California Coastal Commission

MEMORANDUM

Date: December 15, 2006

TO: Commissioners and Interested Parties
FROM: Charles Lester, North Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the December 15, 2006 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

DE MINIMIS WAIVERS

1. 2-06-016-W California Academy Of Sciences, Attn: Dr. Christopher Andrews (Ocean Beach, San Francisco County)

TOTAL OF 1 ITEM

DETAIL OF ATTACHED MATERIALS

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
2-06-016-W California Academy Of Sciences, Attn: Dr. Christopher Andrews	Renovation of existing subsurface saltwater pump station, including removal and replacement of concrete roof of vault with new locked access hatch, replacement of pumps, piping and electrical equipment within vault, sealing and resurfacing concrete walls within vault, and replacement of two existing pumps, each rated at 80 gallons per minute with a 20 gallon per minute primary pump and a 60 gallon per minute backup pump.	Golden Gate National Recreation Area parking lot near Stairwell 23 between Lincoln Way and Fulton Street, Ocean Beach (San Francisco County)

CALIFORNIA COASTAL COMMISSION

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

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: December 5, 2006
TO: California Academy Of Sciences, Attn: Dr. Christopher Andrews
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 2-06-016-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: **California Academy Of Sciences, Attn: Dr. Christopher Andrews**

LOCATION: **Golden Gate National Recreation Area parking lot near Stairwell 23 between Lincoln Way and Fulton Street, Ocean Beach (San Francisco County)**

DESCRIPTION: **Renovation of existing subsurface saltwater pump station, including removal and replacement of concrete roof of vault with new locked access hatch, replacement of pumps, piping and electrical equipment within vault, sealing and resurfacing concrete walls within vault, and replacement of two existing pumps, each rated at 80 gallons per minute with a 20 gallon per minute primary pump and a 60 gallon per minute backup pump.**

RATIONALE: **Proposed development involves renovation of an existing pump station located in the Ocean Beach parking lot and involves no work on the beach itself. Therefore, the project has no significant impacts on coastal resources or public access to the shoreline.**

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, December 15, 2006, in San Francisco. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director


By: RUBY PAP
Coastal Program Analyst

cc: Local Planning Dept.

D.R. Young Associates, Inc., Attn: Robert Reuter
Frank Filice, S.F. Dept. of Public Works

F 6a

State of California

California Coastal Commission
North Central Coast District

MEMORANDUM

TO: Commissioners and Interested Parties Date: December 14, 2006
FROM: Charles Lester, Deputy Director
North Central Coast District

SUBJECT: **Addendum to Commission Meeting for Friday, December 15, 2006
North Central Coast District**

AGENDA # APPLICANT

NEW APPEALS

F 6a A-2-HMB-06-019 (CITY OF HALF MOON BAY)

Letter, City of Half Moon Bay, Steve Flint, dated November 13, 1006
Letter, Calvin A. Carter, dated December 4, 2006
Letter, James Benjamin & Sofia Freer, dated December 8, 2006
Letter, J.C. and Nanette H. Orman, dated December 9, 2006
Letter, Dana Kimsey, dated December 10, 2006
Letter, Juliana Barr and Allison Akana, dated December 11, 2006
Letter, Karen K. Erickson dated December 13, 2006



CITY OF HALF MOON BAY

City Hall, 501 Main Street
Half Moon Bay, CA 94019

F6a

November 13, 2006

RECEIVED

NOV 14 2006

CALIFORNIA
COASTAL COMMISSION

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

Re: **Commission Appeal No. A-2-HMB-06-019**

Dear Chris:

Please find attached copies of relevant documents and materials used in the City of Half Moon Bay's consideration and approval of CDP 02-04 for the establishment of a Nighttime Permit Parking Program in the western blocks of Miramar/Naples and Alsace Lorraine Neighborhoods.

In response to issues raised in Appeal No. A-2-HMB-06-019, the City of Half Moon Bay offers the following information and clarification in support of a Coastal Commission finding of "no substantial issue" with regards to the project's conformity with the certified local coastal program (PRC§30604 (b)) and conformity with the public access and public recreation policies of Chapter 3 (P.R.C. Section 30604(c)). The City further requests that pursuant to PRC§ 30625 (b), (2) "(w)ith respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603."

The City offers the following responses to the following points raised in Appeal No. A-2-HMB-06-019 (*appeal points are summarized in italics*):

1. *Approval of the permit would not comply with the policies of the City of Half Moon Bay Local Coastal Program (LCP).*

a. (that) *"neither staff nor the Planning Commission considered compelling evidence in the record that the project does not conform to the Local Coastal Program policies concerned with prohibiting concentration of parking (in this case, overnight parking near the beach) in a single area."*

There is no substantial evidence that the approved Nighttime Permit Parking Program would result in a concentration of parking in a single area – in particular, on the street(s) of concern, Pilarcitos Ave. and environs in Casa del Mar – during the permit parking program hours of 12 a.m. to 4 a.m.

On the contrary, the project is likely to result in the continuation of parking with a Visitor Parking Permit in the permit parking area as the most convenient parking location, as evidenced by historic parking patterns; and could result in a dispersal of parking among unrestricted blocks within Alsace Lorraine and Miramar/Naples near the permit parking area and in other coastal neighborhoods, including Arleta Park and Casa del Mar. Thus, no single area is likely to receive the displaced parking.

Based upon historical evidence cited in the project documentation, including the results of a survey analyzing areas of highest nighttime parking-related disturbances as well as public testimony at community meetings (Attachment 4 Agenda Report for July 13, 2006 Planning Commission hearing), and public testimony provided at public hearings (see Minutes to Planning Commission meetings of June 8, 2006), the incidence of nighttime parking and parking-related disturbances on Pilarcitos Ave. and neighboring blocks in the Casa del Mar neighborhood is minimal. The vertical accessways from Pilarcitos Ave. to the State Parks lands fronting the coastal bluffs are not widely known to the public. There are no Coastal Access signs directing the public to the beach through Casa del Mar as there are in the vicinity of other coastal neighborhoods. Thus, nighttime beach parking that may be displaced from the permit parking areas is unlikely to shift to the Casa del Mar area.

The appeal claims that “concentration” of nighttime parking in Casa del Mar will occur because the neighborhood provides the shortest route to the beach. The vertical distance from Pilarcitos Ave. to the beach during dry season is approximately 800-1000 ft., roughly the same vertical distance as from the permit parking areas in Alsace Lorraine and in Miramar/Naples (with parts of Miramar being a shorter distance by a 200 ft or more). Vertical accessways from Pilarcitos Ave. lead to informal trails that cross open fields to the Coastside Trail. The trails are often wet and unnavigable during the rainy season. Once on the coastal trail, beach goers can access the beach by walking north or south on the trail; going south, the trail leads to the sandy beach within a few hundred yards. Going north, the trail leads to a parking lot with seasonal access to the sandy beach, depending upon the level of Frenchman’s Creek, which must be forded and is likely to contain E.coli. Alternatively, a straight-line path to the beach from Pilarcitos Ave. crosses So. Venice Beach parking lot, leading to the beach bluffs. An informal path leads to the beach, requiring fording of Pilarcitos Creek, which is too high to wade through for much of the year.

The appeal also argues that such concentration of parking is inconsistent with the City’s certified LCP and by incorporation, public access policies of the Coastal Act.

PRC§ 30211 Development not to interfere with access

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Pursuant to the Findings and Evidence adopted by the Planning Commission in support of CDP 02-04 (Resolution 34-06) the project does not interfere with the public's right of access to the sea. Parking permits will be available to all residents of Half Moon Bay, their guests and temporary service workers, and to any other member of the public upon request through the purchase of an annual Resident or Visitor Permit. The annual parking permit fee is \$20/household for residents for up to four residential permits plus three guest permits and \$20/permit for visitors.

There is no evidence in the record that any public right of access to the sea acquired through use would be interfered with.

PRC§30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

The appeal argues that "concentration" of nighttime parking as a result of the project is inconsistent with the City's certified LCP on the basis that it does not distribute "parking areas or facilities throughout an area so as to mitigate impacts of overcrowding or overuse by the public of any single area." The City takes issue with the appeal's interpretation of the Coastal Act policy which speaks to "public facilities, including parking areas or facilities..." not public parking on public streets (emphasis added).

On the contrary, PRC§30214, and the City's certified LCP (Chapter 18.40.040 of the Zoning Code) states that in some cases controls on time, place and manner of (public access) uses may be justified by site characteristics including sensitive habitat values and the need to protect the privacy of residential development. As discussed in the Findings and Evidence adopted in support of this project, the project appropriately regulates the time, place and manner of public access to the coast, consistent with the certified LCP and the Coastal Act.

The appeal further states that the "residents in this area (Pilarcitos Ave., Casa del Mar neighborhood) whose concerns were once calmed by the now-removed expansion provision are understandably concerned..." (pg 6). The appellant seems to be misinformed that the original project's "expansion provision" included the Casa del Mar area. Under the parameters of the original project "If, within six months of implementation of the program, residents of blocks outside the "limited implementation area," (and within the designated neighborhoods) wish to withdraw from the program, they can do so by petitioning for such, in accordance with the specified criteria for withdrawal." (emphasis added, page 4 of Agenda Report to Planning Commission, June 8, 2006).

A survey was conducted by the City in May 2006, inviting input from residents as to where and when night- and day-time beach parking related disturbances were occurring (see Request for Feedback on a Resident and Visitor Permit Parking Program, and Resident and Visitor Permit Parking Resident Feedback Survey). A total of 1700 surveys were mailed to residents of four coastal neighborhoods including Casa del Mar, and approximately 350 responses were received. As shown in the Summary of Parking

Survey Responses and Public Informational Meeting Comments (Attachment 4, Agenda Report to Planning Commission, July 13, 2006), "residents (of Casa del Mar) experience no PM beach parking problems and do not want parking program. Suggest greater enforcement to address problem if it occurs."

Survey questionnaires were mailed to 290 residents of Casa del Mar/Kehoe Estates. Among the seven responses received from residents of Pilarcitos Ave, four responded having never experienced any nighttime disturbances related to beach parking during the last three years, two responded having experienced such disturbances on average once in three to four months, and one responded "several times a week depending on weather." Among the other approximately 50 responses from residents living elsewhere in Casa del Mar/Kehoe Estates, forty-two respondents have never experienced disturbances, two once a week, three once a month, and four once in three to four months. In written comments attached to the survey form, twelve persons refuted any nighttime beach parking problem, four stated that on-street parking congestion is caused by residents' cars, three retorted that this program is not a good use of City taxpayers' money, nine said a permit parking program would be an inconvenience, and eleven said they don't want to have to pay for a permit.

Throughout the Planning Commission public hearing process, only two residents of Casa del Mar (the appellants) spoke about the project. At the first public hearing, one resident of Kehoe stated that "he is glad the program is not being implemented in his neighborhood because Kehoe does not have a problem." (Minutes, June 8, 2006). No one spoke from this neighborhood at the July 13 hearing. The appellant spoke at the August 24 hearing, questioning "what happens to other parts of HMB that are near the beach and not in this program." (Minutes, August 24, 2006). Both appellants spoke at the final Planning Commission public hearing (and one submitted a letter), requesting that the nighttime permit parking program be expanded to include other "vulnerable neighborhoods." (Minutes September 28, 2006). This public testimony presented no substantial evidence that disturbances would occur in an area that had previously not experienced such problems, according to the survey and community meeting input. Other residents of Casa del Mar did not come forth with concerns.

b. (that) "neither the staff nor the Planning Commission considered the adverse impact of intensifying nighttime beach use (whether prohibited or not) in the environmentally sensitive area west of Pilarcitos Ave.

There is no substantial evidence or reasonable argument to be made that the level of nighttime beach use will increase or that adverse impacts on environmentally sensitive areas west of Pilarcitos Ave. will be intensified. As discussed above, the appeal's assumption of a "concentration" of parking on Pilarcitos Ave. or on neighboring blocks and any potential intensification of associated adverse impacts is unfounded.

c. (that) "neither the staff nor the Planning Commission considered the adverse impacts of requiring vanpool participants to purchase permits to park overnight on city streets within the project area."

The appeal cites PRC§30252 regarding the project's inconsistency with the City's certified LCP and Coastal Act policies incorporated therein over the charging of a permit

fee to commuter vanpools to park on street between 12 a.m. and 4 a.m. and thereby "penalizing subsidized commuter vanpools within the project area." (pg 6) The City could consider exempting commuter vanpools from purchasing a parking permit (e.g., by waiving the fee) upon request from the vanpool operator and with proper documentation. This could be handled administratively, and would not require an amendment to the CDP.

d. The Planning Commission did not choose to slow down the review of the revised project to share it with neighborhood citizens, or to continue to project to obtain more public feedback.

Opportunities for public participation and input were considerable, including 1) two nighttime community meetings held in May 2006, to hear and discuss concerns of beach parking in coastal neighborhoods with any member of the community, and 2) three public hearings on the project, including two on the revised project.

2. Approval of the permit would not comply with the California Environmental Quality Act

a. Section 13096 of the Coastal Commission's administrative regulations requires approval of CDP applications to be supported by a finding that the application, as modified by any conditions of approval, is consistent with the California Environmental Quality Act (CEQA).

Findings and Evidence in support of the final project as conditioned were adopted by the Planning Commission on September 28, 2006, in conformance with CEQA requirements (Findings and Evidence, Resolution 35-06).

In the appeal's Analysis section (pg 8), clarification is required: the Coastal Commission did not make comments on the Negative Declaration during the CEQA public review period. Revisions to the project that resulted in "staff deleted conditions that allowed expansion in the event of migrating adverse impacts" were made in response to the Planning Commission direction to staff to consult with and consider Coastal Commission staff input. This input and the subsequent revisions to the project occurred prior to CEQA review.

The appeal challenges the Planning Commission findings that the project qualifies for a Negative Declaration and does not required a full EIR. The Initial Study demonstrates that the project has no significant effect on the environment, consistent with CEQA Guidelines Section 15064, and therefore requires no mitigation. The original project design incorporating an expansion area was not conditioned to mitigate significant environmental impacts to meet CEQA requirements. The expansion area concept was dropped before CEQA review began.

Further, the appeal comments on staff's apparent contradiction that parking in other unregulated areas will mitigate the impacts of the permit parking program while also stating that people would not likely park a further distance from the beach. Again, as no significant effects on public access to the beach were found during CEQA analysis, or in conflict with the City's certified LCP or Coastal Act access policies, no mitigation is required. With regard to the project's potential impacts of spreading disturbances of

nighttime parking to other areas: again, the Initial Study found no significant effects on the environment, consistent with the threshold standards for significant environmental effect of the CEQA Guidelines Section 15064.

b. The EIS shows non-existent neighborhoods on its maps and cites conditions deleted in response to CEQA review comments to justify claims of no impact.

The basis for the appeals argument that CEQA requirements were not met is founded in a claim that the City intentionally misled decision-makers and anyone reviewing the draft Negative Declaration by displaying the proposed permit parking program area on maps that show "paper" streets and "do not distinguish between existing subdivisions and ... paper subdivisions which cannot provide the claimed overnight parking."

The argument that misrepresentation of paper streets skews the issue is not clear. The maps depicting the proposed permit parking areas were created from draft maps that have been commonly used by the City as base maps. The intention was in no way to mislead the viewer. The Planning Commissioners are well aware that these paper streets do not exist, and the issue of their being displayed in the background to the permit parking area maps was never raised in public hearing. Furthermore, additional maps identifying the location of the two neighborhoods affected by the proposed permit parking program without the paper streets were attached to the draft Negative Declaration as Attachments 2 and 3, and as such circulated in the August 24, 2006 Agenda Report.

The appeal also claims a condition of "saturated residential overnight parking," seemingly exacerbated by the availability of additional parking on "fictitious" paper streets. There is no evidence of a significant level of saturated nighttime on-street parking within the permit parking area, neither in response to specific questions contained in the survey, nor in public testimony received at community meetings or at public hearings.

c. The applicants' acknowledgement of the coastal access impacts raised by Coastal Commission staff and the resulting post-circulation change of conditions in the project precludes the use of the outdated negative declaration to satisfy the requirements of CEQA.

At no time did the project, as originally described in the CDP Application, or as discussed and revised through the public hearings process (June 8, July 13, and August 24) include streets in the Casa del Mar/Kehoe Estates neighborhood.

Based upon discussion and direction provided by the Planning Commission to consider comments received on June 8 from Coastal Commission staff, the project area was revised for the July 13, 2006 public hearing, prior to circulation of the Initial Study and draft Negative Declaration (July 17 to August 15, 2006).

The only substantive change to the project that followed the CEQA review was a change to the timing of the permit program (changed from 10 p.m. to 4 a.m., to 12 a.m. to 4 a.m.), brought about through conditions of approval by the Planning Commission. Such

changes do not constitute "a new, avoidable significant effect" as specified in CEQA Guidelines Sections 15073.5 below (emphases added).

15073.5 Recirculation of a Negative Declaration Prior to Adoption

(a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.

(b) A "substantial revision" of the negative declaration shall mean:

(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

(c) Recirculation is not required under the following circumstances:

(1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

(2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration...

The appeal also argues that potential alternative nighttime parking at Poplar Beach parking lot (under City jurisdiction) and at the HMB State Beach parking lots were not considered "even though the City Council subsequently extended the hours of the Poplar lot." "The CEQA document does not compare the effect of such alternatives..." (pg 9).

First of all, the City Council did not extend the hours of Poplar Beach parking lot at the October 17, 2006 hearing; it merely asked staff to bring the issue back for discussion. Secondly, there is no requirement for an assessment of alternatives and a comparison of their effects in a Negative Declaration. Staff did assess both alternatives of opening Poplar lot at nighttime, and of seeking collaboration of State Parks in opening one or more State Beach parking lots, and addressed the adequacy of these alternatives, and issues related to opening them, in Agenda Reports for June 8, July 13, and August 24, 2006.

Mr. Chris Kern
November 13, 2006
Page 8 of 8

Based on the information provided above and supported by the attached documentation, the City encourages the Coastal Commission to find that no substantial issue exists with respect to the grounds on which an appeal has been filed. Staff would be glad to meet with you to discuss these issues in greater detail and will gladly attend the Coastal Commission hearing to respond to any questions that may arise at that time.

Sincerely,
CITY OF HALF MOON BAY

Signature on File

Steve Flint
Planning Director

cc: Marcia Raines, City Manager
Adam Lindgren, City Attorney
Wendy Brewer Lama, Planning Consultant

Attachments

Agenda Reports and Attachments for Planning Commission public hearings held on June 8, July 13, August 24, and September 28, 2006

Agenda Reports and Attachments for City Council public hearing held on April 18, 2006 and October 17, 2006

Resolutions P-34-06, P-35-06 and C-74-06

Minutes from Planning Commission Meetings of June 8, July 13, August 24, and September 28, 2006

Minutes from City Council Meetings of April 18 and October 17, 2006.

Draft Initial Study and Negative Declaration, Half Moon Bay, July 14, 2006 and Notice of Completion and Environmental Document Transmittal

Filing of Notice of Determination (October 3, 2006)

Public comments and correspondence re: CDP 02-04, including comments on Draft Initial Study

Planning Permit Application Form PDP 02-04

Request for Feedback on a Resident and Visitor Permit Parking Program, and Resident and Visitor Permit Parking Resident Feedback Survey

RECEIVED

DEC 06 2006

CALIFORNIA
COASTAL COMMISSION

Calvin A. Carter
233 Miramontes Ave.
Half Moon Bay, Ca. 94019
Dec 4, 2006

Agenda item 6a; Dec 15,2006
Appeal NO: A-2-HMB-06-019

I am opposed

California Coastal Commission
45 Fremont, Suite 2000
San Francisco, Ca. 94105-2219

F 6a

Dear Sir:

I want to express my opposition to Appeal NO: A-2-HMB-06-019 by James Benjamin and Sofia Freer to CDP by the City of Half Moon Bay to implement a nighttime parking permit between the hours of 12:00 AM to 4:00 AM Daily. I agree with the Staff Recommendation that no substantial issue exist with respect to the grounds on which the appeal was filed.

Mr. Benjamin and Ms. Freer argue that this would concentrate nighttime public beach access parking on Pilarcitos Ave west of the Casa del Mar neighborhood. If you look at a map you will see there is no natural outlet for beach parking in this neighborhood. There is no natural turnoff of Highway One to the beach through this neighborhood. There are many other neighborhoods where beachgoers can park if restricted from the area covered by the CDP. In the public hearings on this issue, residents in those areas did not want the same restriction and expressed the opinion that beach parking would not be a problem for them. During these same hearings, no one from Casa del Mar made the same argument as did Mr. Benjamin and Ms. Freer. In fact the first time Mr. Benjamin expressed his concerns was during the final Planning Commission meeting. This is spite of the fact he is a former member of the Planning Commission and very much aware of how government works in Half Moon Bay. The old program restricting beach parking in this same neighborhood was in effect for more than 10 years. During all that time Casa del Mar did not experience a problem. It

really does not seem likely that such a problem will occur in their neighborhood now.

The City of Half Moon Bay has does a great job of solving a real problem in the affected neighborhood and at the same time complying with the Coastal Act. By restricting parking between the hours of midnight and 4am in the residential area that was most effected they have diluted it to the rest of the of the city. It is very unlikely that those who cause the problems during these hours will not concentrate in any one area such as Casa del Mar. In any case Mr. Benjamin and Ms. Freer will have an opportunity to present their experiences with the program when it is up for renewal after one year.

With this in mind I would urge you to deny this appeal.

Thank you,

Calvin A. Carter

F-6a

Appeal No. A-2-HMB-06-019

James Benjamin
and Sofia Freer
Opposition

Mr. Chris L. Kern, Coastal Program Manager and District Manager
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

December 8, 2006

Dear Mr. Kern:

Thank you for sending us copies of your staff report dated November 22, 2006, and for linking an electronic copy of our appeal to the agenda of the California Coastal Commission's December meeting. In this letter we offer the following comments on this staff report. We also present a rebuttal to several points in the November 13, 2006 response to our appeal by City of Half Moon Bay Planning Director Steve Flint, which we understood to have been sent to the Coastal Commission, but do not see in the Commission's public record of the appeal. In the interest of having a complete record available to the public and the members of the Coastal Commission, we have uploaded a copy of their letter to your ftp web site, in the directory "HMB-Nighttime-Permit-Parking-Appeal."

The kernel of Coastal Commission staff analysis seems to be that since little evidence was presented, for the demand for overnight parking, the project would not create substantial disturbances that rise to the level of conflict with the LCP and Coastal Act policies cited in our appeal. We respectfully disagree with this line of reasoning. First, we believe that applicant, not the appellants, bear the burden of providing evidence to support findings required for the project to receive a Coastal Development Permit. Even if thousands of cars sought overnight parking in the project area, it would be impossible to demonstrate *a priori* the impact this plan would have on our neighborhood. This is an unfair burden to impose on the appellants.

30212.5: Although we share your skepticism about the adequacy of police reports presented by the City to make these findings, we understand that obnoxious and potentially dangerous behavior can be real even if not witnessed by police. We also understand that the impact of such behavior cannot be measured solely by its frequency, and so we respect the City's intent to respond to these incidents in order to be consistent with §30210. We cannot, however, understand the City's willingness to take steps to protect every beachfront neighborhood except for Pilarcitos Avenue west of Casa del Mar from such behavior. Per Director Flint's own testimony to the Planning Commission, these misbehaving visitors will leave the program area to seek another beachfront neighborhood not protected by the plan. But there is only one such neighborhood in Half Moon Bay, hence the concentration of high-impact users that we feel violates §30212.5.

30230, 30231, 30240: In the anecdotal public record and our experience, our problem nighttime visitors have a propensity for building fires, and for ad hoc disposal of personal wastes when state beach public restrooms are closed. To the extent they choose to use appropriate coastal access trails, instead of the pallets that some use as pontoons to cross Pilarcitos Creek, perhaps these visitors will avoid impacting Pilarcitos Creek and the Western Snow Plover

Pilarcitos Ave. and environs in Casa del Mar – during the permit parking program hours of 12 a.m. to 4 a.m.

Response: While this is similar to the city's statement; "Furthermore, there is little chance that Casa el Mar would be the recipient of a spillover effect from the nighttime permit parking program" (Agenda Report Aug 24, 2006, Attachment 2, Page 4), the assertion is contradicted on page 10 of the same document. In an attempt to address the adequacy of alternative nighttime visitor parking, the City suggests that parking is available in "the entire neighborhood of Casa del Mar/Kehoe estates" The City's Planning Director stated that problem visitors move from the project area to other neighborhoods with more immediate beach access.

2. ...the project is likely to result in the continuation of parking with a Visitor Parking Permit in the permit parking area as the most convenient parking location, as evidenced by historic parking patterns; and could result in a dispersal of parking among unrestricted blocks within Alsace Lorraine and Miramar/Naples near the permit parking area and in other coastal neighborhoods, including Arleta Park and Casa del Mar. Thus, no single area is likely to receive the displaced parking.

Response: Visitors who pose a nighttime hazard to residents and coastal resources due to illegal activities are not likely to purchase a parking permit from the Police Department during daytime hours.

3. ...the incidence of nighttime parking and parking-related disturbances on Pilarcitos Ave. and neighboring blocks in the Casa del Mar neighborhood is minimal.

Response: Since all evidence is "anecdotal" as stated on Page 7 of the Coastal Commission Staff report, the sentence should read "the incidence of reported nighttime parking and parking-related disturbances." Sofia Freer has reported several illegal nighttime fires during the last 5 years to State Park officials, who, unlike the Half Moon Bay Police, have jurisdiction of beaches west of Casa del Mar. Furthermore, she could have, but did not, report complaints about noise, loud parties, trespassing and vandalism in the form of gang-related graffiti.

4. There are no Coastal Access signs directing the public to the beach through Casa del Mar as there are in the vicinity of other coastal neighborhoods.

Response: True, but our neighbor at 960 Pilarcitos Ave had to place a "no beach access" sign between his house and the house next door, because visitors have on several occasion attempted to access the beach via this property.

5. The appeal claims that "concentration" of nighttime parking in Casa del Mar will occur because the neighborhood provides the shortest route to the beach. The vertical distance from Pilarcitos Ave. to the beach during dry season is approximately 800-1000 ft., roughly the same vertical distance as from the permit parking areas in Alsace Lorraine and in Miramar/Naples

questions that address the issue of the danger to coastal resources, including pollution of waterways and disturbance of areas frequented by protected species, that is caused by unruly nighttime visitor behavior.

Mr. J. C. Orman and Nanette H. Orman, M.D.
820 Pilarcitos Avenue
Half Moon Bay, CA 94019

RECEIVED

DEC 11 2006

CALIFORNIA
COASTAL COMMISSION

F-6a
No. A-2-HMB-06-019
John C. and Nanette H. Orman
(1) Objection to Project and
(2) In Favor of Appeal by
James Benjamin and
Sofia Freer

December 9, 2006

Mr. Chris L. Kern,
Coastal Program Manager
California Coastal Commission
North Central Coast District Office
45 Fremont, Suite 2000
San Francisco, CA 94015-2219

Dear Commissioners and Mr. Kern:

In response to the Public Hearing Notice of November 22, 2006, concerning Permit Number A-2-HMB-06-019, we reviewed (1) the Staff Report—Appeal Substantial Issue, filed November 22, 2006, and (2) the Mr. Benjamin and Mrs. Freer letter to you of December 8, 2006.

We sincerely appreciate the thoughtful work by Commission staff.

Nonetheless, we urge the Commission to vote NO on the Motion presented in the Staff Report. More specifically, we hope the Commission will not concur with the City of Half Moon Bay plan to discriminate amongst similar neighborhoods with dedicated public access to beaches. The City depended on insufficient police data, and a truly faulty survey questionnaire, as the basis for its program to restrict parking adjacent to most beaches in the City.

The Benjamin/Freer letter presents a position worthy of Commission adoption while rebutting City and staff contentions.

Sincerely yours,

Signature on File


J.C. and Nanette H. Orman

Dana Kimsey
173 Correas Street
Half Moon Bay, CA 94019

December 10, 2006

California Coastal Commission
Attn: Ms. Rebecca Roth
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

F 6a

Re: Appeal #A-2-HMB-06-19

Dear Ms. Roth:

Please deny the appeal to prevent the nighttime parking permit from midnight until 4:00 a.m. in the Half Moon Bay neighborhoods of Miramar and Alsace Lorraine.

This project has a long history in our neighborhoods, particularly Alsace Lorraine. This particular issue has been discussed for the last four years (that includes two separate city councils), probably close to 15 meetings and has even had a subcommittee of volunteers to come up with a program in compliance with HMB's certified LCP. We've have had numerous neighborhood meetings which I doubt the appellants attended and lots of public testimony at planning commission and city council level meetings.

This program is in compliance with the Coastal Act, and as approved, has minimal impact on coastal access due to the hours of the program; midnight to four a.m. in the morning. It only prohibits those who typically impact negatively the rights of local residents in the neighborhoods in question due to the hour of the early morning.

I don't understand the basis for the appeal as HMB will be monitoring the impact of any "unintended" consequences that may occur in the appellant's neighborhood, (Casa del Mar) or any other neighborhood. If disturbances do spread and can be documented, a case will be made for an amendment of the CDP based on new threats to public safety and private property adding new blocks or neighborhoods.

The results of the survey asked residents if they would be willing to purchase a permit to be a part of the PM program based on the disturbances in their neighborhoods. Casa del Mar opted out.

Living through this nighttime overflow from when the state park closes at dusk is a significant safety hazard for the neighbors personally and a violation of our property rights. This is not an enforcement issue as the police can't get here in time to see what law is actually being broken or what vandalism has occurred.

I personally am afraid to turn the lights on at 1:00 a.m., as an example, to report the disturbances in case of any back lash from these car parkers. By the time the police arrive, the trouble makers are already at the beach and are, without this program, parked legally. Worse occurs upon their return, only louder, driving donuts through the cul-de-

sacs or sometime they just car camp using our property as their bathroom and private garbage dump. I'm not even discussing the environmental damage they do to the wetlands west of the neighborhoods.

So, please deny the appeal. We, as many neighbors and City Staff, commissioners and counselors have spent many hours trying to include all residents of all coastal developments to participate in this program. It seems to me that Casa del Mar (CDM) residents should first determine if this nighttime parking permit program even raises a "significant issue" for them as it already has for too many of us for far too long.

Sincerely,

Signature on File

Dana Kimsey

Cc: Wendy Lama
Mike Kimsey
Cal Carter
Elizabeth McPartlan
Wayne Hinthorn
Lana Ellis

RECEIVED

DEC 12 2006

CALIFORNIA
COASTAL COMMISSION

**Juliana Barr and Allison
792 Pilarcitos Avenue
Half Moon Bay, CA 94019**

**F-6a
No. A-2-HMB-06-019
John C. and Nanette H. Orman
(1) Objection to Project and
(2) In Favor of Appeal by
James Benjamin and
Sofia Freer**

December 11, 2006

Mr. Chris L. Kern,
Coastal Program Manager
California Coastal Commission
North Central Coast District Office
45 Fremont, Suite 2000
San Francisco, CA 94015-2219

Dear Commissioners and Mr. Kern:

In response to the Public Hearing Notice of November 22, 2006, concerning Permit Number A-2-HMB-06-019, we reviewed (1) the Staff Report—Appeal Substantial Issue, filed November 22, 2006, and (2) the Mr. Benjamin and Mrs. Freer letter to you of December 8, 2006.

We sincerely appreciate the thoughtful work by Commission staff.

Nonetheless, we urge the Commission to vote NO on the Motion presented in the Staff Report. More specifically, we hope the Commission will not concur with the City of Half Moon Bay plan to discriminate amongst similar neighborhoods with dedicated public access to beaches. The City depended on insufficient police data, and a truly faulty survey questionnaire, as the basis for its program to restrict parking adjacent to most beaches in the City.

We believe that all citizens should have equal access to the beaches and parks along the Coast and we oppose having public access restrictions in certain neighborhoods and not others. This clearly places the burden of having more traffic in the neighborhoods that do not restrict public parking.

The Benjamin/Freer letter presents a position worthy of Commission adoption while rebutting City and staff contentions.

Sincerely yours,

Juliana Barr and Allison Akana

Signature on File

RECEIVED

DEC 13 2006

CALIFORNIA
COASTAL COMMISSION

F 6a

A-2-HMB-06-019

Karen K. Erickson

Against the permit parking in Half Moon Bay

Dear Coastal Commission,

In September, the planning commission in Half Moon Bay approved the use of night time permits for those parking along approximately a four mile stretch along the coast. I oppose this ordinance along with many others – in fact, after the city sent out surveys the majority returned them stating that they were opposed to the idea.

There are a number of reasons that so many of us oppose this night time permit ordinance. First and foremost the coast should always be open to the public and there should always be access to it. It seems that as more 'monster homes' are built in the area the owners make it known that tourists/visitors are not welcome in the area. I should add here that I have lived in Half Moon Bay for over 20 years and live approx. 2 blocks from the coast.

What I am really frightened of is that this permit parking is just a precursor for daytime permits. The survey that I mentioned, asked how we felt about permits during the day. At several meetings I have attended those in favor of the permits have mentioned that it really is not the late evenings that are bad but the day use that has gotten out of control.

Please do not assist in the 'Careml-ization' of our little town. Those that use the beach that late at night are really not out of towners but people like me.

Thank you for your consideration.

Sincerely,

Signature on File

Karen K Erickson
18 Valencia St.
Half Moon Bay, CA 94019