

CALIFORNIA COASTAL COMMISSION

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

W9

NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

March Meeting of the California Coastal Commission

MEMORANDUM

Date: March 14, 2007

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 March 14, 2007 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.

EMERGENCY PERMITS

1. 2-07-007-G City Of Pacifica, Attn: Elizabeth Claycomb (Pacifica, San Mateo County)
2. 2-07-008-G City Of Pacifica, Attn: Elizabeth Claycomb (Pacifica, San Mateo County)

TOTAL OF 2 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
2-07-007-G City Of Pacifica, Attn: Elizabeth Claycomb	Apply metal collar bracket and cement patch to Outfall pipe between its second and third cement collars. Insert two sections of polyethene pipe into the Outfall using an excavator. A fuser/welder will fuse the two sections of polyethene pipe together at the Outfall once the first section of pipe is inserted in the existing Outfall structure. Pump sand, excess water, debris, and other materials out of storm drains at inland access locations using a vactor truck. Add sandbags to properties prone to flooding.	Clarendon Outfall (Outfall) located on the beach at the south end of Beach Boulevard and the storm drains along Clarendon Avenue and Palmetto Avenue, Pacifica (San Mateo County)
2-07-008-G City Of Pacifica, Attn: Elizabeth Claycomb	Expose void in Beach Blvd Sea Wall by jack-hammering holes through the concrete deck above it. Pump approximately 15 yards of concrete into the void and close off hole to match the current concrete deck. During construction, public access to the street will be closed and barricaded for safety and to divert traffic flow to address the street closure. Work will be conducted from the landward side of the sea wall.	Intersection of Beach Boulevard and Santa Maria Avenue, Pacifica (San Mateo County)

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**EMERGENCY PERMIT**

Elizabeth Claycomb
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

Date: February 23, 2007

Emergency Permit: 2-07-007-G

LOCATION OF EMERGENCY WORK:

Clarendon Outfall (Outfall) located on the beach at the south end of Beach Boulevard and the Storm drains along Clarendon Avenue and Palmetto Avenue, Pacifica, (San Mateo County)

WORK PROPOSED:

Apply metal collar bracket and cement patch to Outfall pipe between its second and third cement collars. Insert two sections of polyethene pipe into the Outfall using an excavator. A fuser/welder will fuse the two sections of polyethene pipe together at the Outfall once the first section of pipe is inserted in the existing Outfall structure. Pump sand, excess water, debris, and other materials out of storm drains at inland access locations using a vactor truck. Add sandbags to properties prone to flooding.

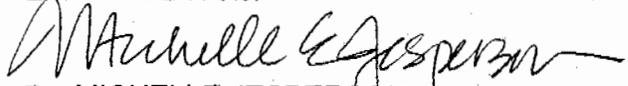
This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form flooding of private workspaces/residence along Palmetto Avenue and Clarendon Avenue requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
Executive Director


By: MICHELLE JESPERSON
Coastal Program Analyst

cc: Local Planning Department

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form

Emergency Permit Number: 2-07-007-G

Date: February 23, 2007

Page 2 of 3

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by March 24, 2007).
4. Within 60 days of the date of this permit (i.e., by April 23, 2007), the permittee shall apply for a regular Coastal Permit to have the emergency work be considered permanent. The Permittee may also submit a revised project description to the existing permit application (2-06-014) that includes this repair to the Clarendon Outfall to have the emergency work considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit (i.e., by July 22, 2007), unless this requirement is waived in writing by the Executive Director.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Dept of Fish and Game, U.S. Fish and Wildlife, U.S. Army Corps, State Lands Commission).
7. All work shall take place during daylight hours and lighting of the beach area is prohibited.
8. Construction activities and equipment shall avoid Pacific Ocean waters and minimize beach disturbance to the maximum extent feasible by project design and implementation including, but not limited to, limiting construction to the lowest possible tides. No construction equipment, materials, or debris shall be placed where they may be subject to ocean waters or dispersion.
9. Construction equipment including an excavator, fuser/welder, vactor truck, pumps, and City of Pacifica Public Works vehicles shall be staged at the intersection of Clarendon Avenue and Beach Boulevard. A back-up excavator shall be available at the staging area in the event that any of the equipment used for the repairs is stuck on the beach; any such equipment that becomes stuck shall be retrieved as soon as feasibly possible.
10. No construction equipment or materials shall be stored on the beach. All construction equipment and materials used for the emergency repair shall be stored at the inland staging location (i.e., at Clarendon Avenue and Beach Boulevard). Only that amount of construction equipment and materials required for the emergency repair activities shall be stored at the inland staging location.

Emergency Permit Number: 2-07-007-G

Date: February 23, 2007

Page 3 of 3

11. Only rubber-tired construction vehicles are allowed on the beach, except track vehicles may be used if the Executive Director agrees that they are required to safely carry out construction. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
12. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The Permittee shall collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent as necessary (including through the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected). Equipment washing, refueling, and/or servicing shall not take place on the beach.
13. All beach areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.
14. Adequate vactor truck capacity capable of pumping all drain materials (including but not limited to sand, storm water, debris, etc.) shall be maintained during all emergency work, and all such materials shall be pumped and disposed of by vactor truck or equivalent. No such materials shall be otherwise discharged at the construction site. At least one vactor truck shall be present at all times during construction.
15. Construction Site Documents. A copy of the signed emergency coastal development permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the emergency coastal development permit, including all of its terms and conditions, prior to commencement of construction.
16. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

As noted in Condition #4, the emergency work carried out under this permit is considered to be TEMPORARY work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate and easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission's North Central Coast District Office at the address and telephone number listed on the first page.

CALIFORNIA COASTAL COMMISSION

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45 FREMONT, SUITE 2000
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FAX (415) 904-5400



EMERGENCY PERMIT

Elizabeth Claycomb
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

Date: February 26, 2007

Emergency Permit: 2-07-008-G

LOCATION OF EMERGENCY WORK:

Intersection of Beach Boulevard and Santa Maria Avenue, Pacifica, (San Mateo County)

WORK PROPOSED:

Expose void in Beach Boulevard Sea Wall by jack-hammering holes through the concrete deck above it. Pump approximately 15 yards of concrete into the void and close off hold to match the current concrete deck. During construction, public access to the street will be closed and barricaded for safety and to divert traffic flow to address the street closure. Work will be conducted from the landward side of the sea wall.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of a void in the sea wall compromising the adjacent storm drain requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
Executive Director


By: MICHELLE JESPERSON
Coastal Program Analyst

cc: Local Planning Department

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form

Emergency Permit Number: 2-07-008-G

Date: February 26, 2007

Page 2 of 3

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by March 28, 2007).
4. Within 60 days of the date of this permit (i.e., by April 27, 2007), the permittee shall apply for a regular Coastal Permit to have the emergency work be considered permanent. The Permittee may also submit a revised project description to the existing permit application (2-06-014) that includes repairs to Beach Boulevard sea wall to have the emergency work considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit (i.e., by July 26, 2007), unless this requirement is waived in writing by the Executive Director.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Dept of Fish and Game, U.S. Fish and Wildlife, U.S. Army Corps, State Lands Commission).
7. All work shall take place during daylight hours and lighting of the beach area is prohibited.
8. No concrete will be pumped, washed, hosed, or discharged in a manner that will reach the ocean.
9. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The Permittee shall collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent as necessary (including through the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected). Equipment washing, refueling, and/or servicing shall not take place on the beach.
10. Construction Site Documents. A copy of the signed emergency coastal development permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the emergency coastal development permit, including all of its terms and conditions, prior to commencement of construction.
11. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

Emergency Permit Number: 2-07-008-G

Date: February 26, 2007

Page 3 of 3

As noted in Condition #4, the emergency work carried out under this permit is considered to be TEMPORARY work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate and easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission's North Central Coast District Office at the address and telephone number listed on the first page.

CALIFORNIA COASTAL COMMISSION

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

**Memorandum****March 9, 2007****To:** Commissioners and Interested Parties**FROM:** Charles Lester, Deputy Director
North Central Coast District**Re:** **Additional Information for Commission Meeting Wednesday, March 14, 2007**

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
W9, 2-07-007-G-A1	City of Pacifica	Amendment to Emergency Permit	1 to 4
W11a, HMB-MAJ-1-02	City of Half Moon Bay	Correspondence	5-11

CALIFORNIA COASTAL COMMISSION

North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
(415) 904-5280

**AMENDMENT TO EMERGENCY PERMIT**

Date: **March 2, 2007**

Permit Application No.: **2-07-007-G-A1**

Issued to:

City Of Pacifica, Attn: Elizabeth Claycomb

for:

Apply metal collar bracket and cement patch to Outfall pipe between its second and third cement collars. Insert two sections of polyethene pipe into the Outfall using an excavator. A fuser/welder will fuse the two sections of polyethene pipe together at the Outfall once the first section of pipe is inserted in the existing Outfall structure. Pump sand, excess water, debris, and other materials out of storm drains at inland access locations using a vactor truck. Add sandbags to properties prone to flooding.

at:

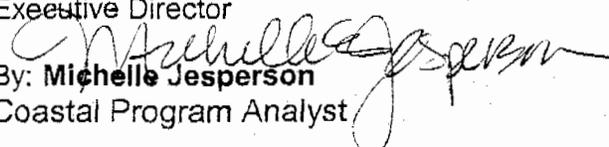
Clarendon Outfall (Outfall) located on the beach at the south end of Beach Boulevard and the storm drains along Clarendon Avenue and Palmetto Avenue, Pacifica (San Mateo County)

has been amended to include the following changes:

Excavate existing Outfall structure buried beneath sand; clear sand and debris from existing Outfall structure using an excavator. Remove failed sections of damaged Outfall pipe (approximately 40 ft). Remove twelve (12) failed piling structures using an excavator. Reinstall four (4) steel I-beams incased in a polyethene sleeves 20 feet into the sand and greenstone layer using a track-mounted drill rig. Install steel Outfall pipe through pile casings and secure pipe to pilings using a fuser/welder. Insert polyethene pipe (slip liner) through steel Outfall pipe. Install rubber pinch valve at seaward end of Outfall pipe using an excavator and bolt.

This amendment will become effective upon return of a signed copy of this form to the North Central Coast District Office. Please note that the original permit conditions are still in effect and new conditions have been added (pages 3 and 4).

Sincerely,
PETER M. DOUGLAS
Executive Director

By: 
Michelle Jespersen
Coastal Program Analyst

AMENDMENT TO EMERGENCY PERMIT

Date: March 2, 2007

Permit Application No.: 2-07-007-G-A1

Page 2 of 4

ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by its Conditions and the remaining conditions of Permit No: **2-07-007-G-A1**

Date: _____

Signature: _____

AMENDMENT TO EMERGENCY PERMIT

Date: March 2, 2007

Permit Application No.: 2-07-007-G-A1

Page 3 of 4

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Additional Special Conditions of Approval:

(NEW) 16. Containment Requirements. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, outfall discharge, other chemicals, etc.) from entering Pacific Ocean waters. A floating containment boom shall be placed around all active portions of a construction site where any floatable debris could enter the water. Also, for any work on or beneath pilings located within tidal reach, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall into the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.

17. The construction site and staging area shall maintain good construction housekeeping (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).

18. Within 30 days of completion of the construction authorized by this emergency permit, the permittee shall submit site plans and cross sections prepared by a certified

AMENDMENT TO EMERGENCY PERMIT

Date: March 2, 2007

Permit Application No.: 2-07-007-G-A1

Page 4 of 4

civil engineer or engineering geologist clearly identifying the work completed under the emergency authorization (comparing the emergency condition to the post-work condition), and a narrative description of all emergency construction activities undertaken pursuant to this emergency authorization.

19. Within 30 days (i.e. April 1, 2007) of issuance of this amended emergency permit, the permittee shall submit all outstanding information needed to complete and file Coastal Development Permit No. 02-06-014. This condition supercedes the 60-day requirement as indicated on the original emergency permit and acceptance form issued February 23, 2007.

20. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

Ron and L.E. Schillig-Wallen
1 Sunset Terrace, Half Moon Bay, CA 94019
Phone: (650) 560-0133 / Fax: (650) 475-3LAW

February 25, 2007

Agenda item #W 11a
In FAVOR of
LCP Amendment No. HMB-MAJ-1-02

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

R E C E I V E D

FEB 27 2007

CALIFORNIA
COASTAL COMMISSION

Dear Commission and Commission staff members:

This letter is on behalf of a **great many residents of Canada Cove Senior Mobile Home Park (CCMHP)** in Half Moon Bay to encourage approval of the **City of Half Moon Bay Major Local Coastal Program Amendment 1-02 (MOBILE HOME PARK)**.

The City of Half Moon Bay (HMB) has entertained a Mobile Home Park Zoning Ordinance for us since 1975:

- An original draft Mobile Home Park Zoning Ordinance was submitted in 2001.
- The HMB Ordinance No. C-04-02 was submitted to the California Coastal Commission (CACC) on October 16, 2002.
- After much deliberation and hard work by both CACC and HMB staff, the Amendment 1-02 that is before you was originally submitted on February 2005 and subsequently amended.

CCMHP was established in 1972. It has 360 mobile home sites. When we purchased our home in 2004 we were told CCMHP was rated as a 5 Star Mobile Home Park and it is still one of the most beautiful in California. **As a Senior Park, homeowners are over 55 years old. Many are Social Security recipients** and have their entire life savings invested in their homes and leases.

We need the protection a Mobile Home Park Zoning would afford us (and our investments) because CCMHP is located in what has become a very prime property. We are presently zoned PUD, and therefore are potentially vulnerable to the sale of CCMHP to a large developer. The fact is that many, many California cities in Local Coastal Zones already have had Mobile Home Park Zoning Ordinances for years.

The sale of Mobile Home Parks is currently a national affordable housing problem. On May 15, 2001 the HMB City Council unanimously declared CCMHP as "a major affordable housing element in the City's housing inventory." Please let's keep it that way. **SUPPORT ZONING CCMHP AS WHAT IT IS... A MOBILE HOME PARK.**

Sincerely,

Signature on File

Ron and L.E. Schillig-Wallen



March 09, 2007 Via Fax *82-1-415-904-5400 5:35 am
FaxLtr to all California Coastal Commissioners
Legally permitted public input

RECEIVED
MAR 09 2007
CALIFORNIA
COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT

March 2007 Agenda

Monterey Conference Center
One Portola Plaza
Monterey, CA 93940

[Phone number will be provided at the time of the meeting.]

This has been updated at 1:30 p.m., Friday, March 2, 2007.

9:00 A.M.

WEDNESDAY, MARCH 14, 2007

11. LOCAL COASTAL PROGRAMS (LCPs) . See AGENDA CATEGORIES

a. **City of Half Moon Bay LCP Amendment No. HMB-MAJ-1-02 (Mobile Home Parks)** . Public hearing and action on request by the City of Half Moon Bay to amend its certified Local Coastal Program to 1) add "Mobile Home Park" as a new land use category and incorporate a new Chapter 18.17 to the Zoning Code to establish a new "Mobile Home Park District" and detailed regulations applicable to lands within the district and 2) revise the LUP and zoning maps to re-designate the existing Canada Cove Mobile Home Parks to the new Mobile Home Park category and district. (YZ-SF)
////////////////////////////////////

Hearing Date:

March 14, 2007

Public's input (new information) to each California Coastal

Commissioner :

(Mobile Home Parks)

Half Moon Bay)

LCP Amendment No. HMB-MAJ-1-02

(City of Half Moon Bay,



TO: The Honorable Commissioners of the California Coastal Commission

CC: California Coastal Commission Executive Director, Peter Douglas

CC: California Coastal Commission Deputy Director, Charles Lester

CC: North Central Coast District Manager, Rebecca Roth

Subject: LCP Amendment No. HMB-MAJ-1-02 (Mobile Home Parks)
(City of Half Moon Bay, Half Moon Bay)

Honorable California Coastal Commissioners:

At the Half Moon Bay City Council meeting of February 20, 2007 the City Council and staff formally and in secrecy discussed amending the the City LCP to alter Chapter 3 of the Municipal Code, "definitions", to achieve certain ends. Staff was instructed by Council to not forward this information to the California Coastal Commission until the CCC had heard on March 14, 2007 a request for LCP amendment regarding Mobile Home Park zoning, one of the definitions to be affected by this pending "definitions" submission to the California Coastal Commission.

The agenda item agenda gave no clue as to what was to be discussed, nor nor did it indicate that city staff was to be instructed to withhold information from the Coastal Commissioners. Therefore, this situation might constitute deception. The ENTIRE agenda item description is shown here, the item #8 as it appeared on the City Clerk prepared and posted agenda for February 20, 2007.

"8.

Plann ing

Discussion/Action

Discussion on Status of Local Coastal Plan Chapter 3 (no staff report attached)"

I cite here to the California Coastal Commissioners applicable precedental law, an appeals court ruling which along with common honesty should have protected citizens and the governmental process against deception:

The case is Carlson v. Paradise Unified School Dist. (1971) 18 Cal.App.3d 196

December 18,2000

Shown beneath is an opinion of the Office of the Attorney General of the State of California which is based on precedent:

In Carlson v. Paradise Unified School Dist. (1971) 18 Cal.App.3d 196

A. Agenda Requirement

At least 72 hours prior to the meeting, the body must post an agenda containing a brief general description of each item to be discussed or transacted at the meeting, including items to be discussed in closed sessions. (sec. 54954.2(a).) The statute makes it clear that discussion items must be placed on the agenda, as well as items which may be the subject of action by the body.

The purpose of the brief general description is to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting of the body. In Carlson



v. Paradise Unified School Dist. (1971) 18 Cal.App.3d 196, the court interpreted the agenda requirements set forth in a section of the Education Code. That section required "... A list of items that will constitute the agenda for all regular meetings shall be posted. ..." In interpreting this section, the court stated:

"... In the instant case, the school board's agenda contained as one item the language

'Continuation school site change.'

This was entirely inadequate notice to a citizenry which may have been concerned over a school closure.

"On this point alone, we think the trial court was correct because the agenda item, though not deceitful, was entirely misleading and inadequate to show the whole scope of the board's intended plans. It would have taken relatively little effort to add to the agenda that this 'school site change' also included the discontinuance of elementary education at Canyon View and the transfer of those students to Ponderosa School." (Id. at 200, original emphasis; see also 67 Ops.Cal.Atty.Gen. 84 (1984).)

However, the Legislature in section 54954.2 placed an important gloss on the requirement to provide a brief general description. That section expressly provides that the brief general description generally need not exceed 20 words in length.

Thus, absent special circumstances, the legislative body should use approximately 20 words to provide essential information about the item to members of the public. Where necessary, legislative bodies are free to provide a more detailed description, but as a general rule, they need not feel any obligation to do so.

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The Constitutional Amendment we call the Coastal Act demands by its language and its implementations in the Public Resources Code, CEQA, and other legislative areas that Coastal Zone governments must be dedicated to protection of Coastal Resources and effectively so, and honestly so. There seems no way the City of Half Moon Bay can escape the fact of such agenda posting as this which you will note prohibits any written staff report; something which could have informed citizens. And been used by citizens to inform the CCC that more LCP information concerning MHP zoning is current and should have been provided.

+++

This LCP submission and re-submission is a packed document, packed with old, outdated, never implemented, ordinances, etc. to look as though work in depth has been done. Actually, some of the work was only grabbing the referred-to old items.

The Coastal Commission has received a submission, then a re-submission from the City of Half Moon Bay in connection with this MHP zoning matter.

The unrevealed reason for the Half Moon Bay re-submission which asks you (Commissioners) to not rezone the Hilltop Mobile Home Park is that it could never, ever, pass a health and safety inspection, or your Enforcement Officer's serving of a search warrant (Inspection warrant) and the associated investigation. Originally, the CCC was asked to include, also, the Hilltop Mobile Home Park along with Canada Cove. You still can consider the point.

One typical reason (only one of more) Hilltop MHP cannot withstand inspections is that on June 5, 2002 a State law enforcement Agency, the Bay Area Air Quality Management District (939 Ellis Street, San Francisco, (415) 771-6000) responded to a complaint of thick dust plumes within the Hilltop Mobile Home Park causing severe



breathing difficulty for an 80 year old Portugese gentleman, not English speaking, lives alone.

The dust plumes were verified on that agency's complaint report # 181 556 which is available to the California Coastal Commission upon your request. A written warning was issued to Annreini Brothers, Inc. who share this light industrial land with the Hilltop Mobile Home Park. Any further violation could result in citation. The Reporting Inspector, badge #704, was Adam Lee.

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The City's submission to the California Coastal Commission in this application does not clearly explain that there is more related to drainage into the Pacific Ocean than "a creek on the Southern side" of Canada Cove. Exactly in the middle of Canada Cove, running from East to West, is the main drainage stream into the Pacific Ocean of all surface water and construction water. If we abandon the present zoning of Planned Unit Development with mobile home park use permit, then we are going to see Canada Cove becomes extremely saleable with the resulting change in use, and the evictions of 360 families.

The City's submission seeks to avoid an EIR, but an EIR could help us to make a professional decision which the Army Corp of Engineers may insist upon. I do not know if the Coastal Commission has sought input and ruling from the Army Corp of Engineers. The waters of the Pacific Ocean are navigable, aren't they? So, fall under the Army Corp of Engineers jurisdiction. Canada Cove drains directly into the Pacific Ocean..

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The City's submittal is deficient in not pointing out that the required public noticing demands of the Public Resources Code have not been met as shown by this excerpt:

(THIS IS 30514 AT (d) public resources code)

(d) (1) The executive director may determine that a proposed local coastal program amendment is de minimis if the executive director determines that a proposed amendment would have no impact, either individually or cumulatively, on coastal resources, is consistent with the policies of Chapter 3 (commencing with Section 30200), and meets the following criteria:

(A) The local government, at least 21 days prior to the date of submitting the proposed amendment to the executive director, has provided public notice, and provided a copy to the commission, that specifies the dates and places where comments will be accepted on the proposed amendment, contains a brief description of the proposed amendment, and states the address where copies of the proposed amendment are available for public review, by one of the following procedures:

(i) Publication, not fewer times than required by Section 6061 of the Government Code, in a newspaper of general circulation in the area affected by the proposed amendment. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(ii) Posting of the notice by the local government both onsite and offsite in the area affected by the proposed amendment.

(iii) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

(B) The proposed amendment does not propose any change in land use or water uses or any change in the allowable use of property.

(2) At the time that the local government submits the proposed amendment to the executive director, the local government shall also submit to the executive director any public comments that were received during the comment period provided pursuant to subparagraph (A) of paragraph (1).



(3) (A) The executive director shall make a determination as to whether the proposed amendment is de minimis within 10 working days of the date of submittal by the local government. If the proposed amendment is determined to be de minimis, the proposed amendment shall be noticed in the agenda of the next regularly scheduled meeting of the commission, in accordance with Section 11125 of the Government Code, and any public comments forwarded by the local government shall be made available to the members of the commission.
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Further....

The City's submittal is deficient in not pointing out that the required public noticing demands of the Half Moon Bay Municipal Code have not been met as shown by this list of violated sections which require:

all residents within affected boundaries of rezoning via United States mail from the City:

18.20.060 B 2: c

All persons within 100 ft. of the affected area via United States mail from the City:

18.20.060 B 2: g

The other applicable demands upon the city to notice as required by Municipal Code 18.20.060 have not been complied with which is faithless at best, and criminal at worst.

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I have and would like to make available to the California Coastal Commission a certified copy of the MCTV (Community Television) VHS tape of the City Council meeting of September 19, 2006. The tape shows the Half Moon Bay City Attorney explaining with clarity and grace why Council cannot (cannot) approve the MHP zoning on that night because of changes they were making that same night to what had already been noticed in newspapers as the public hearing text of proposed ordinance. Council chose to ignore their own attorney and proceeded to pass for only cheap political gain what is now tearing apart a neighborhood and a City. So, there is no gain for anyone including the Coastal Commission in this case.

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Ordinance C-04-06 is illegal in that it violates Federal law which requires only one person in a senior dwelling to be 55 or over. This proposed Half Moon Bay ordinance requires in any condominiums (senior facilities) to be later built that ALL persons must be 55 or over; Thus, the ordinance is in violation of Federal law and trespasses upon the civil rights of park owners and park residents alike.

Senior Housing - what you should know...

*** It is occupied solely by persons who are 62 or older or,**

*** It houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.**

Therefore, housing that satisfies the legal definition of senior housing or housing for older persons described above, can legally exclude families with children.

The Housing for Older Persons Act of 1995 (HOPA) OMB Approval Number: 2529-0046 (Expiration Date 6/30/2006)

HOPA eliminated initial requirements for "significant services and facilities" within designated senior housing units or areas.

Content updated October 6, 2006



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The most damning point of all is that the proposed ordinance removes from the Canada Cove Mobile Home Park the status of a Senior Mobile Home Park, instead we would become a family park, not a
senior park.

Read section 2 "Senior Housing Facilities", it is only such facilities (not a mobile home park) that carry the age limitation.

This is unspeakably cruel and exposes the evil intent of the City of Half Moon Bay in this matter. To hide from the citizens and residents that Canada Cove would change to become a family mobile home park and would pickup a lot of the needed housing for the Genetech corporation now undergoing a **doubling** in size of its already large operation northward by a few miles from Half Moon Bay.
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I hope the Coastal Commissioners will deny the proposed LUP (land use plan) and the IP (Implementation Plan) just as your staff has recommended. Then, as a third motion, DENY any further action and return the matter to Half Moon Bay with prejudice.

We are doing fine in Canada Cove MHP already with PUD and use permit for MHP. This gives us a rather smooth course, and recourse, situation to deal with owners, city, and Coastal Commission with a minimum of HCD (State Housing and Community Development).

Sincerely,

Larry Kay

Canada Cove at
Half Moon Bay
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