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Important Hearing Procedure Note:
This is a substantial issue only hearing. Public testimony will be taken only on the question whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

Th15d

Appeal Filed:	1/7/2013
49th Day:	Waived
Staff:	S.Rexing - SF
Staff Report:	4/26/2013
Hearing Date:	5/9/2013

APPEAL STAFF REPORT
SUBSTANTIAL ISSUE DETERMINATION

Appeal Number:	**A-2-HMB-13-001**
Applicant:	**Ailanto Properties, Inc.**
Appellants:	Marc & Monica Rosoff; Teresa McWhirt & Ken Kennedy; Patrick & Amy Wooliever
Local Decision:	Approved by the Half Moon Bay Planning Department on 9/26/2012, upheld on appeal by the Half Moon Bay Planning Commission and Half Moon Bay City Council on 11/13/2012 and 12/18/2012, respectively. (Local Permit Number: PDP-034-12A)
Project Location:	Pacific Ridge/Ailanto Property, near the terminus of Silver and Highland Avenues, Half Moon Bay, CA (San Mateo County) (APN(s) 056-350-010)
Project Description:	Installation of a 6-foot high, 825-foot long hog wire fence along the southwest property boundary.
Staff Recommendation:	No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

The Half Moon Bay Planning Department approved a coastal development permit (CDP) to allow for the installation of a hog wire fence along the southwestern and southern boundaries of the approved Pacific Ridge subdivision (which has not yet been constructed), located inland of Highway 1, and approximately one mile inland of the coast, in the City of Half Moon Bay. The approved fence would block a privately owned portion of a footpath that is currently used to connect the Highland Avenue residential neighborhood to the Half Moon Bay High School (HMBHS). A portion of the path is located on property that was dedicated in fee for public park uses, but that fee dedication has not yet been accepted, and therefore, pursuant to 30212(a), the public park is not yet required to be opened because an accepting entity has not yet accepted the dedication. Further, because the park and footpath are located more than 1000 yards from the coast, prescriptive rights cannot accrue over the privately owned property inland of Highway 1 because there is no evidence of use of the footpath prior to 1972. Therefore, at this time, the public is not authorized to be using the footpath that would be blocked.

The Appellants contend that the approved project is inconsistent with the Half Moon Bay Local Coastal Program (LCP) because the approved project: 1) will limit access to recreational areas within Half Moon Bay such as the HMBHS athletic fields and downtown Half Moon Bay, as well as areas west of Highway 1 such as beaches and the California Coastal Trail; 2) will result in more pedestrians and bikers accessing the aforementioned recreational areas by way of Highway 1, which is not safe for such pedestrian and bicycle traffic; 3) will cause a substantial increase to Highway 1 traffic, adversely impacting the highway's Level of Service; and, 4) alters the original site plan approved for the Pacific Ridge Subdivision (CDP A-1-HMB-99-022-A1).

After reviewing the local record, Commission staff recommends that the Commission find that the appeal of the approved project does not raise a substantial issue with respect to the project's conformance with the Half Moon Bay LCP because: (1) the approved fence would be located inland of Highway 1 and about a mile from any coastal access points and major visitor-serving areas; (2) the approved fence would block a privately owned area more than 1000 yards from the Coast here precluding the accrual of prescriptive rights; (3) the path is located on private property and is currently being used by members of the public without authorization from the landowner; (4) other options to access coastal areas on the other side of Highway 1 are available and erecting the fence will not affect those options; (5) the approved fence is consistent with the conditions of the previously approved CDP for the Pacific Ridge subdivision which require dedication of the park to the public but do not require the park to be open to the public before an accepting agency has accepted responsibility for maintenance and liability of the park, consistent with Section 30212(a) of the Coastal Act; (6) the Applicant has agreed in writing to remove the fence as soon as the dedication of the adjacent park is accepted consistent with the requirements of section 30212(a) of the Coastal Act; (7) there is no evidence of a significant impact on either traffic or the public's ability to access the coast because many of the footpath users access the Highland Park neighborhood by car (either by way of driving and parking there or by being dropped off there) and then walk to the high school, and therefore they are already accessing the area by Highway 1 and closing the footpath would not change that; and (8) the vehicle trips at issue would occur during school start and dismissal times, not during peak recreational traffic.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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EXHIBITS
Exhibit 1 – Project Location Maps
Exhibit 2 – Site Photographs and Approved Project Site Plan
Exhibit 3 – Approved Project Design
Exhibit 4 – City's Final Local Action Notice
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Exhibit 6 – Correspondence

I. MOTION AND RESOLUTION

Staff recommends a **YES** vote on the following motion. Passage of this motion would result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission would not hear the application de novo and the local action would become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Motion: *I move that the Commission determine that Appeal Number A-2-HMB-13-001 raises* ***no substantial issue*** *with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a* ***yes*** *vote.*

Resolution: *The Commission finds that Appeal Number A-2-HMB-13-001 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION, BACKGROUND, AND DESCRIPTION

On November 13, 2012, the Half Moon Bay Planning Commission approved the installation of a hogwire fence along the southwestern and southern boundary of the adjacent Pacific Ridge subdivision development, beginning at the terminus of Silver Avenue, extending south to the terminus of Highland Avenue and following the Pacific Ridge Subdivision property line east. The subject property is located east of Highway 1, just north of Half Moon Bay High School (HMBHS), immediately east of Terrace, Silver and Highland Avenues. This location inland of Highway 1 is significant because Civil Code Section 1009 provides that if lands are located more than 1,000 yards from the Pacific Ocean its bays, and inlets, unless there has been a written, irrevocable offer of dedication or unless a government entity has improved, cleaned, and maintained the lands, the five years of continual public use must have occurred prior to March 4, 1972. In this case, the subject site is more than 1,000 yards from the sea; therefore the required five-year period of use must have occurred prior to March of 1972 in order to establish public rights in the property. There is no evidence in the record of any use prior to 1972.

The site is zoned Planned Unit Development with a General Plan designation of Planned Development District. The property to the east of the subject fence is the site of the approved Pacific Ridge subdivision.[1] The CDP for the subdivision allows for the development of 63 lots with two-story houses ranging in size from 4,168 to 4,774 square feet. Infrastructure improvements to serve the approved subdivision include privately maintained subdivision streets and underground lines for water, power, and sewer services. The conditions of the CDP require

[1] A-1-HMB-99-022-A-1 (Pacific Ridge), approved October 15, 2008. As of the date of this staff report, none of the approved structures have been constructed.

the Permittee to establish a neighborhood park, a public access trail, dedicated open space and infrastructure improvements, including funding for improvements to the intersection of Terrace Avenue and Highway 1. The approved CDP for the Pacific Ridge subdivision required the Permittee to dedicate land and easements for the required public uses. First, the approval required the permittee to offer to dedicate fee title for a public park on a 1.9-acre site, for passive recreation uses. Second, the Permittee was required to offer to dedicate an open space easement that affects about 85.7 acres of the site, and requires that this land will remain open space. Finally, the approved CDP for the subdivision requires the Permittee to offer to dedicate an easement for a public access trail, which will cross through a portion of the open space east of the development.

Once constructed, a homeowners' association will maintain the subdivision streets, sidewalks, streetlights, wetlands, pond, and the open space amenities. However, the public park, once accepted, will be owned in fee by the accepting entity, and that entity will be responsible for maintaining the park. The City of Half Moon Bay staff has indicated that the City is not interested in accepting the park at this time, and the Cabrillo Unified School District has indicated that it would only be interested in a "limited partnership" with another party taking the lead role. The Appellants have stated that they are investigating the possibility of a land trust agreeing to accept the park. Pursuant to section 30212(a), the above-referenced dedications are not required to be opened to the public until an accepting entity has agreed to accept responsibility for maintenance and liability. The Applicant has agreed in writing to remove the fence as soon as the adjacent park is accepted. [2]

Because the Pacific Ridge subdivision project site is located inland of Highway 1, almost one mile from the ocean, and because the amenities will be limited, the park and trail will likely be used primarily by future residents of the Pacific Ridge subdivision and by the residents of the existing Terrace/Highland neighborhood. However, the Applicant's provision of the local park will help assure that the recreational needs of its subdivision will not overload other coastal recreational areas by providing on-site facilities to serve residents of the new development. Five public parking spaces will be located near the entrance of the park and open space area to accommodate visitors to the park and open space area who travel from in and outside the neighborhood.

The City-approved fence, located along the above-referenced subdivision, would be 6 feet tall and extend a total length of 825 feet. The approved fence would run 420 feet along the western boundary of the property, and 405 feet along the southern boundary of the Pacific Ridge property (See Exhibit 2). The fence would have 6-inch round wood posts, the footings of which would be about 3 feet below grade. The fencing material would be hog wire, which consists of a 2-inch by 4-inch rectangular grid for 54 inches of the height and then is topped by two horizontal 3/16-inch stainless steel cables. This material is commonly used on other properties within the City. Fencepost hole digging will predominantly be performed by hand, but some locations may require a Jeep-mounted auger. Minor tree trimming may also be required in certain locations to allow space for fence construction. See Exhibit 1 for the project location map, Exhibit 2 for the approved project site plan, and Exhibit 3 for the approved project design.

[2] Email communication with Applicant attorney, Richard Jacobs. January 7, 2013.

The approved fence is intended to address concerns about security and liability. The liability concerns stem from the fact that this area has not yet been developed, is vacant, and is used as a footpath by persons who are not authorized to use the privately owned portion of the path. The footpath runs 100 feet from the top of Highland Ave to the Cabrillo Unified School District property on which HMBHS sits (see Exhibit 2). The path is used primarily by HMBHS students to access the school, some of whom live in the neighborhood, and some of whom drive to, or are dropped off in the neighborhood. Concerns have arisen related to increased traffic, congestion and unsafe driving within the subdivision, as well as excess trash, including drug paraphernalia, and fire danger due to the use of the existing footpath.

Half Moon Bay CDP Approval

On September 26, 2012, the Half Moon Bay Planning Director approved CDP PDP-034-12 for the proposed project. This approval was appealed to the Planning Commission, which denied the appeal on November 13, 2012. The project was then appealed to the City Council, which denied the appeal on December 18, 2012. The City's notice of final local action was received in the Coastal Commission's North Central Coast District office on December 20, 2012 (**Exhibit 4**). The Coastal Commission's ten-working day appeal period for this action began on December 21, 2012 and concluded at 5 pm on January 7, 2013. A valid appeal of the City's CDP decision was filed by three households of the Highland Park neighborhood and received during the appeal period (see below and see **Exhibit 5**).

B. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified LCP; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable pursuant to 30603(a)(2) because the approved development is located within 100 feet of a stream identified in the certified LCP.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP, and if the development is located between the first road and the sea, to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.[3] Under Section

[3] The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and

30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea, and thus this additional finding would not need to be made if the Commission were to approve the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

C. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the approved project is inconsistent with the Half Moon Bay LCP, including because the project: 1) will limit access to recreation areas within Half Moon Bay such as the HMBHS athletic fields, the Coastal Trail, beaches and Downtown Half Moon Bay; 2) will result in many more pedestrians and bikers accessing the aforementioned recreational areas by way of Highway 1 which is not safe for such pedestrian and bicycle traffic; 3) will cause a substantial increase to Highway 1 traffic, adversely impacting the Level of Service supported there; and finally, 4) alters the original site plan approved for the Pacific Ridge Subdivision (CDP A-1-HMB-99-022-A-1). Please see **Exhibit 5** for the full appeal document.

D. SUBSTANTIAL ISSUE DETERMINATION

Public Access and Recreation

The following Coastal Act policies, which protect public access recreation, are cited in the Half Moon Bay LCP as the framework for analysis of recreational requirements in Half Moon Bay:

> *30210:*
> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*
>
> *30252:*
> *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing*

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scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the County does not raise a substantial issue with regard to the Appellants' contentions.

> *commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Specifically, Coastal Act Policy 30210 requires that maximum access and recreational opportunities shall be provided and Policy 30252 requires that new development maintain and enhance public access to the coast by providing non-automobile circulation and recreational access within the development.

The Appellants contend that erecting the proposed fence will block pedestrian and bicycle access that has been used by residents of the Highland Park neighborhood to access recreational opportunities at HMBHS (such as the track, ball fields, and pool), downtown Half Moon Bay, and nearby coastal recreational areas on the other side of Highway 1 (such as beaches and the California Coastal Trail). If such access, i.e. the footpath, is blocked by the City-approved fence, the Appellants contend they will either have to walk, bike or drive on Highway 1 to access these recreational opportunities.

Currently, residents of the Highland Park neighborhood use the existing path (either on foot or by bike), which would be blocked by the approved fence, to cross the private property of the Pacific Ridge subdivision and cut through the HMBHS grounds to access Lewis Foster Drive, which leads down to Main Street.[4] At Main Street, there is a signaled crosswalk that allows safe crossing of Highway 1 to access areas west of Highway 1, including the California Coastal Trail and beaches. If the path is blocked by the approved fence, the Appellants contend they will not be able to access the Lewis Foster Drive to Main Street route to reach the signaled intersection to cross Highway 1. Instead, the Appellants contend they will be forced to cross Highway 1 at the Terrace Avenue intersection, which has multiple lane merges, a left turn lane, and no signal. The Appellants contend that this crossing is difficult and unsafe, and that the approved project will thus impact their ability to safely access the coast.

Although the approved fence will block a footpath that has historically been used by the residents of the Highland Park neighborhood, the footpath is located on private property and public access is unauthorized at this time.[5] The letters received by the Commission from the residents of Highland Park (see Exhibit 6) do indicate that a number of neighborhood residents use the path to access coastal areas west of Highway 1, but because the pathway is located inland of Highway 1, it provides neither direct access to coastal areas, nor to the California Coastal

[4] Public correspondence indicates that 16 of the households (out of the total of 95 households within the Highland Park subdivision) use the footpath to access these recreational opportunities anywhere from 1-4 times per week. Ten of these families state they use the footpath to access coastal areas on the other side of Highway 1.

[5] The portion of the footpath that is privately owned will be available to the public after the offer to dedicate fee title for the park is accepted.

Trail specifically. The path provides a shortcut across the Pacific Ridge property (which will become available to the public when the offer to dedicate the public park is accepted) to the high school property (which is owned by the school district and accessible to the public for recreational use of the facilities on the grounds). The high school property links to a main road, Lewis Foster Drive, which then leads to Main Street, which intersects with Highway 1 and provides for pedestrian and bicycle crossing into the areas west of Highway 1. Thus, the subject path can best be described as the beginning of a circuitous route that links up to coastal access areas and beaches. In this case, this circuitous route is preferred by some of the residents of this particular subdivision not because it provides direct coastal access (which it does not, because the path is about a mile from coastal access points), but because it provides for a less busy and more convenient crossing of Highway 1.

The residents who use the path to access coastal areas raise issues of safety concerns because the approved fence will block the path and may encourage them to cross Highway 1 at Terrace Avenue. This is a heavily used intersection where two lanes of northbound traffic on Highway 1 merge to one lane, where cars northbound on Highway 1 often drive on the shoulder to turn right onto Terrace Avenue, and where there is no sidewalk and a somewhat narrow shoulder. However, there are other options to access coastal areas from this neighborhood including: walking or biking south on Highway 1 from the terminus of Silver Avenue on the east side of Highway 1 to the cross walk 0.2 miles away at Main Street to cross to the west side of Highway 1; walking or biking north on the east side of Highway 1 for about 0.9 miles from Terrace Ave to the crosswalk at Ruisseau Francais Ave, or driving to the public parking areas located in the city to access the coastal trail and beaches.

Further, the City has plans to improve Highway 1 at this intersection to improve traffic flow and enhance pedestrian and bicyclist safety. A new bike and pedestrian path is being put in on the west side of Highway 1, beginning at the intersection of Ruisseau Francais Ave and Highway 1, which generally allows for safer bike and pedestrian coastal access to the beach and coastal trail areas. Funds for these improvements were set aside as a condition for the Pacific Ridge subdivision to assure that the adverse impacts of the development would be mitigated. The improvements proposed would include a traffic signal and crosswalk and additional lanes to improve traffic flow.

Traffic

The following LCP policies require maintenance of certain traffic conditions and provide for roadway improvements within the City:

> *LCP Policy 10-25:*
> *The City will support the use of Level of Service C as the desired level of service on Highways 1 and 92, except during the peak two-hour commuting period and the ten-day average peak recreation hour when Level of Service E will be acceptable.*
>
> *LCP Policy 10-26:*
> *The City will support improvements to Highway 1 and 92 outside the City, including phased increases in capacity. First priority being safety improvements to Highway 92…*

LCP Policy 10-27:
The City will recommend to Caltrans installation of improvements on Highway 1 to improve safety and recreational traffic flow and minimize local and visitor traffic conflicts, including signs and left-turn bays at beach access routes. Request Caltrans undertake the widening of Highway 1 to four lanes within the City.

The Appellants also contend that the approved fence project and the resultant closure of the privately-owned portion of the footpath would result in substantial traffic impacts because the approved project would force those who now use the path to access downtown or coastal areas west of Highway 1 to instead access these areas by vehicle, thus adding additional vehicle trips to Highway 1. Specifically, the Appellants contend that many students access HMBHS by the use of this path, and that the approved fence project would convert these pedestrian trips to vehicle trips because of the "unacceptable risk" that students of HMBHS would take walking along Highway 1. The Appellants took surveys of students who use the path to access HMBHS and these students fall into three different categories: 1) HMBHS students who do not live in the subdivision but whose parents drive into the Highland Park Subdivision to drop them off so they may get to school by way of the path, 2) Highland Park residents who attend HMBHS, and 3) HMBHS students who ride public transit and are dropped off at the bus stop on Highway 1, but walk up into the Highland Park subdivision to access the school by way of the path.

With regard to added traffic to Highway 1, the Appellants contend that the footpath closure will add 700 vehicle trips per week (not per day) to Highway 1 because the path is used 700 times/week (see Exhibit 5). However, setting aside the fact that the users of the path are not authorized to be using it, this assertion is based on informal surveys done by the appellants. As stated in the record, the appellants interviewed families in the neighborhood over several days and inquired about their use of the path. Public correspondence indicates that 16 of the households (out of the total of 95 households within the Highland Park subdivision) use the footpath to access these recreational opportunities anywhere from 1-4 times per week. Ten of these families state they use the footpath to access coastal areas on the other side of Highway 1. However, this informal inquiry provides no reliable evidence of either an increase in resulting vehicular traffic or more importantly, an increase in vehicular traffic that would affect the public's ability to access the coast.

For example, those who are currently driving and dropping off their children in the Highland Park neighborhood to access the high school from the foot path would not constitute added or "converted" trips per se because those vehicles will already have been on Highway 1 and will merely have to drive further down Highway 1 to drop the students at the High School entrance. As for those students riding public transit, getting off the bus at the Highland Park Subdivision and accessing the school by way of the foot path, the public transit bus stops at the intersection of Main Street and Highway 1, which has a lighted crosswalk, providing a safe Highway 1 crossing to access the high school grounds by walking east on Main to Lewis Foster Drive then to the high school, and therefore, there is a safe, alternate route for these students. Also, potential traffic, if any, would not coincide with recreational traffic, given the school start and dismissal times of around 7 am and 3 pm, Monday through Friday only.

The Appellants also contend that the traffic analysis that was done for the Pacific Ridge subdivision CDP approval was performed without considering the impact of added vehicle trips that would result from the approved fence project and the subsequent path closure. That is true; the traffic analysis did not rely on the footpath to mitigate any of the proposed subdivision's impacts because the public was not authorized to use the path. Instead, the subdivision approval established its consistency with applicable policies independent of any mitigating effect that use of the footpath could or could not provide.

Consistency with Prior CDP A-1-HMB-99-022-A-1

The Appellants also contend that the proposed fence alters the original site plan for the Pacific Ridge subdivision as approved by the Coastal Commission in CDP A-1-HMB-99-022-A-1. The Appellants specifically contend that this prior CDP should have been amended to evaluate the fence because the fence will significantly alter the traffic and access conditions imposed by CDP A-1-HMB-99-022-A-1 and would, in turn, have adverse impacts on both access to coastal areas as well as traffic along Highway 1. However, putting a fence across the path will not be inconsistent with the previously approved CDP for the Pacific Ridge subdivision. Once the offers-to-dedicate have been accepted, the fence will be removed and people will be able to access the park legally via the historic footpath. The public park, open space and pathways have been provided through the required offers to dedicate, and the development does not conflict with the conditions of CDP A-1-HMB-99-022-A-1 because such conditions did not require that the park be open to the public before it had been accepted by an accepting entity. Therefore, the proposed fence is not inconsistent with CDP A-1-HMB-99-022-A-1 and does not raise a substantial issue with regard to consistency with the Pacific Ridge subdivision CDP.

Finally, the concern over whether or not the approved project should have been processed as an amendment to the Commission's prior approval, as opposed to as a new permit by the City, is, in this case, a procedural concern, not a substantive one, because the procedural processing of the CDP does not raise an issue of consistency of the approved project with the certified LCP.

E. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. As described above, the Commission has been guided in its decision of whether the issues raised in a given case are "substantial" by the following five factors: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance.

Overall, the City of Half Moon Bay has provided factual and legal support for its decision to allow the Permittee to fence in this segment of its property. As stated above, the approved fence would affect a relatively small number of residents within a particular neighborhood who have indicated they use the path as an option to access the recreational opportunities within the City.

The impact of this particular project raises local neighborhood issues and not statewide or regional issues that require further review by the Commission.

Therefore, based on all of the above reasons and given that the evidence supports the City's action and the City's analysis did not result in the approval of a project with significant coastal resource impacts, the Commission finds the appeal does not raise a substantial issue of conformance LCP policies protecting the public's ability to access the coast.

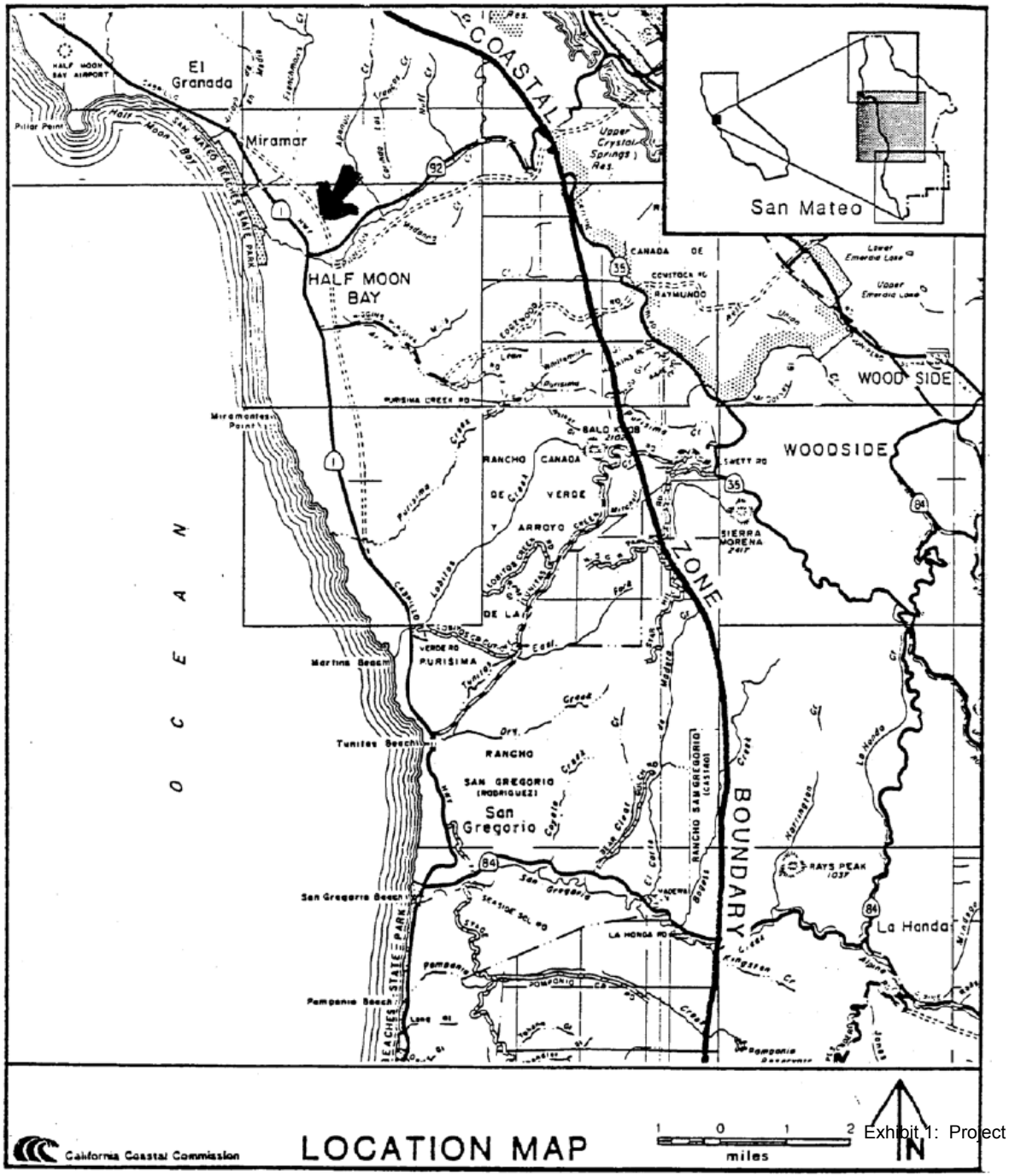


Exhibit 1: Project Location Maps
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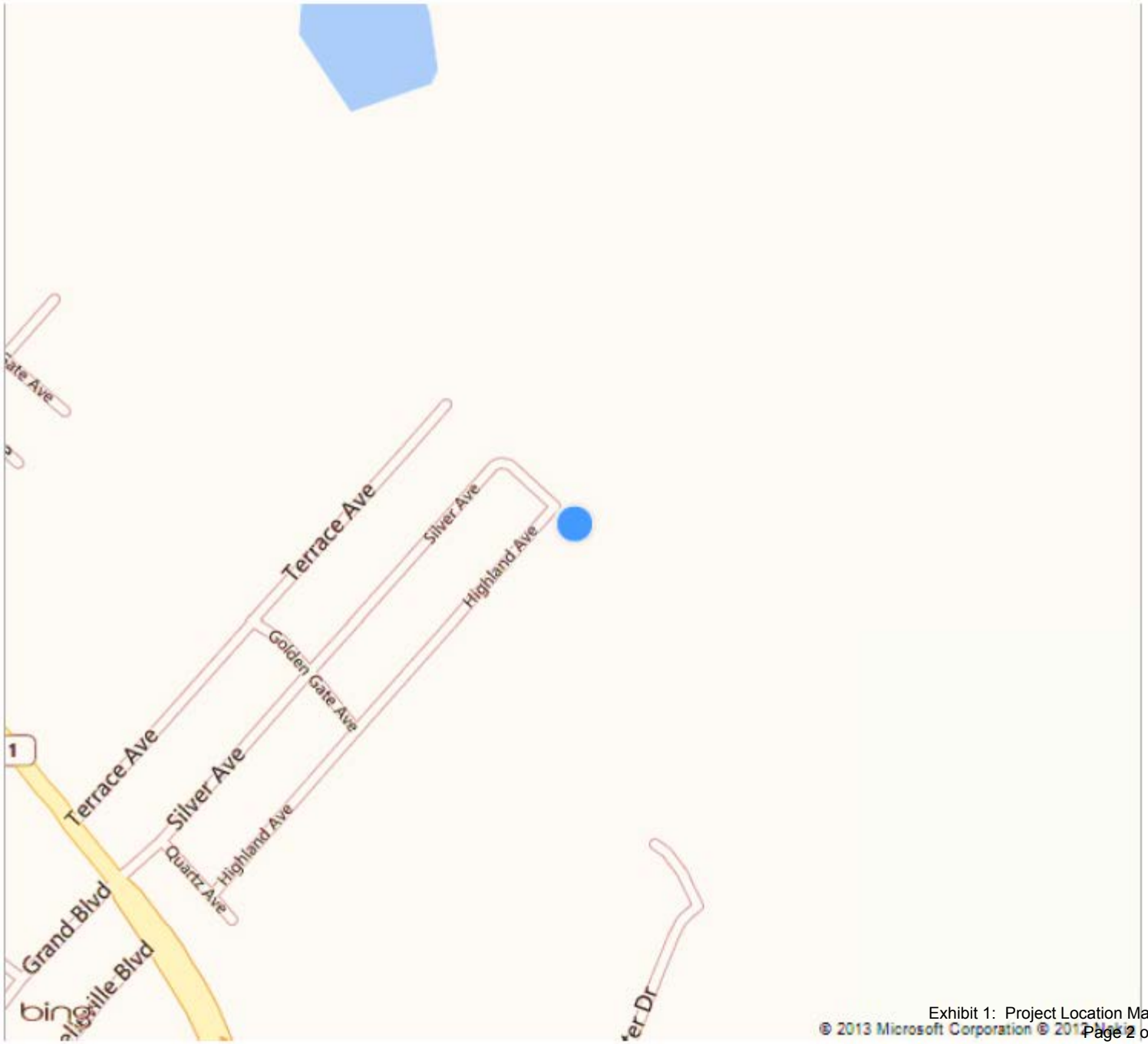
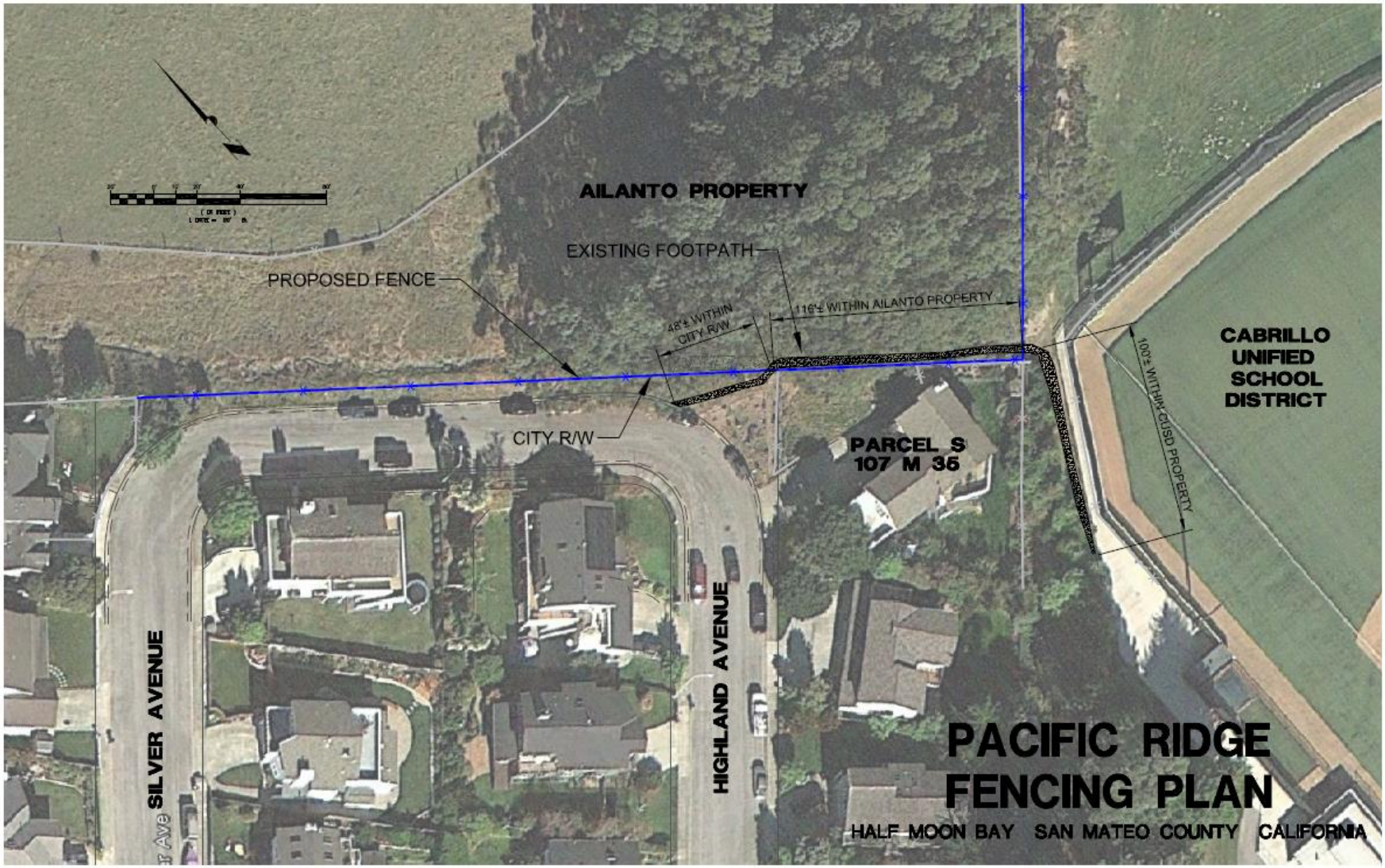


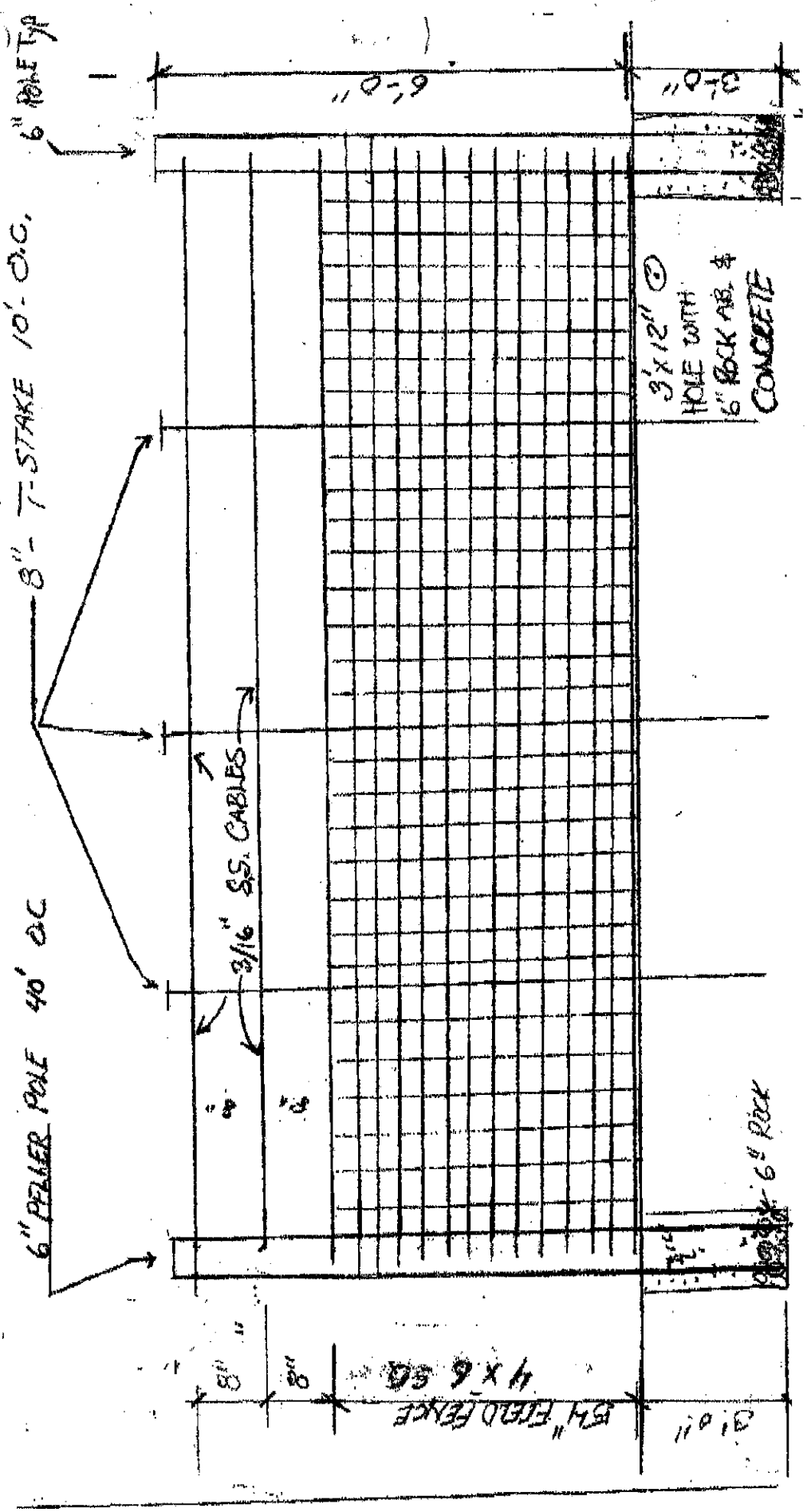
Exhibit 1: Project Location Maps
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EDGE OF EXISTING FENCE AT 683 HIGHLAND AVE.


EXISTING FOOTPATH BEHIND FENCE


END OF FOOTPATH AT SCHOOL PROPERTY


AILANTO PROPERTY
EXISTING FOOTPATH
PROPOSED FENCE
48'± WITHIN CITY R/W
116'± WITHIN AILANTO PROPERTY
CITY R/W
CABRILLO UNIFIED SCHOOL DISTRICT
100'± WITHIN CUSD PROPERTY
PARCEL S
107 M 36
SILVER AVENUE
HIGHLAND AVENUE
PACIFIC RIDGE
FENCING PLAN
HALF MOON BAY SAN MATEO COUNTY CALIFORNIA



PLANNING DEPT

JUL 02 2012

RECEIVED

PDP-031-12

FINAL LOCAL ACTION NOTICE

REFERENCE # 2-HMB-12-115

APPEAL PERIOD 12/21/12 - 1/7/13

2-HMB-12-115 Appealable

NOTICE OF FINAL ACTION
Coastal Development Permit

City of Half Moon Bay Planning Department
501 Main Street, Half Moon Bay, CA 94019
(650) 726-8250 FAX (650) 726-8261

Date: December 19, 2012

File: PDP-034-12A

Applicant/Owner: Ailanto Properties, Inc.
1901 Harrison Street, Suite 1430
Oakland, CA 94612

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COASTAL COMMISSION

Planner: Catherine Barber, Contract Planner/
Pat Webb, Interim Planning Director

This notice is being distributed to the Coastal Commission and to those who requested notice. The following project is located within the appealable area of the Coastal Zone. The Planning Director approved the Coastal Development Permit on September 26, 2012, by Resolution No. PDR-08-12; the approval was appealed to the Planning Commission and on November 13, 2012 the Planning Commission denied the appeal and upheld the Planning Director's decision, by Resolution No. P-23-12. The Planning Commission's decision was appealed to the Half Moon Bay City Council and on December 18, 2012 the City Council denied the appeal and upheld the Planning Commission's decision to deny the appeal and uphold the Planning Director's decision, by Resolution No. C- - 12.

Project Description: Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet

Project Location: Pacific Ridge/Ailanto Property-southwest perimeter, along terminus of Silver and Highland Avenues

APN: 056-350-010

APPROVED by the Planning Director on September 26, 2012, based upon Findings for Approval contained in the attached Resolution for Approval; upheld by the Planning Commission on November 13, 2012 based upon the original Findings for Approval in the attached Resolution for Approval; and then upheld by the City Council on December 18, 2012 based upon the original Findings for Approval in the attached Resolution for Approval.

NOTICE OF PUBLIC HEARING
Regular Meeting of the City of Half Moon Bay City Council
Tuesday, December 18, 2012

NOTICE IS HEREBY GIVEN that the City Council of the City of Half Moon Bay will hold a public hearing at 7:00 PM on Tuesday, December 18, 2012, at their regular meeting place in the Adcock Senior/Community Center at 535 Kelly Avenue to consider the following appeal:

City File:	PDP-034-12(A)
Location:	Pacific Ridge/Ailanto Property-southwest perimeter, along terminus of Silver and Highland Avenues
APN:	056-350-010
Applicant:	Ailanto Properties, Inc.
Description:	An Appeal of the Planning Commission decision to uphold the Planning Director's Approval of a Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, and then it would follow the property line east; total fence length approximately 825-feet, overall height 6-feet.

For More Information: Additional information regarding the proposed project and appeal may be obtained by examining the application materials on file at City Hall, 501 Main Street, during regular business hours or by calling the Planning Department at (650) 726-8250.

Right of Appeal: The project is located within the Coastal Appeal Zone; therefore, any final City approval may be appealed to the California Coastal Commission within ten (10) working days of the date of receipt by the Coastal Commission of the Notice of Final Action.

Half Moon Bay Review Publication Date: Wednesday, December 5, 2012

END

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

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NORTH CENTRAL COAST

For the meeting of: **December 18, 2012**

TO: Honorable Mayor and City Council

VIA: Laura Snideman, City Manager

FROM: Catherine Barber, Contract Planner & Caio Arellano, Deputy City Attorney

TITLE: **PDP-034-12(A) – Appeal of a Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, then following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)**

RECOMMENDATION

Staff recommends that the Council deny the appeal and uphold the Planning Commission's denial of the appeal of the Planning Director's approval of PDP-034-12, a Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary of APN # 056-350-010 ("Ailanto Property").

INTRODUCTION

On November 13, 2012, the Half Moon Bay Planning Commission affirmed the Planning Director's approval of a Coastal Development Permit to Ailanto Properties, Inc., and rejecting the appeal of Appellants Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and Patrick Wooliever ("Appellants"). This appeal followed, reasserting Appellants' previously expressed concerns about (1) traffic; (2) reducing or eliminating pedestrian/bicycle access to recreation; (3) community health, and also raising two new procedural concerns specific to the Planning Commission Hearing.

All of the substantive issues raised by the appeal concern the fact that segment of the proposed fence along the property's boundary with 683 Highland Avenue will block access to an existing footpath between the Highland Avenue neighborhood and Half Moon Bay High School. As explained in further detail in this report, however, to prevail on their appeal Appellants must demonstrate that the proposed project does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act, and in rejecting the previous appeal the Planning Commission found that none of the issues raised by Appellants met this standard.

While an improved path between the neighborhood and High School may be desired by some, there were considerable differences of opinion among neighborhood residents who spoke both in support of and opposition to the project at the Planning Commission hearing. The crux of this

appeal is the Appellants' desire that the City accept Ailanto's offer of dedication[1] and improve the pathway that would continue to provide access from the Highland Park neighborhood to the High School. The existing topography presents some challenges in terms of improving the pathway to meet the City's current standards, including compliance with the Americans with Disabilities Act (ADA) and state accessibility standards, and such a project's impacts on potential coastal resources. Due to liability concerns, staff cannot support such an approach unless and until an adequate source of funding can be identified, consistent with the City's other capital improvement priorities, to pay the cost of the engineering, design and permitting process such a project would entail, as well as ongoing maintenance and liability. An alternative approach may be for the School District or a neighborhood association to assume responsibility for the pathway. To facilitate such a discussion, and at the applicant's suggestion, the Planning Commission conditioned project approval on delaying construction of the segment along the eastern boundary of 683 Highland Avenue for a period of 120 days. A denial of the appeal does not foreclose the appellants' ability to pursue these alternative approaches, either through CUSD or by forming a neighborhood association, and in accordance with the condition imposed by the Planning Commission, and the footpath will remain unobstructed in the interim.

COASTAL DEVELOPMENT PERMIT APPEALS PROCEDURE

The City of Half Moon Bay Zoning Code, which is part of the City's certified Local Coastal Program ("LCP"), provides that the Planning Director's decision on a local Coastal Development Permit ("CDP") may be appealed to the Planning Commission. Planning Commission decisions are appealable to the City Council. Zoning code section 18.20.075 states that the grounds for an appeal of a CDP issued pursuant to this chapter shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act.

Procedural Background

Planning Director Approval of CDP; Appeal to Planning Commission

On July 2, 2012, Ailanto Properties, Inc., submitted an application for a CDP to allow the installation of a hog wire/field fence along the southwest boundary of APN# 056-350-010, beginning near the terminus of Silver Avenue south toward the terminus of Highland Avenue, then following the property line east. The subject property is located on the east side of Highway 1 just north of the Half Moon Bay High School, immediately east of Terrace, Silver and Highland Avenues. The site is zoned PUD (Planned Unit Development) with a General Plan designation of Planned Development District.

On September 26, 2012, at a duly noticed Planning Director's meeting, the Planning Director approved the CDP application based primarily on the applicant's stated concerns about security and liability issues for the property.

[1] The Coastal Commission's approval of the Pacific Ridge project required the applicant to offer the subject site as a potential future park to the "City of Half Moon Bay or to another public agency approved by the Executive Director" of the Coastal Commission.

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Appellants timely appealed.

Planning Commission Denial of Appeal; Appeal to City Council

On November 13, 2012, at a duly noticed Planning Commission hearing, the Commission reviewed all material from the September 26, 2012 Planning Director's meeting, considered the grounds on which the appeal was filed, as well as all written and oral testimony presented for its consideration. The Planning Commission denied the appeal and found that the Planning Director's approval of PDP-034-012 was consistent with all applicable policies set forth in the City of Half Moon Bay's Local Coastal Program and the coastal access policies of the Coastal Act. Appellants then filed this appeal.

BACKGROUND

Project Description

The Ailanto Property consists of two large, undeveloped parcels situated directly east of the Terrace Avenue/Highland Park subdivisions and north of Half Moon Bay High School. The Ailanto Property is well-known as the site of the proposed "Pacific Ridge" subdivision. The property was also the subject of protracted litigation involving the property owner, Half Moon Bay, and the CaliforniCoastal Commission over various issues, culminating in the issuance of a CDP by the Coastal Commission on October 15, 2008 for the construction of 63 homes, a neighborhood park, open space, and numerous infrastructure improvements, including funding for improvements to the intersection of Terrace Avenue and Hwy 1 and the vicinity ("Pacific Ridge CDP").

As mentioned in the staff report to the Planning Commission, the instant project is "not tied to the [Pacific Ridge CDP], and does not include construction of anything other than a boundary fence for security purposes. There are no modifications to the approved development or additional construction elements being considered with this application." Staff reiterates that point here, and also notes that construction of a perimeter fence is not inconsistent with the any of the special conditions imposed by the Coastal Commission in the Pacific Ridge CDP.

The approved fence would extend approximately 420 feet along the western boundary, parallel to the street, from Silver Avenue to Highland Avenue and would then shift (90-degrees) and extend up the hill from Highland Avenue along the southern property boundary for approximately 405 feet. The fence would be approximately (6) feet in height with posts; footing would extend approximately three (3) feet below grade, as shown on the plan (Attachment 2). The wire pattern fencing, commonly referred to as a field fence, would be 2-inch wide by 4-inch long rectangles for a height of 54-inches, with two 3/16 inch stainless steel cables horizontally above the hog wire. This fence style is very similar to other wire fences in place on properties within the City. Many of the posts would be dug by hand, but depending on location a mobile Jeep mounted auger may be used for post digging. Minor tree trimming may also be required in certain locations to allow adequate space for the fence construction.

Since the scope of the instant CDP was limited to the construction of a perimeter fence, and because the fence would not interfere or otherwise conflict with the special conditions imposed

by the Coastal Commission on the Pacific Ridge CDP, staff focused its analysis on potential impacts to visual resources and coastal resources.

With regard to visual resources, staff concluded that the fence would not impact any scenic corridors or visual resources based on the facts project site is not within a designated visual resource area and the fence would be constructed with hog wire fencing material no taller than six feet in height.

With regard to coastal resources, the Zoning Code requires that for projects located within 100 feet of a sensitive habitat area, the project applicant must submit a biological report on coastal resources (wild strawberry, sensitive habitat area, riparian areas, and wetlands) located on or within 200 feet of the project site, and that the report be circulated to the appropriate environmental and regulatory agencies. There have been several biological reports prepared for Ailanto Property over the years for wetlands and riparian areas in connection with the Pacific Ridge CDP. The most recent wetland and riparian habitat study was prepared by LSA Associates in 2008. The 2008 study, all previous biological reports (Attachments 3-7), and a letter from LSA biologist Steve Foreman, dated July 27, 2012, stating that the fence would not have impacts on coastal resources based upon his assessment of the fence installation, as well as his review and preparation of previous biological studies, were sent to the California Department of Fish and Game, the Army Corps of Engineers, the Regional Water Quality Control Board and the California Coastal Commission for review. No comments or suggested mitigations were received during review period.

Approval by Planning Director

At the public hearing on the CDP, several members of the Highland Park neighborhood offered testimony both in support of and against the fence. The Planning Director acknowledged the concerns expressed by members of the community, specifically the adjacent Highland Park neighborhood, but noted that the requested CDP was being approved for safety reasons and security issues. The Planning Director noted that the City was undertaking an update to the Circulation Element and invited members of the public to participate in the workshops for this project. She also noted that there were currently plans in process that include improvements to Highway 1 for both pedestrians/bicycles and vehicular traffic.

Hearing and Denial of Appeal by Planning Commission

At the November 13, 2012 Planning Commission meeting there was a significant amount of public testimony and discussion by the Planning Commission. The appellants detailed the concerns contained in their appeal notice and also expressed concern about the confusion caused by the posting of an incorrect version of the staff report on the City's website. The appellants noted in their presentation that during the time since the appeal was filed and the hearing date that they had met with John Ward, representative for Ailanto Properties, to discuss options to retain the access from Highland Park to the High School. While most of the speakers were in support of the appeal and retaining the access path to the High School, there were also speakers that support the installation of the fence and the closure of the access path. The fence supporters acknowledge the honoring of property rights and that the City could not force a private property owner to provide an easement. Others noted the traffic, parking and speeding

issues in their neighborhood that are caused by use of the access path. It was also pointed out that the problem with use of the path really became apparent when the school district eliminated busing about ten (10) years ago. The speaker stated that the school district should be more involved with this issue given that many former principals at the High School also had intended to close off access to the path.

John Ward also addressed the Planning Commission provided a brief background on the Ailanto-Pacific Ridge subdivision and passed forward some photos of the subject property (Attachment 13). He explained that he met with the appellants the Thursday preceding the Planning Commission meeting in an effort to find a solution to preserve the access path to the High School. He specifically noted, however, that any potential plan to preserve the path cannot leave Ailanto with any future liability or cost or maintenance or responsibility for the path. Mr. Ward acknowledged that crafting an agreement to preserve the current access was a large undertaking and would take a lot of work; therefore he offered to allow an additional 120 days for the Appellants to work on a solution before he installed the portion of the fence that would restrict access to the High School. But he wished to proceed with the fence installation on the north end of the western boundary (beginning near Silver Avenue).

The Planning Commission discussion included acknowledgement of the neighborhoods' desire to keep the path open to the High School. They also noted possible solutions for some of the existing problems associated with the access path, such as parking permits for residents to limit out of area parking and speed bumps to address speeding issues. Some Commissioners noted the frustration that the closures of the access path would create for the neighborhood having to drive their children to school and downtown, and feeling isolated and trapped with no pedestrian outlet other than Highway 1. The Commission also acknowledged Ailanto Properties' need to secure the path and the lack of legal authority to require Ailanto Properties to maintain the access path across their property. The Commission also considered Mr. Ward's offer to delay construction of the segment of fence located at the edge of the access path. Ultimately, the Commission concluded that proposed fence did not conflict with the City's LCP or coastal access polices of the Coastal Act and on that basis, unanimously denied the appeal and upheld the Planning Director's approval of the CDP for the hog wire fence installation at the Ailanto property, with an added condition that:

> "For a period of 120 days following the effective date of the Coastal Development Permit, the applicant/owner shall not construct the segment of the fence located at the terminus of Highland Avenue, near the City right-of-way at the eastern property line of 683 Highland Avenue. However, following the effective date of the Coastal Development Permit, fence construction may proceed on the northern portion of the fence, beginning at the terminus of Silver Avenue."

Appellants' Contentions

The appeal of the Planning Commission's decision reiterates the concerns expressed in the original appeal of the Planning Director's decision, namely (1) traffic; (2) reducing or eliminating pedestrian/bicycle access to recreation; (3) community health, and also raises two additional

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procedural concerns specific to the Planning Commission Hearing: (4) violation of the Brown Act; and (5) inadequate public notice pursuant to Municipal Code Section 18.20.060.

However, the crux of the appeal is the Appellant's request that the City Council accept the offer of dedication for the parcel and establish and maintain the access path to the High School. It is the Appellant's hope that the City create an improved pathway that would continue to provide access from the Highland Park neighborhood to the High School.

As stated above, grounds for appeal of a CDP are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act. In this case, only items numbered (1) and (2) above allege nonconformance with specific policies of the City's LCP or coastal access policies of the Coastal Act. However, the analysis below attempts to address all potentially applicable LCP and Coastal policies associated with the Appellants' concerns. The analysis includes the previously expressed contentions as well as the two new contentions, which are added to the bottom of this list.

Analysis

1. **Increased traffic on Highway 1.**

Appellants contend the approved fence will block access to Half Moon Bay High School for neighborhood children and families and substantially increase traffic on Highway 1, especially between Terrace and North Main Street during peak morning and afternoon traffic times. Appellants do not reference any specific LCP policies on this point. Appellants assert that the approved fence does not conform to sections 30210 and 30252 of the Coastal Act. However, a closer reading of these provisions reveals that neither is applicable to the approved fence project, and therefore the fence does not conflict with these policies.

Section 30210 provides:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

The term "access", as used in 30210, refers to access to the sea and/or coastline, and not to a convenient shortcut to a schoolyard from a residential neighborhood. Staff also notes this section expressly acknowledges the need to protect the rights of private property owners as well as public access. As stated in the Findings and Evidence, the approved fence is not located between the sea and first public road parallel to the sea, and therefore it would not impair the ability of the public to access the sea or coastline in Half Moon Bay.

Section 30252 provides:

> *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing*

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> *commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

The phrase "new development," as used in Section 30252 and throughout Chapter 3, Article 6 of the Coastal Act, is appropriately construed in the context of the section 30250, the first section in Article 6. Section 30250 contemplates access policies for "new *residential, commercial, or industrial* development..." The approved project—a perimeter fence around a portion of an undeveloped lot—does not fall into the category of residential, commercial, or industrial development and therefore the project is not subject to the public access requirements for new development under Section 30252.

Notwithstanding Appellants' misplaced reliance on Sections 30210 and 30252, staff notes the LCP contains a number of Transportation Policies, three of which address traffic issues on Highway 1:

> LCP Policy 10-25
> *The City will support the use of Level of Service C as the desired level of service on Highways 1 and 92, except during the peak two-hour commuting period and the ten-day average peak recreation hour when Level of Service E will be acceptable.*
>
> LCP Policy 10-26
> *The City will support improvements to Highway 1 and 92 outside the City, including phased increases in capacity. First priority being safety improvements to Highway 92; second priority, construction of Devil's Slide bypass.*
>
> LCP Policy 10-27
> *The City will recommend to CalTrans installation of improvements on Highway 1 to improve safety and recreational traffic flow and minimize local and visitor traffic conflicts, including signs and left-turn bays at beach access routes. Request CalTrans undertake the widening of Highway 1 to four lanes within the City.*

The clear focus of these policies is the alleviation of conflicts between commuter traffic and recreational traffic. The traffic impacts—if any—resulting from the instant project would not conflict with these policies. For the instant project, any potential traffic increase would not substantially interfere with recreational traffic, given that school start times are either 6:40 a.m. (O period) or 7:45 a.m. and dismissal time is at 2:56 p.m., which do not directly coincide with recreational traffic peaks.

However, the Appellants' primary argument on this point is that the approved fence would result in an increase in vehicle traffic from Highland Park onto Highway 1 because the "vast majority" of an estimated 700 weekly pedestrian trips across the Ailanto Property to Half Moon Bay High School would convert into vehicle trips. Furthermore, the Appellants argue the future improvements to Highway 1 would be inadequate because the traffic mitigation analysis conducted in connection with the Pacific Ridge CDP did not account for pedestrian traffic between Highland Park and Half Moon Bay High School. Appellants do not offer any support for this contention, however, and nothing in the traffic analyses by the Coastal Commission or the applicant supports this theory—for example, by assuming some the traffic impacts that would result from build out of the Pacific Ridge subdivision would be mitigated by diverting high school traffic through an existing footpath.

2. Reducing or eliminating pedestrian or bike access to recreation.

Appellants also contend that installation of the fence would block access to safe pedestrian and bike travel in Half Moon Bay and will substantially limit access to recreation areas including but not limited to the Coastal Trail, downtown, beaches, and Half Moon Bay High School athletic facilities. Appellants concerns in this regard appear to stem from the absence of parks facilities in their neighborhood, and the loss of an easement previously used to access Half Moon Bay High School. Appellants cite Coastal Act sections 30210, 30211, 30252.6, and 30212, as well as the General Circulation Plan. For the same reasons discussed above, these Coastal Act sections are inapplicable to the approved fence project.

Furthermore, the Circulation Element of the General Plan is not part of the City's LCP, and is therefore not proper grounds for a CDP appeal. Staff does note, however, that the Planning Commission recently approved both trail and road improvements for Highway 1 that are consistent with the above noted policies set forth in the Circulation Element.

3. Community health.

The Appellants also contend that keeping the footpath across the Ailanto Property to Half Moon Bay High School contributes to the efforts of the City of Half Moon Bay to foster a pedestrian- and bicycle-friendly, healthy, environmentally responsible community. This claim does not present a clear relationship to any LCP or Coastal Act policy. Accordingly, this argument is not proper grounds for a CDP appeal and should not be considered by the City Council.

4. Brown Act.

The Appellant's added contention with the Planning Commission's decision is that by denying their request to postpone the appeal hearing, the decision violated the Brown Act, specifically section 54957.5 of the Government Code. Appellants assert that based on the fact that Planning Department staff erroneously posted a preliminary draft of the appeal staff report on the City's website. According to appellants, "the mix-up of the two documents caused great confusion" because "they provided a different rationale and analysis of the argument" and the Planning Commission should have granted their request to postpone the hearing on the appeal.

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Although Planning Department staff mailed the correct, final version of the appeal staff report to the Planning Commission and appellants on November 9, 2012, Planning Staff erroneously posted a preliminary draft version of the report on the City's website. Due to the Veteran's Day holiday, this error did not come to the attention of staff until the morning of November 13, 2012. Staff immediately acknowledged the error, removed the incorrect staff report, and posted the correct, final version of the staff report on the City's website.

As a threshold matter, Staff notes that a Brown Act violation does not provide a permissible basis for an appeal of a CDP and therefore should not be considered by the City Council on appeal. Furthermore, even if it were, no Brown Act violation occurred. Although Appellants appropriately cite section 54957.5 of the Government Code, this statute does not require a local agency to post staff reports on its website, let alone prohibit a hearing from taking place based on clerical error. The statute provides only that (a) staff reports are disclosable public records to be made available upon request without delay and (b) staff reports distributed less than 72 hours prior to a meeting shall be made available for inspection at a public office or location, and the local agency *may* post that staff report on its website. Here, the Appellants, the Planning Commission and any member of the public requesting a copy of the staff report for the CDP appeal for the November 13, 2012 was provided with the final, and correct version of the staff report.

Thus, while staff acknowledges and apologizes for the confusion over the staff report, its mistake is not a basis for overturning the CDP approval.

5. Improper Public Noticing.

The Appellants' final contention is that Municipal code section 18.20.060(B) (3) requires that:

> "Posting of Notices. At the time an application for coastal development permit is filed (or within seven days), the applicant must post public notice at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, that an application for a permit for the proposed development has been submitted to the city. The applicant shall use a standardized form provided by the planning and building director and the notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and maintain the completed notice form until the permit becomes effective, the planning and building director shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure."

The appeal notes that a single notice was nailed to a tree on the access path to the High School, behind a fence, past the entrance to the path and was not visible without being on Ailanto property and clearly does not meet the standard of "conspicuous" as one had to actually be trespassing to view the notice.

Staff notes that multiple placards with the public notice information were provided to the applicant for posting and were, in fact, posted on the property; after which an affidavit of posting is returned to the City. In addition, as required by code, property owners within 300 feet

and occupants within 100 feet of the subject property were notified by mail. A public notice was also placed in a newspaper of general circulation 10-days prior to the meeting. Reasonable efforts are made to ensure that public notices remain in place prior the hearings; however it is not uncommon for these notices to be removed either by weather conditions, accidentally or intentionally.

In summary, the review of a CDP is to ensure that development within the City is consistent with the City's local coastal program and the California Coastal Act. Pursuant to Municipal Code section 18.20.075 the grounds for an appeal of a CDP issued pursuant to this chapter shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act. Here, Appellants failed to demonstrate that the CDP would violate any applicable LCP policy or coastal access policy of the Coastal Act, and therefore staff recommends that the City Council deny the appeal and uphold the Planning Commission's decision to uphold the Planning Director's approval of PDP-034-12.

Options for Retention of the Access Path

The crux of the instant appeal is the Appellant's desire for the City Council to "take action to solve a community issue," namely preservation of the existing access to Half Moon Bay High School from the Highland Park subdivision. While this request extends beyond the appropriate scope for a CDP appeal, staff offers the following as an overview of that process.

The first step in the process is acquisition of the necessary property interests. Currently the access path from Highland Avenue to the High School is primarily on Ailanto's property, with a portion of the path across the 683 Highland Avenue property, and a small portion of the beginning of the path on the City's right of way. The appeal contains a graphic (Appendix B-appeal submittal packet, November 29, 2012) that details ownerships and retention of the proposed access path. Thus, retention of the existing pathway would require the consent of the affected property owners. The majority of the path is located on what is referred to as "Parcel D" on the CDP approved by the Coastal Commission for the Ailanto-Pacific Ridge subdivision. Parcel D totals approximately 1.9 acres and is called a "dedicated park site"; a special condition of approval (3A) imposed by the Coastal Commission is that Ailanto Properties dedicate Parcel D to the City of Half Moon Bay or other public agency for public park and recreation purposes. The final subdivision map for the first phase of the Pacific Ridge subdivision contains an offer of dedication of Parcel D to the City of Half Moon Bay.

The second step of the process is constructing the necessary improvements for a conforming pathway. The City would have to process a CDP for the improvements, which would include preparation of legal descriptions and legal documentation, a survey and maps; all of which would need to be recorded. The easement option can really only work if one entity (City of Half Moon Bay or other public entity) accept all of Parcel D (1.9 acre dedication). This option would require close coordination with the Cabrillo Unified School District (CUSD). Ailanto Properties has made it clear, they are willing to work with the neighborhood to help retain the access path, but do not want any future responsibility, liability or cost with regard to the path.

Another option is that the CUSD accept the offer of dedication for Parcel D in entirely (which is unlikely) or a portion of Parcel D to create a dedicated easement for the access path. With this option there is still the issue of who would assume responsibility for the remaining portion of the park.

It should be noted that any improvements to and/or reconstruction of the access path would require a CDP. In addition to preparation costs for surveys, legal document preparation and processing costs, there are construction costs involved and as well as long term maintenance costs. Staff notes that this is an important community issue that requires attention and coordination among several entities. However, while the Council may decide to provide direction to staff on pursing such a future project, this would not constitute a basis for denying the CDP.

ATTACHMENTS:

1. Draft Resolution
2. Plan with proposed fence locations and dimensions
3. S. Foreman, LSA Associates, Inc. letter July 27, 2012
4. 1999 Biological Report
5. ESHA Update 2008
6. Raptor Nesting Surveys 2010
7. Eucalyptus Stands Habitat Assessment and Management Recommendations 2011
8. Planning Director Meeting 9/26/12- staff report and minutes
9. Planning Director Meeting 9/26/12- neighbor letters and emails
10. Planning Director Meeting 9/26/12- photos of subject property submitted by applicant
11. Planning Director Appeal from Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and Patrick Wooliever dated October 10, 2012
12. Planning Commission Meeting 11/13/12- staff report and minutes
13. Planning Commission Meeting 11/13/12- neighbor letter/ photos and letter from J. Ward from hearing
14. Planning Commission Appeal from Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and Patrick Wooliever dated November 29, 2012

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CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

ATTACHMENT - 1

RESOLUTION NO. C- 12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF THE APPEAL OF THE PLANNING DIRECTOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT OF PDP-034-12(A)

WHEREAS, an application for Coastal Development Permit for the Installation of a hog wire fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010), in a PUD (Planned Development) Zoning District was approved at a duly notice public hearing of the Planning Director on September 26, 2012; and

WHEREAS, a timely appeal of the Planning Director's decision was filed on October 10, 2012 and the Planning Commission held a duly noticed public hearing on the appeal on November 13, 2012 where they considered the grounds on which the appeal was filed, the record of the Planning Director's decision, and all written and oral testimony presented for its consideration and found that the Planning Director's approval of PDP-034-012 was consistent with all applicable policies set forth in the City of Half Moon Bay's Local Coastal Program and the coastal access policies of the Coastal Act and denied the appeal and upheld the Planning Director's decision for approval of the Coastal Development Permit for PDP-034-12; and

WHEREAS, a timely appeal of the Planning Commission's decision was filed on November 29, 2012; and

WHEREAS, the City Council held a duly noticed public hearing on the Planning Commission appeal on December 18, 2012; and

WHEREAS, the City Council considered the grounds on which the Planning Commission appeal was filed, the record of the Planning Commission's and Planning Director's decisions, and all written and oral testimony presented for its consideration; and

NOW, THEREFORE, BE IT RESOLVED that, the City Council hereby finds that the Planning Commission's denial of the appeal and upholding of the Planning Director's approval of PDP-034-012 is consistent with all applicable policies set forth in the City of Half Moon Bay's Local Coastal Program and the coastal access policies of the Coastal Act and denies the appeal and AFFIRMS the Planning Director's original decision for approval of the Coastal Development Permit for application PDP-034-12 as well as AFFIRMS the Planning Commission's decision to uphold the Planning Director's decision;

****

I hereby certify that the foregoing is a full, true and correct Resolution duly passed and adopted by the City Council of the City of Half Moon Bay, San Mateo County, California thereof held on the 18th day of December of 2012 by the following vote of the members thereof:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

Siobhan Smith, CITY CLERK

Rick Kowalczyk, MAYOR

EXHIBIT A

FINDINGS AND EVIDENCE
Planning Director Resolution PDR-
PDP-034-12

Request for a Coastal Development Permit for the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

Coastal Development Permit – Findings for Approval

The required Coastal Development Permit for this project may be approved or conditionally approved only after the approving authority has made the following findings per Municipal Code Section 18.20.070:

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

   Evidence: The proposed project is located along the southwest property boundary, beginning near the terminus of Silver Avenue, south toward the terminus of Highland Avenue, thence east along the property line. The fence proposed is commonly referred to as a field fence and would be consistent with other boundary fences in the City. It would be a visually open pattern that would not impact views of the property. The project does not interfere with public's access to the coastal trail, beach or sea. The proposed project does not pose any significant threat to coastal resources or inconsistencies with the policies of the City's Land Use Plan (LUP).

   Coastal Act 30240(b) and Policy 3-3 **(b):** *Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

   Compliance: The fence skirts an edge grove of eucalyptus trees that occurs along an intermittent drainage (identified as Drainage 2 in the Biological Report). Vegetation on the Ailanto property side of the fence is dominated by eucalyptus trees with little understory vegetation and nonnative annual grasses and forbs along the edge of the adjacent road. No significant native vegetation is present. While the fence will be within 100 feet of the drainage, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground storm water system at the edge of the property. Based upon the biologist's observations and studies over the years, no significant coastal resources are present or would

be affected by the construction or presence of the fence. The biologist did not identify any raptor nesting in the immediate area of the fence and drainage has little to no value for endangered species such as the California red-legged frog or San Francisco garter snake as habitat or as a movement corridor.

Policy 3-5(a): *Require all applicants to prepare a biologic report by a qualified professional selected jointly by the applicant and the City to be submitted prior to development review. The report will determine if significant impacts on the sensitive habitats may occur. The report shall consider both any identified sensitive habitats and areas adjacent. Recommended uses and intensities within the habitat area shall be dependent on such resources, and shall be sited and designed to prevent impacts which would significantly degrade areas adjacent to the habitats. The City and the applicant shall jointly develop an appropriate program to evaluate the adequacy of any mitigation measures imposed.*

Compliance: A biological report was prepared for this site in 1999 and was approved as part of the CDP for the residential development project. There have also been biologists that have conducted surveys for the raptor nesting surveys in 2010, and assessment and management recommendations for the eucalyptus stands habitat in 2011, as well as an ESHA update for the CDP in 2008. These documents, along with a biologist analysis of the proposed fence were submitted for circulation to the US Fish and Wildlife Service, California Coastal Commission, Department of Fish and Game, Army Corps of Engineers, and Regional Water Quality Control Board, as well as the San Mateo County Planning and Building Division on July 30, 2012. There were no comments or suggested mitigations received during the 45-day review period.

Coastal Act 30244: *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Compliance: The construction of fencing is not anticipated to require any grading or cause disturbance to the site, with the minor exception of the footings for the posts and bracing sections. Most posts will be hand dug, but depending on the soil conditions either a trailer or vehicle (Jeep) mounted, powered auger may be needed excavate the holes in order to prepare for the placement of the post footings. However, staff is recommending a condition to require that the project cease operations and a study be performed on any artifacts that are found during construction of the fence.

Coastal Act 30250: *New residential, commercial or industrial development except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Compliance: This project is for approval of security fencing. It is located in a PUD zoning district and is surrounded by existing residential development and the high school. The fencing will not have significant adverse effects, either individually or cumulatively, on coastal resources.

2. **Growth Management System** – The development is consistent with the annual population limitation system established in the Land Use Plan and Zoning Ordinance.

   Evidence: The proposed project is for the construction of security fencing on a currently vacant site and does not propose any new residential units under this application; therefore, it is not subject to the City's growth management system.

3. **Zoning Provisions** – The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the Zoning Ordinance.

   Evidence: The project is consistent with the land use limitations and property development standards of the PUD Zoning District. With approval of the Coastal Development Permit, the project will comply with all Coastal Resource Conservation Standards. While the fence will be within 100 feet of the drainage channel, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground storm water system at the edge of the property. Based on the biologist analysis, no significant coastal resources are present or would be affected by the construction or presence of the new fencing.

4. **Adequate Services** – The proposed development will be provided with adequate services and infrastructure in a manner that is consistent with the Local Coastal Program.

   Evidence: The project proposes the installation of security fencing on a vacant, site in the PUD zone. The fence would provide security and deter the use of the property as a short cut to Half Moon Bay High School. No services or infrastructure are necessary for this project.

5. **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 is not located between the sea and the first public road parallel to the sea. The proposed fencing would not restrict or otherwise adversely affect public coastal access or public coastal recreational opportunities because it involves construction of security fencing on a currently vacant site.

Environmental Review – Finding

CEQA – The project will not have a significant effect on the environment.

Evidence: The project has been determined to be Categorically Exemption under CEQA Section 15303, Class 3 (e), which exempts accessory (appurtenant) structures including garage, carports, patios, swimming pools and fences.

EXHIBIT B

CONDITIONS OF APPROVAL
Planning Director Resolution PDR-
PDP-034-12

A Request for a Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

Authorization: Approval of this permit authorizes A Request for a Coastal Development Permit to allow the Installation of a Hog Wire/Field Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010).

The following Conditions apply to this project:

1. CONFORMANCE WITH APPROVED PLANS. Development shall be in substantial conformance with the approved plans (Attachment 2), City date stamped of July 2, 2012 except for any changes that may be required by these conditions of approval. The Planning Director shall review and approve any deviation from the approved plans. In the event that the Planning Director determines that any proposed changes warrant further review and approval, the applicant shall submit the revised plans for consideration at a public hearing before the Planning Director._____ (Planning)

2. TREE PROTECTION. Applicant shall avoid any adverse affect to the existing trees on site resulting from trucks and equipment access. If the route of travel is to occur around or between trees, then a licensed arborist shall provide a written statement to the City which includes recommendations and/or mitigations to prevent damage to trees and roots. _____(Planning/Building)

3. STORMWATER MANAGEMENT / EROSION CONTROL. During Construction the applicant shall minimize the transport and discharge of storm water from the project site by incorporation of the following measures into the construction site practices:

    a. Identify all storm drains, drainage swales and creeks located near the construction site and make sure all subcontractors are aware of their locations to prevent pollutants from entering them. Use silt fence barrier, straw bale barrier, sand bags, brush or rock filter or other appropriate measures, as

necessary to minimize the quantity of sediment laden runoff from the site. _____

b. Stabilize any areas that have been stripped of vegetation, and maintain erosion control measures between October 15 and April 15. _____

c. Ensure that erosion control by re-vegetation is performed just prior to the rainy season unless on site irrigation is provided. Select seed to minimize fertilizer and water use. Limit watering to the amount and frequency, which can be absorbed on site. _____

d. Avoid stockpiling of soils or materials, when rain is forecast. Cover with a waterproof tarp during periods of rainy weather to control runoff. Monitor the site for minimization of erosion and sediment runoff every 24 hours during and after every storm event. Before it rains, sweep and remove materials from surfaces that drain to storm drains, creeks, or channels. _____

e. Never clean brushes or rinse paint containers into a street, gutter, storm drain, or creek. Recycle, return to supplier or donate unwanted water-based (latex) paint. Dried latex paint may be disposed of in the garbage. Unwanted paint (that is not recycled), thinners, and sludges must be disposed of as hazardous waste. _____

f. Avoid cleaning, fueling, or maintaining vehicles on site, except in an area designated to contain and treat runoff. Clean up leaks, drips, and other spills immediately so they do not contact stormwater. Never wash down pavement or surfaces where materials have spilled. Use dry cleanup methods whenever possible. _____

g. Avoid mixing excess amounts of fresh concrete or cement mortar. Whenever possible, return contents of mixer barrel to the yard for recycling. Dispose of small amounts of excess concrete, grout, and mortar in the trash. ____

h. Practice source reduction. Reduce waste by only ordering the amount you need to finish the job. Recycle leftover materials whenever possible. Materials such as concrete, asphalt, scrap metal, solvents, degreasers, cleared vegetation, paper, rock, and vehicle maintenance materials such as used oil, antifreeze, and batteries are recyclable. _____

i. Inspect portable toilets for leaks. Do not place on or near storm drain outlets. Be sure the leasing company adequately maintains, promptly repairs, and replaces units as needed. _____ (Building)

4. HOURS OF CONSTRUCTION. The hours of construction shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 10:00 a.m. to 6:00 p.m. Sundays and Holidays. _____ (Building)

5. CONSTRUCTION TRAILERS (IF APPLICABLE). Temporary construction trailers are permitted as accessory uses in conjunction with the development of this site, subject to the following conditions:

   a. The construction trailer shall be used as a temporary construction office only.
   b. Neither sanitation facilities nor plumbed water is permitted within the trailer.
   c. No overnight inhabitance of the construction trailer is permitted.
   d. No construction trailers are permitted on site prior to building permit issuance.
   e. The construction trailer shall be removed 90 days from issuance of the certificate of occupancy. Use Permit approval is required for construction trailers beyond 90 days. _____ (Building/Planning)

6. LOT GRADING, MATERIALS, EQUIPMENT AND VEHICLE STORAGE. Any earth movement on or off the site in excess of 50 cubic yards shall require the submittal of a grading plan for review and approval by the Public Works Department. Lot Grading includes, but is not limited to, any leveling, scraping, clearing, or removal of lot surface area. Materials, Equipment, and Vehicles include, but are not limited to:

   a. All masonry, wood, and steel construction materials
   b. All construction-related equipment and storage containers.
   c. All construction-related vehicles including temporary trailers _____ (Building)

7. HAZARDOUS MATERIALS. Any materials deemed hazardous by the San Mateo County Department of Health that are uncovered or discovered during the course of work under this permit shall be disposed in accordance with regulations of the San Mateo County of Health. _____ (Building/County Health)

8. COMPLETION OF FIRE DISTRICT REQUIREMENTS. All requirements of the Coastside Fire Protection District shall be met _____(Fire)

9. ENCROACHMENT PERMIT. An Encroachment Permit shall be required prior to any installation of utilities and any other required work within the public right-of-ways. _____ (Public Works)

10. COMPLETION OF UTILITIES. Any public utilities requiring relocation as a result of the construction of the building(s) or improvements under this permit shall be relocated at the owner's expense. _____ (Building)

11. UNDERGROUND UTILITIES. All utilities for energy and communications shall be installed underground. _____ (Building)

12. ENCROACHMENTS NOT AUTHORIZED. The property owner shall ensure that landscaping or fencing does not encroach into the right-of-way or any public easements, except for any street trees authorized by this permit.

13. LANDSCAPING (WHEN DEEMED REQUIRED). Landscape plans and details in compliance with the City's Water Conservation in Landscaping Ordinance (Chapter 13.04 of the Municipal Code) shall be submitted for review. Plans shall specify that at least 80% of the plants in non-turf landscape areas are native plants, low-water using plants, or no-water using plants (unless the applicant elects to perform a water budget). An irrigation plan shall be included that ensures irrigation system efficiency of 70% or more, moisture sensor and/or rain sensor shutoffs, and no sprayheads in landscape areas that are 8 ft. wide or less. _____ (Planning)

14. CCWD. Coastside County Water District's Indoor Water Use Efficiency regulations require a separate irrigation meter on all projects with 5,000 square feet or more of irrigated landscape. A separate ¾" irrigation meter is required.

15. EFFECTIVE DATE. The Coastal Development Permit shall take effect after final local action or 10 working days after receipt of the Notice of Final Action by the Coastal Commission for projects that are located in the Coastal Appeal Areas. The applicant/owner's shall submit a signed copy of these conditions of approval to the Planning Department before they can obtain a grading permit. _____

16. ACCURACY OF APPLICATION MATERIALS. The applicant shall be responsible for the completeness and accuracy of all forms and material submitted for this application. Any errors or discrepancies found therein may be grounds for the revocation or modification of this permit and/or any other City approvals. ____

17. EXPIRATION. The Coastal Development Permit shall expire on the latest expiration date applicable to any other discretionary or ministerial permit or approval required for the development, including any extension granted for other permits or approvals. Should the development not require City permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire one year from its date of approval if the development has not begun during that time.

18. HOLD HARMLESS. The applicant agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against an and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, any review by the California Coastal Commission conducted under the California Coastal Act Public Resources Code Section 30000 et seq., or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims

that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The applicant's duty to defend the City shall not apply in those instances when the applicant has asserted the Claims, although the applicant shall still have a duty to indemnify, protect and hold harmless the City.

19. PERMIT RUNS WITH THE LAND. The Coastal Development Permit runs with the land and the rights and obligations thereunder, including the responsibility to comply with conditions of approval, shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned.

OWNER'S/PERMITTEE'S CERTIFICATION:

I have read and understand and hereby accept and agree to implement the foregoing conditions of approval of the Coastal Development Permit.

APPLICANT:

_____ _____

(Signature) (Date)

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

COMMISSION NOTIFICATION OF APPEAL

DATE: January 10, 2013

TO: Catherine Barber
City of Half Moon Bay, Planning Department
501 Main Street
Half Moon Bay, CA 94019

FROM: Karen Geisler, Coastal Program Analyst

RE: **Commission Appeal No. A-2-HMB-13-001**

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

Local Permit #:	PDP-034-12A
Applicant(s):	Ailanto Properties, Inc.
Description:	To allow the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue parallel with the right-of-way south toward the terminus of Highland Avenue, thence following the property line east; total fence length approx. 825-feet, overall height 6-feet
Location:	Pacific Ridge/Ailanto Property-southwest perimeter, along terminus of Silver and Highland Avenue, Half Moon Bay (San Mateo County) (APN(s) 056-350-10)
Local Decision:	Approved
Appellant(s):	Marc & Monica Rosoff; Teresa McWhirt & Ken Kennedy; Patrick & Amy Wooliever
Date Appeal Filed:	1/7/2013

The Commission appeal number assigned to this appeal is A-2-HMB-13-001. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Half Moon Bay's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Karen Geisler at the North Central Coast District office.

cc: **Ailanto Properties, Inc.**

STATE OF CALIFORNIA – THE RESOURCES AGENCY
EDMUND G. BROWN JR., *Governor*

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name:	Marc & Monica Rosoff, 683 Highland, HMB, CA 94019, 650.712.8836
Mailing Address:	Teresa McWhirt & Ken Kennedy, 696 Silver Ave., HMB, CA 94019 650.560.9128
City:	Patrick & Amy Wooliever, 600 Highland Ave., HMB, CA 94019 650.726.1123

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Half Moon Bay

2. Brief description of development being appealed:

Ailanto Properties' proposed installation of a hog wire/field fence along the boundary of Pacific Ridge development at the terminus of Silver Ave, extending south to the terminus of Highland Ave and following the southern property line east. The fence will block a historic footpath, on Ailanto's property, which runs 100 feet connecting to Half Moon Bay High School, town and coastal resources.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

The proposed fence would be constructed along the southwestern and southern boundary of Pacific Ridge development, beginning at the eastern terminus of Silver Ave, extending south to the eastern terminus of Highland Ave and following the southern property line east.

4. Description of decision being appealed (check one.):

- [x] Approval; no special conditions
- [ ] Approval with special conditions:
- [ ] Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-HMB-13-001

DATE FILED: 1/7/13

DISTRICT: North Central Coast

RECEIVED

JAN 07 2013

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: December 18, 2012

7. Local government's file number (if any): PDP-034-12

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Ailanto Properties
1901 Harrison Street
Oakland, CA 94612

[represented by]:
John Ward
792 Willborough Place
Burlingame CA 94010

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Pam Fisher
659 Highland Ave.
Half Moon Bay, CA 94019

Jerry Steinberg
591 Terrace Ave.
Half Moon Bay, CA 94019

(2) Michael Allen
599 Highland Ave.
Half Moon Bay, CA 94019

Patrick Bo Johnnson
431 Kehoe Ave.
Half Moon Bay, CA 94019

(3) Pat O'Brien
608 Highland Ave.
Half Moon Bay, CA 94019

John Szabo
908 Golden Gate
Half Moon Bay, CA 94019

(4) Frank & Doreen Gerrity
689 Silver Ave.
Half Moon Bay, CA 94019

Dr. Tony Roerhick, Superintendent
Cabrillo Unified School District
498 Kelly Ave.
Half Moon Bay, CA 94019

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

[see attached]

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Monica Rosoff Marc Rosoff

Signature of Appellant(s) or Authorized Agent

MONICA ROSOFF MARC ROSOFF

Date: 1/6/13 1/6/13

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____

Signature of Appellant(s)

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Patrick & Amy Wolf

Signature of Appellant(s) or Authorized Agent

Date: 1/6/13

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____

Signature of Appellant(s)

Date: _____

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: 1/6/2012

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

APPEAL TO THE California Coastal Commission
January 7, 2013

Re:
PDP-034-12: Request for a Coastal Development Permit to allow the installation of a Hog Wire Fence in the Highland Park Neighborhood.

Background:
On July 2, 2012, Ailanto Properties, Inc. submitted a CDP application to the City of Half Moon Bay for installation of a hog wire/field fence along the southwestern and southern boundary of Pacific Ridge development (PDP-034-12), beginning at the terminus of Silver Ave, extending south to the terminus of Highland Ave and following the southern property line east. The fence would be 6 feet high and a total length of 825 feet. The proposed fence will block a historic footpath, on Ailanto's property, which runs 100 feet from the top of Highland Avenue to Cabrillo Unified School District property that has provided long-time access to Half Moon Bay High School (HMBHS), town and coastal resources. Dozens of residents use this footpath daily. Blocking the footpath access eliminates the sole, safe pedestrian and bicycle route for Highland Park neighborhood children and families, to access HMBHS, downtown Half Moon Bay, the Coastal Trail and our beaches. The proposed fence is not in the original site plan for Pacific Ridge.

Brief Timeline – Ailanto Fence	
7/2/2012	Ailanto Properties applies for Coastal Development Permit
9/26/2012	Planning Director Meeting: • About a dozen area residents shared concerns about the pathway. • Pat Webb approves CDP.
10/13/2012	Neighborhood residents submit appeal.
11/13/2012	Planning Commission Meeting: • Among health and safety arguments, appellants argued that the fence was not in the original site plans for the Pacific Ridge Development and therefore, traffic studies conducted at that time did not consider increased traffic resulting from the blockage of this long-time access. • Planning Commission denies appeal with a 120-day allowance for appellants to work with the City of HMB, Cabrillo USD, and Ailanto to maintain the pathway. • Ailanto Properties spokesperson, John Ward, publicly stated that Ailanto Properties would donate the portion of the land needed to maintain access and to allow the appellants the 120-day window from the issuance of a construction permit to work towards a compromise solution.
11/28/2012	Appeal submitted to the HMB City Council.
12/18/2012	HMB City Council Meeting: • Appellants detailed both procedural (municipal code and Brown Act violations)

as well as the previously stated traffic and safety concerns.

- Appellants presented a plan to maintain the access plan requesting the city to accept the donated land from Ailanto and a neighboring property owner (one of the appellants) and including path improvements for disabled access. The HMB City Council rejected participating in the plan.
- The HMB City Council denied the appeal.

Basis/Rationale for Appeal:

The two appeals (included as appendices) filed locally with the Planning Commission and City Council detail concerns related to the Local Coastal Plan, the Brown Act and Municipal Code. The appellants seek a solution to maintain the access, and have a well-developed plan and broad community support. All concerns raised by the appellants have been summarily dismissed at the local level.

The appellants request that the California Coastal Commission deny the CDP PDP-034-12 for the following reasons:

1. **The proposed fence will block pedestrian access to Half Moon Bay High School (HMBHS) for neighborhood children and families thereby substantially increasing traffic on Hwy 1, especially between Terrace and North Main Street during peak morning and afternoon traffic times.**

   The traffic mitigation plan included in the original CDP for the Pacific Ridge Development was approved with the guarantee of millions of dollars in traffic improvements on Hwy 1 and the reduction of the total homes to be built to 63 from the original plan of over 200 homes. **The proposed Ailanto fence was not in the original CDP and not in the approved plan for the Pacific Ridge Development, therefore, the careful consideration, traffic studies, and subsequent lawsuits and agreement to establish a reasonable development plan, did not take into account the number of residents using the footpath.**

   The traffic impact estimate provided by the appellants in the local appeals is based on:

   1. Identification of specific children who live in the Highland Park neighborhood and currently use the footpath
   2. Morning and evening tallies across several days of children using the footpath to access HMBHS in the morning and leave HMBHS in the afternoon.

   Closure of the path would cause some diversion of existing traffic through the Highland Park neighborhood to Highway 1. However, the main source of incremental traffic on Highway 1 would be the *conversion* of pedestrian trips to and from HMBHS to car trips due to the unacceptable risk that children and residents would take walking along this very dangerous stretch of Highway.

The appellants' best estimate is that the footpath is used approximately 700 times per week:

- Highland Park HMBHS Students (walking): 100 trips (10+ students @ 2 trips/day)
- Grandview Terrace HMBHS Students (walking): 100 trips (10+ @ 2 trips/day)
- Other HMBHS Students: 300 trips (30+ students)
- Highland Park Residents for Recreation (to HMBHS, downtown, beaches): 200 trips/week

While the proposed Ailanto fence will not convert every pedestrian trip to a vehicle trip along Highway 1, it is difficult to imagine a scenario where closure of the footpath does not result in many more cars using Highway 1. It is in the best interest of the coastal region to mitigate traffic increases and relieve additional traffic congestion on the Highway 1 artery.

2. **Installation of a fence, blocking access to safe pedestrian and bike travel to Half Moon Bay will substantially limit access to recreation areas including the Coastal Trail, town, beaches, HMBHS athletic fields.**

Pedestrians will no longer be able to safely access coastal resources as noted above. Traffic generated by additional vehicular trips during peak morning, afternoon and weekend hours will add further congestion to Highway 1 restricting visitor and resident access to coastal resources.

The stretch of highway 1 between highway 92 and Terrace Avenue is highly congested on the weekends. The negative impact of the proposed Ailanto fence to the public's access to the sea and mitigation of these negative impacts should be required as a condition for the approval of the CDP.

3. **The proposed fence alters the original site plan approved by the Coastal Commission on October 15, 2008.**

The following special condition was included in the approved CDP A-1-HMB-99-022-A-1 (Pacific Ridge):

> *"The applicant shall undertake development in accordance with the revised site plan approved by the Executive Director. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required."*

The fence, while appearing to only limit access to Ailanto's property, would cause significant changes in traffic and access conditions in the coastal area due to the blockage of the footpath. The CDP special condition was included with good reason and the traffic and access issues should have the opportunity to be addressed in a wider context of development and planning.

Conclusion:

The appellants seek to protect neighborhood children and uphold the rights and provisions of the Coastal Act providing access to our coast, recreation areas and town. Local agencies (Half Moon Bay Planning and Half Moon Bay City Council) continue to make myopic decisions, with limited scope, that collectively serve to further isolate the east side of Highway 1 from safe access to services and coastal resources. The recently approved CDP for the fencing of the Beachwood parcel (PDP007-12) and the notice of final action of the Ailanto fence exemplify our concerns.

While we respect the property rights of Ailanto, we seek a reasonable hearing of this issue before the Commission rather than suffer from another reactionary decision which fails to put development and access in a larger community context. Approving the CDP as it has been proposed is a missed opportunity for the community and a culmination of disaggregated planning decisions over the years which has the collective result of rendering our subdivisions isolated and reliant on vehicular travel in a region of Half Moon Bay which can sorely afford one more car on the road. Approval of this CDP without conditions to maintain pedestrian access has a substantial negative effect on both Highland Park neighborhood residents and Half Moon Bay residents and visitors traveling our local arterial highways.

Appendix A: First Staff report denial of the appeal dated September 26, 2012] included in App B
Appendix B: Second staff report denial of the appeal dated November 13, 2012] this contains
Appendix C: Appellants presentation to HMB City Council dated December 18, 2012

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

RECEIVED
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CALIFORNIA
COASTAL COMMISSION

For the meeting of: **December 18, 2012**

TO: Honorable Mayor and City Council

VIA: Laura Snideman, City Manager

FROM: Catherine Barber, Contract Planner & Caio Arellano, Deputy City Attorney

TITLE: **PDP-034-12(A) – Appeal of a Coastal Development Permit to allow the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, then following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)**

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RECOMMENDATION

Staff recommends that the Council deny the appeal and uphold the Planning Commission's denial of the appeal of the Planning Director's approval of PDP-034-12, a Coastal Development Permit to allow the installation of a Hog Wire Fence along the southwest property boundary of APN # 056-350-010 ("Ailanto Property").

INTRODUCTION

On November 13, 2012, the Half Moon Bay Planning Commission affirmed the Planning Director's approval of a Coastal Development Permit to Ailanto Properties, Inc., and rejecting the appeal of Appellants Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and Patrick Wooliever ("Appellants"). This appeal followed, reasserting Appellants' previously expressed concerns about (1) traffic; (2) reducing or eliminating pedestrian/bicycle access to recreation; (3) community health, and also raising two new procedural concerns specific to the Planning Commission Hearing.

All of the substantive issues raised by the appeal concern the fact that segment of the proposed fence along the property's boundary with 683 Highland Avenue will block access to an existing footpath between the Highland Avenue neighborhood and Half Moon Bay High School. As explained in further detail in this report, however, to prevail on their appeal Appellants must demonstrate that the proposed project does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act, and in rejecting the previous appeal the Planning Commission found that none of the issues raised by Appellants met this standard.

While an improved path between the neighborhood and High School may be desired by some, there were considerable differences of opinion among neighborhood residents who spoke both in support of and opposition to the project at the Planning Commission hearing. The crux of this

appeal is the Appellants' desire that the City accept Ailanto's offer of dedication[1] and improve the pathway that would continue to provide access from the Highland Park neighborhood to the High School. The existing topography presents some challenges in terms of improving the pathway to meet the City's current standards, including compliance with the Americans with Disabilities Act (ADA) and state accessibility standards, and such a project's impacts on potential coastal resources. Due to liability concerns, staff cannot support such an approach unless and until an adequate source of funding can be identified, consistent with the City's other capital improvement priorities, to pay the cost of the engineering, design and permitting process such a project would entail, as well as ongoing maintenance and liability. An alternative approach may be for the School District or a neighborhood association to assume responsibility for the pathway. To facilitate such a discussion, and at the applicant's suggestion, the Planning Commission conditioned project approval on delaying construction of the segment along the eastern boundary of 683 Highland Avenue for a period of 120 days. A denial of the appeal does not foreclose the appellants' ability to pursue these alternative approaches, either through CUSD or by forming a neighborhood association, and in accordance with the condition imposed by the Planning Commission, and the footpath will remain unobstructed in the interim.

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COASTAL DEVELOPMENT PERMIT APPEALS PROCEDURE

The City of Half Moon Bay Zoning Code, which is part of the City's certified Local Coastal Program ("LCP"), provides that the Planning Director's decision on a local Coastal Development Permit ("CDP") may be appealed to the Planning Commission. Planning Commission decisions are appealable to the City Council. Zoning code section 18.20.075 states that the grounds for an appeal of a CDP issued pursuant to this chapter shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act.

Procedural Background

Planning Director Approval of CDP; Appeal to Planning Commission

On July 2, 2012, Ailanto Properties, Inc., submitted an application for a CDP to allow the installation of a hog wire/field fence along the southwest boundary of APN# 056-350-010, beginning near the terminus of Silver Avenue south toward the terminus of Highland Avenue, then following the property line east. The subject property is located on the east side of Highway 1 just north of the Half Moon Bay High School, immediately east of Terrace, Silver and Highland Avenues. The site is zoned PUD (Planned Unit Development) with a General Plan designation of Planned Development District.

On September 26, 2012, at a duly noticed Planning Director's meeting, the Planning Director approved the CDP application based primarily on the applicant's stated concerns about security and liability issues for the property.

[1] The Coastal Commission's approval of the Pacific Ridge project required the applicant to offer the subject site as a potential future park to the "City of Half Moon Bay or to another public agency approved by the Executive Director" of the Coastal Commission.

Appellants timely appealed.

Planning Commission Denial of Appeal; Appeal to City Council

On November 13, 2012, at a duly noticed Planning Commission hearing, the Commission reviewed all material from the September 26, 2012 Planning Director's meeting, considered the grounds on which the appeal was filed, as well as all written and oral testimony presented for its consideration. The Planning Commission denied the appeal and found that the Planning Director's approval of PDP-034-012 was consistent with all applicable policies set forth in the City of Half Moon Bay's Local Coastal Program and the coastal access policies of the Coastal Act. Appellants then filed this appeal.

BACKGROUND

Project Description

The Ailanto Property consists of two large, undeveloped parcels situated directly east of the Terrace Avenue/Highland Park subdivisions and north of Half Moon Bay High School. The Ailanto Property is well-known as the site of the proposed "Pacific Ridge" subdivision. The property was also the subject of protracted litigation involving the property owner, Half Moon Bay, and the CaliforniCoastal Commission over various issues, culminating in the issuance of a CDP by the Coastal Commission on October 15, 2008 for the construction of 63 homes, a neighborhood park, open space, and numerous infrastructure improvements, including funding for improvements to the intersection of Terrace Avenue and Hwy 1 and the vicinity ("Pacific Ridge CDP").

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As mentioned in the staff report to the Planning Commission, the instant project is "not tied to the [Pacific Ridge CDP], and does not include construction of anything other than a boundary fence for security purposes. There are no modifications to the approved development or additional construction elements being considered with this application." Staff reiterates that point here, and also notes that construction of a perimeter fence is not inconsistent with the any of the special conditions imposed by the Coastal Commission in the Pacific Ridge CDP.

The approved fence would extend approximately 420 feet along the western boundary, parallel to the street, from Silver Avenue to Highland Avenue and would then shift (90-degrees) and extend up the hill from Highland Avenue along the southern property boundary for approximately 405 feet. The fence would be approximately (6) feet in height with posts; footing would extend approximately three (3) feet below grade, as shown on the plan (Attachment 2). The wire pattern fencing, commonly referred to as a field fence, would be 2-inch wide by 4-inch long rectangles for a height of 54-inches, with two 3/16 inch stainless steel cables horizontally above the hog wire. This fence style is very similar to other wire fences in place on properties within the City. Many of the posts would be dug by hand, but depending on location a mobile Jeep mounted auger may be used for post digging. Minor tree trimming may also be required in certain locations to allow adequate space for the fence construction.

Since the scope of the instant CDP was limited to the construction of a perimeter fence, and because the fence would not interfere or otherwise conflict with the special conditions imposed

by the Coastal Commission on the Pacific Ridge CDP, staff focused its analysis on potential impacts to visual resources and coastal resources.

With regard to visual resources, staff concluded that the fence would not impact any scenic corridors or visual resources based on the facts project site is not within a designated visual resource area and the fence would be constructed with hog wire fencing material no taller than six feet in height.

With regard to coastal resources, the Zoning Code requires that for projects located within 100 feet of a sensitive habitat area, the project applicant must submit a biological report on coastal resources (wild strawberry, sensitive habitat area, riparian areas, and wetlands) located on or within 200 feet of the project site, and that the report be circulated to the appropriate environmental and regulatory agencies. There have been several biological reports prepared for Ailanto Property over the years for wetlands and riparian areas in connection with the Pacific Ridge CDP. The most recent wetland and riparian habitat study was prepared by LSA Associates in 2008. The 2008 study, all previous biological reports (Attachments 3-7), and a letter from LSA biologist Steve Foreman, dated July 27, 2012, stating that the fence would not have impacts on coastal resources based upon his assessment of the fence installation, as well as his review and preparation of previous biological studies, were sent to the California Department of Fish and Game, the Army Corps of Engineers, the Regional Water Quality Control Board and the California Coastal Commission for review. No comments or suggested mitigations were received during review period.

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Approval by Planning Director

At the public hearing on the CDP, several members of the Highland Park neighborhood offered testimony both in support of and against the fence. The Planning Director acknowledged the concerns expressed by members of the community, specifically the adjacent Highland Park neighborhood, but noted that the requested CDP was being approved for safety reasons and security issues. The Planning Director noted that the City was undertaking an update to the Circulation Element and invited members of the public to participate in the workshops for this project. She also noted that there were currently plans in process that include improvements to Highway 1 for both pedestrians/bicycles and vehicular traffic.

Hearing and Denial of Appeal by Planning Commission

At the November 13, 2012 Planning Commission meeting there was a significant amount of public testimony and discussion by the Planning Commission. The appellants detailed the concerns contained in their appeal notice and also expressed concern about the confusion caused by the posting of an incorrect version of the staff report on the City's website. The appellants noted in their presentation that during the time since the appeal was filed and the hearing date that they had met with John Ward, representative for Ailanto Properties, to discuss options to retain the access from Highland Park to the High School. While most of the speakers were in support of the appeal and retaining the access path to the High School, there were also speakers that support the installation of the fence and the closure of the access path. The fence supporters acknowledge the honoring of property rights and that the City could not force a private property owner to provide an easement. Others noted the traffic, parking and speeding

issues in their neighborhood that are caused by use of the access path. It was also pointed out that the problem with use of the path really became apparent when the school district eliminated busing about ten (10) years ago. The speaker stated that the school district should be more involved with this issue given that many former principals at the High School also had intended to close off access to the path.

John Ward also addressed the Planning Commission provided a brief background on the Ailanto-Pacific Ridge subdivision and passed forward some photos of the subject property (Attachment 13). He explained that he met with the appellants the Thursday preceding the Planning Commission meeting in an effort to find a solution to preserve the access path to the High School. He specifically noted, however, that any potential plan to preserve the path cannot leave Ailanto with any future liability or cost or maintenance or responsibility for the path. Mr. Ward acknowledged that crafting an agreement to preserve the current access was a large undertaking and would take a lot of work; therefore he offered to allow an additional 120 days for the Appellants to work on a solution before he installed the portion of the fence that would restrict access to the High School. But he wished to proceed with the fence installation on the north end of the western boundary (beginning near Silver Avenue).

The Planning Commission discussion included acknowledgement of the neighborhoods' desire to keep the path open to the High School. They also noted possible solutions for some of the existing problems associated with the access path, such as parking permits for residents to limit out of area parking and speed bumps to address speeding issues. Some Commissioners noted the frustration that the closures of the access path would create for the neighborhood having to drive their children to school and downtown, and feeling isolated and trapped with no pedestrian outlet other than Highway 1. The Commission also acknowledged Ailanto Properties' need to secure the path and the lack of legal authority to require Ailanto Properties to maintain the access path across their property. The Commission also considered Mr. Ward's offer to delay construction of the segment of fence located at the edge of the access path. Ultimately, the Commission concluded that proposed fence did not conflict with the City's LCP or coastal access polices of the Coastal Act and on that basis, unanimously denied the appeal and upheld the Planning Director's approval of the CDP for the hog wire fence installation at the Ailanto property, with an added condition that:

> "For a period of 120 days following the effective date of the Coastal Development Permit, the applicant/owner shall not construct the segment of the fence located at the terminus of Highland Avenue, near the City right-of-way at the eastern property line of 683 Highland Avenue. However, following the effective date of the Coastal Development Permit, fence construction may proceed on the northern portion of the fence, beginning at the terminus of Silver Avenue."

Appellants' Contentions

The appeal of the Planning Commission's decision reiterates the concerns expressed in the original appeal of the Planning Director's decision, namely (1) traffic; (2) reducing or eliminating pedestrian/bicycle access to recreation; (3) community health, and also raises two additional

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procedural concerns specific to the Planning Commission Hearing: (4) violation of the Brown Act; and (5) inadequate public notice pursuant to Municipal Code Section 18.20.060.

However, the crux of the appeal is the Appellant's request that the City Council accept the offer of dedication for the parcel and establish and maintain the access path to the High School. It is the Appellant's hope that the City create an improved pathway that would continue to provide access from the Highland Park neighborhood to the High School.

As stated above, grounds for appeal of a CDP are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act. In this case, only items numbered (1) and (2) above allege nonconformance with specific policies of the City's LCP or coastal access policies of the Coastal Act. However, the analysis below attempts to address all potentially applicable LCP and Coastal policies associated with the Appellants' concerns. The analysis includes the previously expressed contentions as well as the two new contentions, which are added to the bottom of this list.

Analysis

1. **Increased traffic on Highway 1.**

Appellants contend the approved fence will block access to Half Moon Bay High School for neighborhood children and families and substantially increase traffic on Highway 1, especially between Terrace and North Main Street during peak morning and afternoon traffic times. Appellants do not reference any specific LCP policies on this point. Appellants assert that the approved fence does not conform to sections 30210 and 30252 of the Coastal Act. However, a closer reading of these provisions reveals that neither is applicable to the approved fence project, and therefore the fence does not conflict with these policies.

Section 30210 provides:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

The term "access", as used in 30210, refers to access to the sea and/or coastline, and not to a convenient shortcut to a schoolyard from a residential neighborhood. Staff also notes this section expressly acknowledges the need to protect the rights of private property owners as well as public access. As stated in the Findings and Evidence, the approved fence is not located between the sea and first public road parallel to the sea, and therefore it would not impair the ability of the public to access the sea or coastline in Half Moon Bay.

Section 30252 provides:

> *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing*

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commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The phrase "new development," as used in Section 30252 and throughout Chapter 3, Article 6 of the Coastal Act, is appropriately construed in the context of the section 30250, the first section in Article 6. Section 30250 contemplates access policies for "new *residential, commercial, or industrial* development..." The approved project—a perimeter fence around a portion of an undeveloped lot—does not fall into the category of residential, commercial, or industrial development and therefore the project is not subject to the public access requirements for new development under Section 30252.

Notwithstanding Appellants' misplaced reliance on Sections 30210 and 30252, staff notes the LCP contains a number of Transportation Policies, three of which address traffic issues on Highway 1:

LCP Policy 10-25
The City will support the use of Level of Service C as the desired level of service on Highways 1 and 92, except during the peak two-hour commuting period and the ten-day average peak recreation hour when Level of Service E will be acceptable.

LCP Policy 10-26
The City will support improvements to Highway 1 and 92 outside the City, including phased increases in capacity. First priority being safety improvements to Highway 92; second priority, construction of Devil's Slide bypass.

LCP Policy 10-27
The City will recommend to CalTrans installation of improvements on Highway 1 to improve safety and recreational traffic flow and minimize local and visitor traffic conflicts, including signs and left-turn bays at beach access routes. Request CalTrans undertake the widening of Highway 1 to four lanes within the City.

The clear focus of these policies is the alleviation of conflicts between commuter traffic and recreational traffic. The traffic impacts—if any—resulting from the instant project would not conflict with these policies. For the instant project, any potential traffic increase would not substantially interfere with recreational traffic, given that school start times are either 6:40 a.m. (O period) or 7:45 a.m. and dismissal time is at 2:56 p.m., which do not directly coincide with recreational traffic peaks.

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However, the Appellants' primary argument on this point is that the approved fence would result in an increase in vehicle traffic from Highland Park onto Highway 1 because the "vast majority" of an estimated 700 weekly pedestrian trips across the Ailanto Property to Half Moon Bay High School would convert into vehicle trips. Furthermore, the Appellants argue the future improvements to Highway 1 would be inadequate because the traffic mitigation analysis conducted in connection with the Pacific Ridge CDP did not account for pedestrian traffic between Highland Park and Half Moon Bay High School. Appellants do not offer any support for this contention, however, and nothing in the traffic analyses by the Coastal Commission or the applicant supports this theory—for example, by assuming some the traffic impacts that would result from build out of the Pacific Ridge subdivision would be mitigated by diverting high school traffic through an existing footpath.

2. Reducing or eliminating pedestrian or bike access to recreation.

Appellants also contend that installation of the fence would block access to safe pedestrian and bike travel in Half Moon Bay and will substantially limit access to recreation areas including but not limited to the Coastal Trail, downtown, beaches, and Half Moon Bay High School athletic facilities. Appellants concerns in this regard appear to stem from the absence of parks facilities in their neighborhood, and the loss of an easement previously used to access Half Moon Bay High School. Appellants cite Coastal Act sections 30210, 30211, 30252.6, and 30212, as well as the General Circulation Plan. For the same reasons discussed above, these Coastal Act sections are inapplicable to the approved fence project.

Furthermore, the Circulation Element of the General Plan is not part of the City's LCP, and is therefore not proper grounds for a CDP appeal. Staff does note, however, that the Planning Commission recently approved both trail and road improvements for Highway 1 that are consistent with the above noted policies set forth in the Circulation Element.

3. Community health.

The Appellants also contend that keeping the footpath across the Ailanto Property to Half Moon Bay High School contributes to the efforts of the City of Half Moon Bay to foster a pedestrian- and bicycle-friendly, healthy, environmentally responsible community. This claim does not present a clear relationship to any LCP or Coastal Act policy. Accordingly, this argument is not proper grounds for a CDP appeal and should not be considered by the City Council.

4. Brown Act.

The Appellant's added contention with the Planning Commission's decision is that by denying their request to postpone the appeal hearing, the decision violated the Brown Act, specifically section 54957.5 of the Government Code. Appellants assert that based on the fact that Planning Department staff erroneously posted a preliminary draft of the appeal staff report on the City's website. According to appellants, "the mix-up of the two documents caused great confusion" because "they provided a different rationale and analysis of the argument" and the Planning Commission should have granted their request to postpone the hearing on the appeal.

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Although Planning Department staff mailed the correct, final version of the appeal staff report to the Planning Commission and appellants on November 9, 2012, Planning Staff erroneously posted a preliminary draft version of the report on the City's website. Due to the Veteran's Day holiday, this error did not come to the attention of staff until the morning of November 13, 2012. Staff immediately acknowledged the error, removed the incorrect staff report, and posted the correct, final version of the staff report on the City's website.

As a threshold matter, Staff notes that a Brown Act violation does not provide a permissible basis for an appeal of a CDP and therefore should not be considered by the City Council on appeal. Furthermore, even if it were, no Brown Act violation occurred. Although Appellants appropriately cite section 54957.5 of the Government Code, this statute does not require a local agency to post staff reports on its website, let alone prohibit a hearing from taking place based on clerical error. The statute provides only that (a) staff reports are disclosable public records to be made available upon request without delay and (b) staff reports distributed less than 72 hours prior to a meeting shall be made available for inspection at a public office or location, and the local agency *may* post that staff report on its website. Here, the Appellants, the Planning Commission and any member of the public requesting a copy of the staff report for the CDP appeal for the November 13, 2012 was provided with the final, and correct version of the staff report.

Thus, while staff acknowledges and apologizes for the confusion over the staff report, its mistake is not a basis for overturning the CDP approval.

5. Improper Public Noticing.

The Appellants' final contention is that Municipal code section 18.20.060(B) (3) requires that:

> "Posting of Notices. At the time an application for coastal development permit is filed (or within seven days), the applicant must post public notice at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, that an application for a permit for the proposed development has been submitted to the city. The applicant shall use a standardized form provided by the planning and building director and the notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and maintain the completed notice form until the permit becomes effective, the planning and building director shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure."

The appeal notes that a single notice was nailed to a tree on the access path to the High School, behind a fence, past the entrance to the path and was not visible without being on Ailanto property and clearly does not meet the standard of "conspicuous" as one had to actually be trespassing to view the notice.

Staff notes that multiple placards with the public notice information were provided to the applicant for posting and were, in fact, posted on the property; after which an affidavit of posting is returned to the City. In addition, as required by code, property owners within 300 feet

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and occupants within 100 feet of the subject property were notified by mail. A public notice was also placed in a newspaper of general circulation 10-days prior to the meeting. Reasonable efforts are made to ensure that public notices remain in place prior the hearings; however it is not uncommon for these notices to be removed either by weather conditions, accidentally or intentionally.

In summary, the review of a CDP is to ensure that development within the City is consistent with the City's local coastal program and the California Coastal Act. Pursuant to Municipal Code section 18.20.075 the grounds for an appeal of a CDP issued pursuant to this chapter shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act. Here, Appellants failed to demonstrate that the CDP would violate any applicable LCP policy or coastal access policy of the Coastal Act, and therefore staff recommends that the City Council deny the appeal and uphold the Planning Commission's decision to uphold the Planning Director's approval of PDP-034-12.

Options for Retention of the Access Path

The crux of the instant appeal is the Appellant's desire for the City Council to "take action to solve a community issue," namely preservation of the existing access to Half Moon Bay High School from the Highland Park subdivision. While this request extends beyond the appropriate scope for a CDP appeal, staff offers the following as an overview of that process.

The first step in the process is acquisition of the necessary property interests. Currently the access path from Highland Avenue to the High School is primarily on Ailanto's property, with a portion of the path across the 683 Highland Avenue property, and a small portion of the beginning of the path on the City's right of way. The appeal contains a graphic (Appendix B-appeal submittal packet, November 29, 2012) that details ownerships and retention of the proposed access path. Thus, retention of the existing pathway would require the consent of the affected property owners. The majority of the path is located on what is referred to as "Parcel D" on the CDP approved by the Coastal Commission for the Ailanto-Pacific Ridge subdivision. Parcel D totals approximately 1.9 acres and is called a "dedicated park site"; a special condition of approval (3A) imposed by the Coastal Commission is that Ailanto Properties dedicate Parcel D to the City of Half Moon Bay or other public agency for public park and recreation purposes. The final subdivision map for the first phase of the Pacific Ridge subdivision contains an offer of dedication of Parcel D to the City of Half Moon Bay.

The second step of the process is constructing the necessary improvements for a conforming pathway. The City would have to process a CDP for the improvements, which would include preparation of legal descriptions and legal documentation, a survey and maps; all of which would need to be recorded. The easement option can really only work if one entity (City of Half Moon Bay or other public entity) accept all of Parcel D (1.9 acre dedication). This option would require close coordination with the Cabrillo Unified School District (CUSD). Ailanto Properties has made it clear, they are willing to work with the neighborhood to help retain the access path, but do not want any future responsibility, liability or cost with regard to the path.

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Another option is that the CUSD accept the offer of dedication for Parcel D in entirely (which is unlikely) or a portion of Parcel D to create a dedicated easement for the access path. With this option there is still the issue of who would assume responsibility for the remaining portion of the park.

It should be noted that any improvements to and/or reconstruction of the access path would require a CDP. In addition to preparation costs for surveys, legal document preparation and processing costs, there are construction costs involved and as well as long term maintenance costs. Staff notes that this is an important community issue that requires attention and coordination among several entities. However, while the Council may decide to provide direction to staff on pursing such a future project, this would not constitute a basis for denying the CDP.

ATTACHMENTS:

1. Draft Resolution
2. Plan with proposed fence locations and dimensions
3. S. Foreman, LSA Associates, Inc. letter July 27, 2012
4. 1999 Biological Report
5. ESHA Update 2008
6. Raptor Nesting Surveys 2010
7. Eucalyptus Stands Habitat Assessment and Management Recommendations 2011
8. Planning Director Meeting 9/26/12- staff report and minutes
9. Planning Director Meeting 9/26/12- neighbor letters and emails
10. Planning Director Meeting 9/26/12- photos of subject property submitted by applicant
11. Planning Director Appeal from Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and Patrick Woollever dated October 10, 2012
12. Planning Commission Meeting 11/13/12- staff report and minutes
13. Planning Commission Meeting 11/13/12- neighbor letter/ photos and letter from J. Ward from hearing
14. Planning Commission Appeal from Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and Patrick Woollever dated November 29, 2012

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ATTACHMENT - 1

RESOLUTION NO. C- 12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF THE APPEAL OF THE PLANNING DIRECTOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT OF PDP-034-12(A)

WHEREAS, an application for Coastal Development Permit for the Installation of a hog wire fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010), in a PUD (Planned Development) Zoning District was approved at a duly notice public hearing of the Planning Director on September 26, 2012; and

WHEREAS, a timely appeal of the Planning Director's decision was filed on October 10, 2012 and the Planning Commission held a duly noticed public hearing on the appeal on November 13, 2012 where they considered the grounds on which the appeal was filed, the record of the Planning Director's decision, and all written and oral testimony presented for its consideration and found that the Planning Director's approval of PDP-034-012 was consistent with all applicable policies set forth in the City of Half Moon Bay's Local Coastal Program and the coastal access policies of the Coastal Act and denied the appeal and upheld the Planning Director's decision for approval of the Coastal Development Permit for PDP-034-12; and

WHEREAS, a timely appeal of the Planning Commission's decision was filed on November 29, 2012; and

WHEREAS, the City Council held a duly noticed public hearing on the Planning Commission appeal on December 18, 2012; and

WHEREAS, the City Council considered the grounds on which the Planning Commission appeal was filed, the record of the Planning Commission's and Planning Director's decisions, and all written and oral testimony presented for its consideration; and

NOW, THEREFORE, BE IT RESOLVED that, the City Council hereby finds that the Planning Commission's denial of the appeal and upholding of the Planning Director's approval of PDP-034-012 is consistent with all applicable policies set forth in the City of Half Moon Bay's Local Coastal Program and the coastal access policies of the Coastal Act and denies the appeal and AFFIRMS the Planning Director's original decision for approval of the Coastal Development Permit for application PDP-034-12 as well as AFFIRMS the Planning Commission's decision to uphold the Planning Director's decision;

****

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I hereby certify that the foregoing is a full, true and correct Resolution duly passed and adopted by the City Council of the City of Half Moon Bay, San Mateo County, California thereof held on the 18th day of December of 2012 by the following vote of the members thereof:

AYES, Councilmembers:
NOES, Councilmembers:
ABSENT, Councilmembers:
ABSTAIN, Councilmembers:

ATTEST:

Siobhan Smith, CITY CLERK

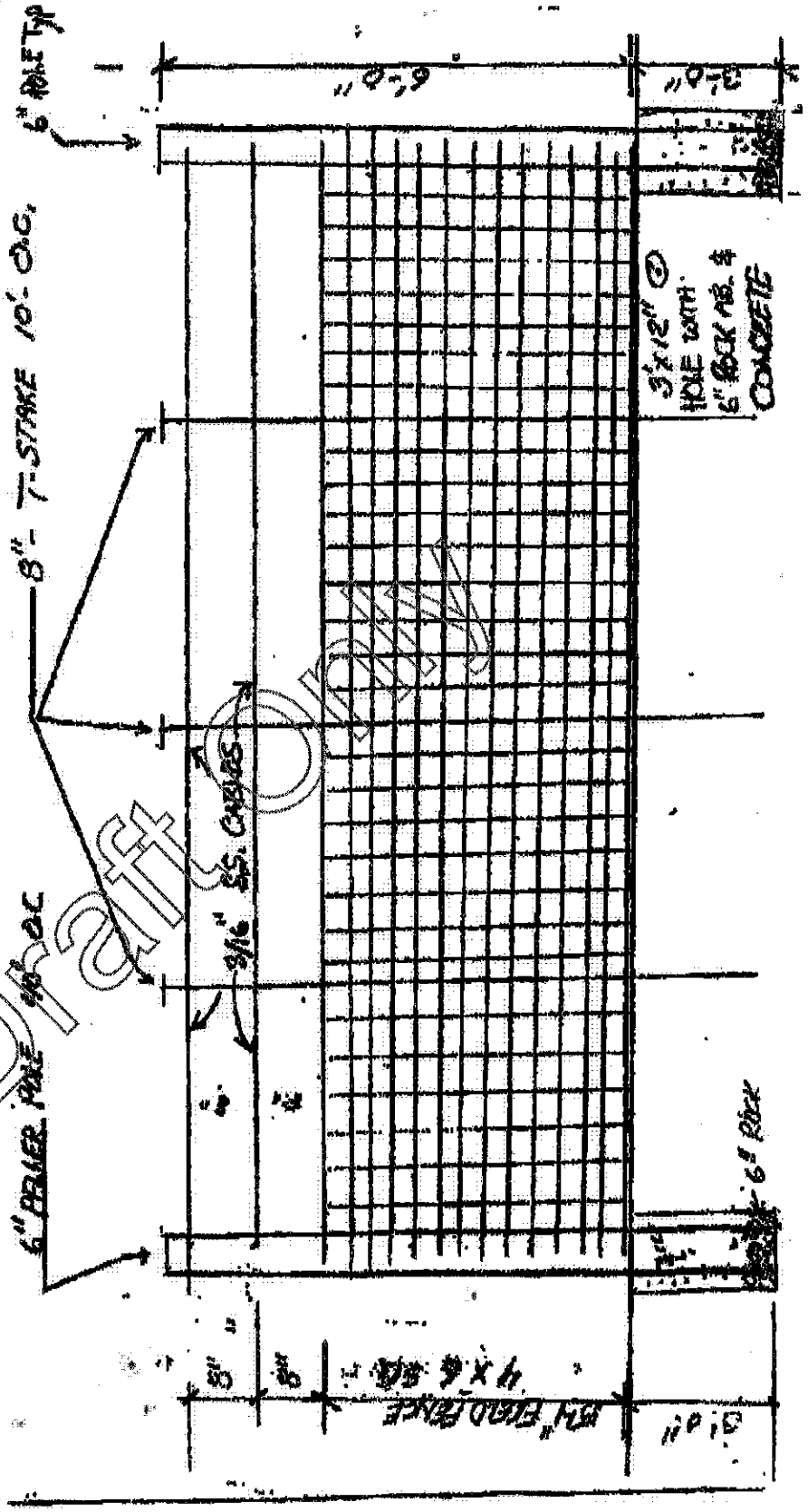
Rick Kowalczyk, MAYOR

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ATTACHMENT - 2

ATTACHMENT 2



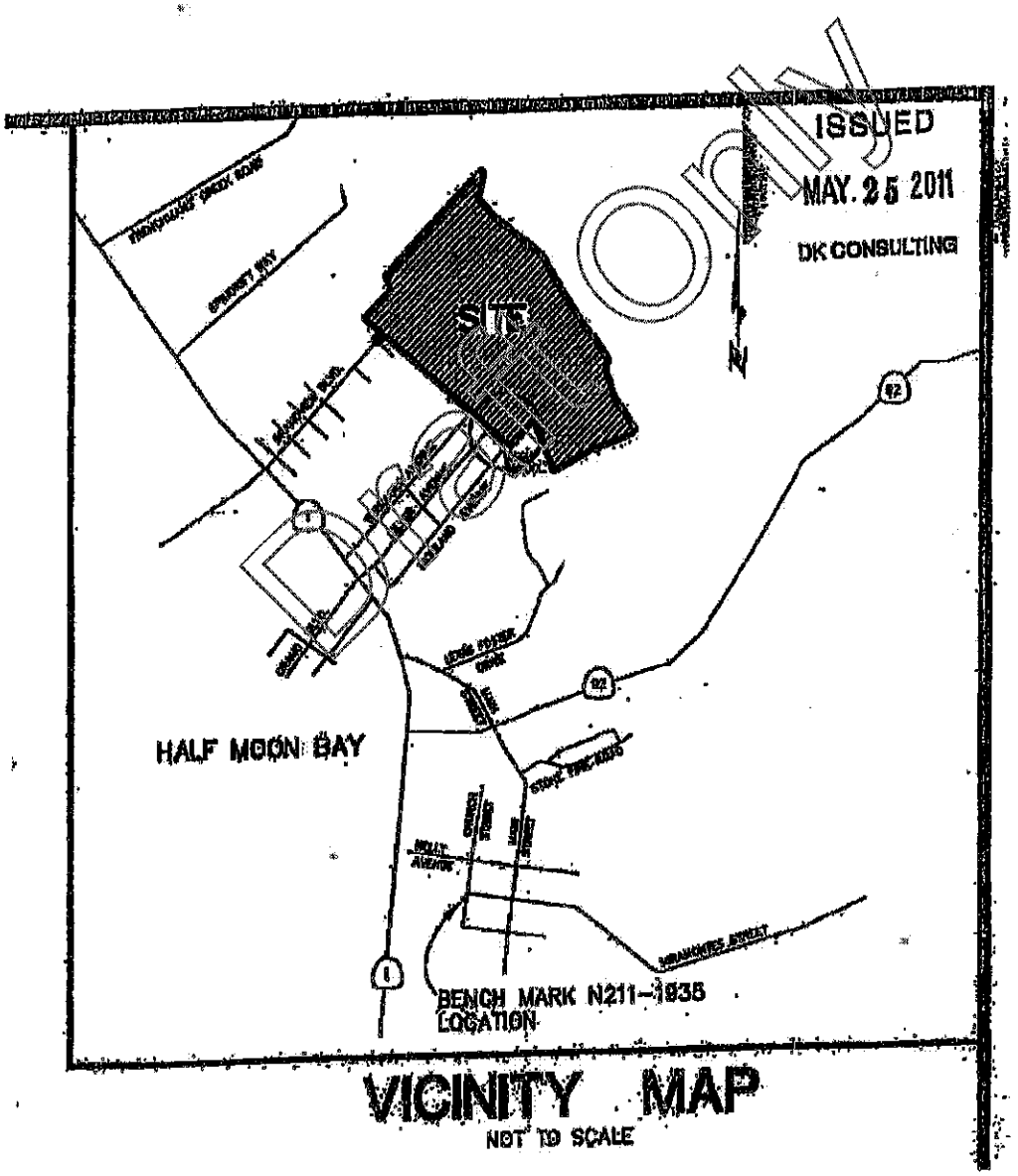
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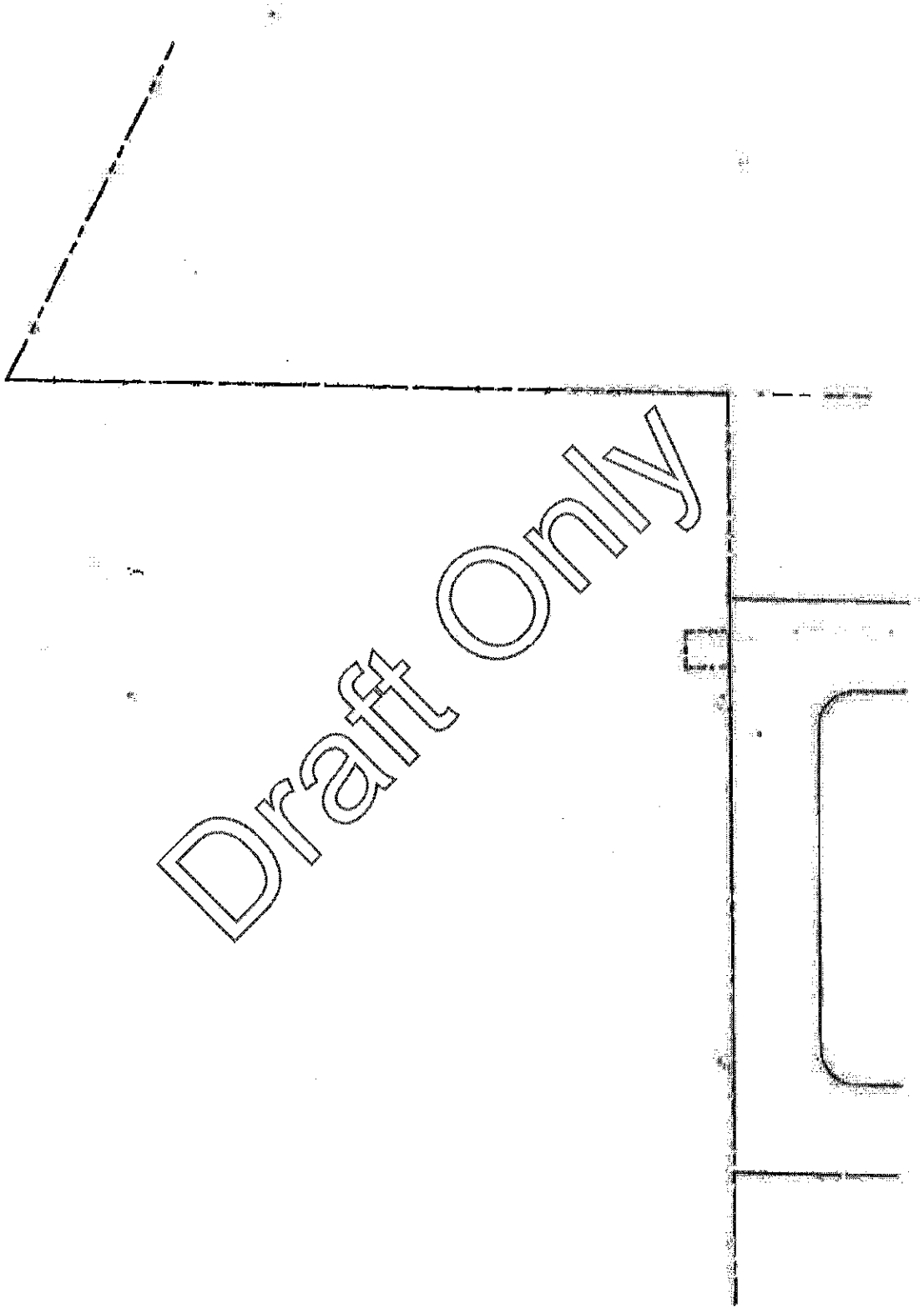
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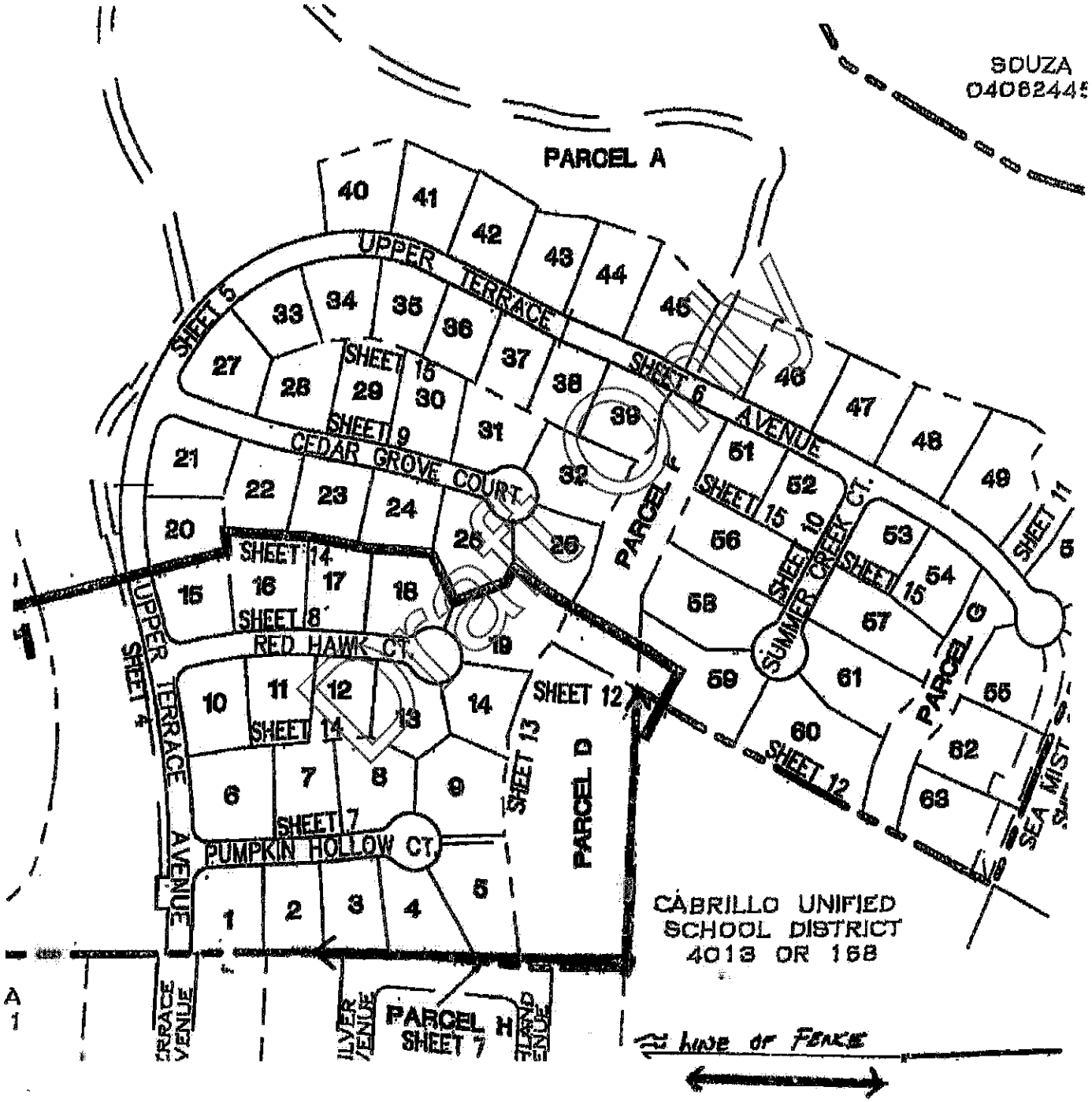
AILANTO PROPERTIES
PACIFIC RIDGE - PHASE 1
CITY OF HALF MOON BAY CALIFORNIA



VICINITY MAP
NOT TO SCALE

Coastal Commission Copy Only


Draft Only


SOUZA
04062445
PARCEL A
UPPER TERRACE
SHEET 5
SHEET 6
AVENUE
SHEET 15
SHEET 9
CEDAR GROVE COURT
SHEET 14
SHEET 8
RED HAWK CT.
SHEET 12
SHEET 14
SHEET 13
SHEET 7
PUMPKIN HOLLOW CT.
PARCEL D
PARCEL G
SUMMER CREEK CT.
SHEET 15
SHEET 12
SHEET 11
SEA MIST
UPPER TERRACE AVENUE
SHEET 4
PARCEL H
SHEET 7
CABRILLO UNIFIED
SCHOOL DISTRICT
4013 OR 168
line of Fence

Draft Only

ATTACHMENT - 3

LSA

LSA ASSOCIATES, INC.
157 PARK PLACE
PT. RICHMOND, CA. 94801
510.236.6810 TEL
510.236.6489 FAX

BERKELEY
CARLSBAD
FT. COLLINS
FRESNO
IRVINE
PALM SPRINGS
RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
SOUTH SAN FRANCISCO

July 27, 2012

Catherine Barber
Planning Department
City of Half Moon Bay
501 Main Street
Half Moon Bay, Ca 94019

Subject: Ailanto Properties, Pacific Ridge Security Fence

Dear Catherine:

I have been the lead biologist for the Pacific Ridge project since the mid 1990s and the primary author of the 1999 Biological Report for the site (copy attached, excluding appendices) that was approved as part of the CDP for the project. I have also supervised and conducted surveys for the raptor nesting surveys in 2010, the eucalyptus stands habitat assessment and management recommendations in 2011, and the ESHA update for the CDP in 2008.

The proposed fence will be located along the property line bordering the existing development on adjacent to the road loop formed by Silver and Highlands Avenues and then northeasterly along the property line between the Ailanto Property and the high school. The fence will replace an existing barbed wire fence. The fence skirts an edge grove of eucalyptus trees that occurs along an intermittent drainage (identified as Drainage 2 in the Biological Report). Vegetation on the Ailanto property side of the fence is dominated by eucalyptus trees with little understory vegetation and nonnative annual grasses and forbs along the edge of the adjacent road. No significant native vegetation is present.

While the fence will be within 100 feet of the creek, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground stormwater system at the edge of the property. Based on our observations and studies over the years, no significant coastal resources are present or would be affected by the construction or presence of the fence. We have not identified any raptor nesting in the immediate area of the fence and drainage has little to no value for endangered species such as the California red-legged frog or San Francisco garter snake as habitat or as a movement corridor (see discussion in Biological Report).

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

LSA ASSOCIATES, INC.

Steve Foreman
Principal/Certified Wildlife Biologist

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ATTACHMENT - 4

BIOLOGICAL RESOURCES REPORT PACIFIC RIDGE AT HALF MOON BAY

June 15, 1999

Draft Only

Prepared For:

Atlantic Properties, Inc.
One Kaiser Plaza
Ordway Building, Suite 1775
Oakland, CA 94612

Prepared By:

L.S.A. Associates, Inc.
157 Park Place
Point Richmond, California 94801
(510) 236-6810
L.S.A. Project #APR830

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INTRODUCTION

This report was prepared by LSA Associates, Inc. of Pt. Richmond California for Ailanto Properties, Inc. of Oakland, California. This report describes the biological resources on the Pacific Ridge property in Half Moon Bay. This report updates previous reports addressing biological resources on the property (RMI 1997a and b; WESCO 1988) and is intended to provide the California Coastal Commission (CCC) with applicable information on which to assess its jurisdiction in the appeal concerning the Pacific Ridge at Half Moon Bay residential development and to provide the CCC with an analysis of the applicable Local Coastal Program policies within such jurisdictional areas.

This biological report addresses conditions observed on the Pacific Ridge property and a minimum of 200 feet from the edge of the property. For offsite areas, assessments are based on observations made from the Pacific Ridge property, interpretation of available aerial photographs, or other published data sources. No specific field surveys were conducted on lands not owned by Ailanto Properties.

PROJECT LOCATION

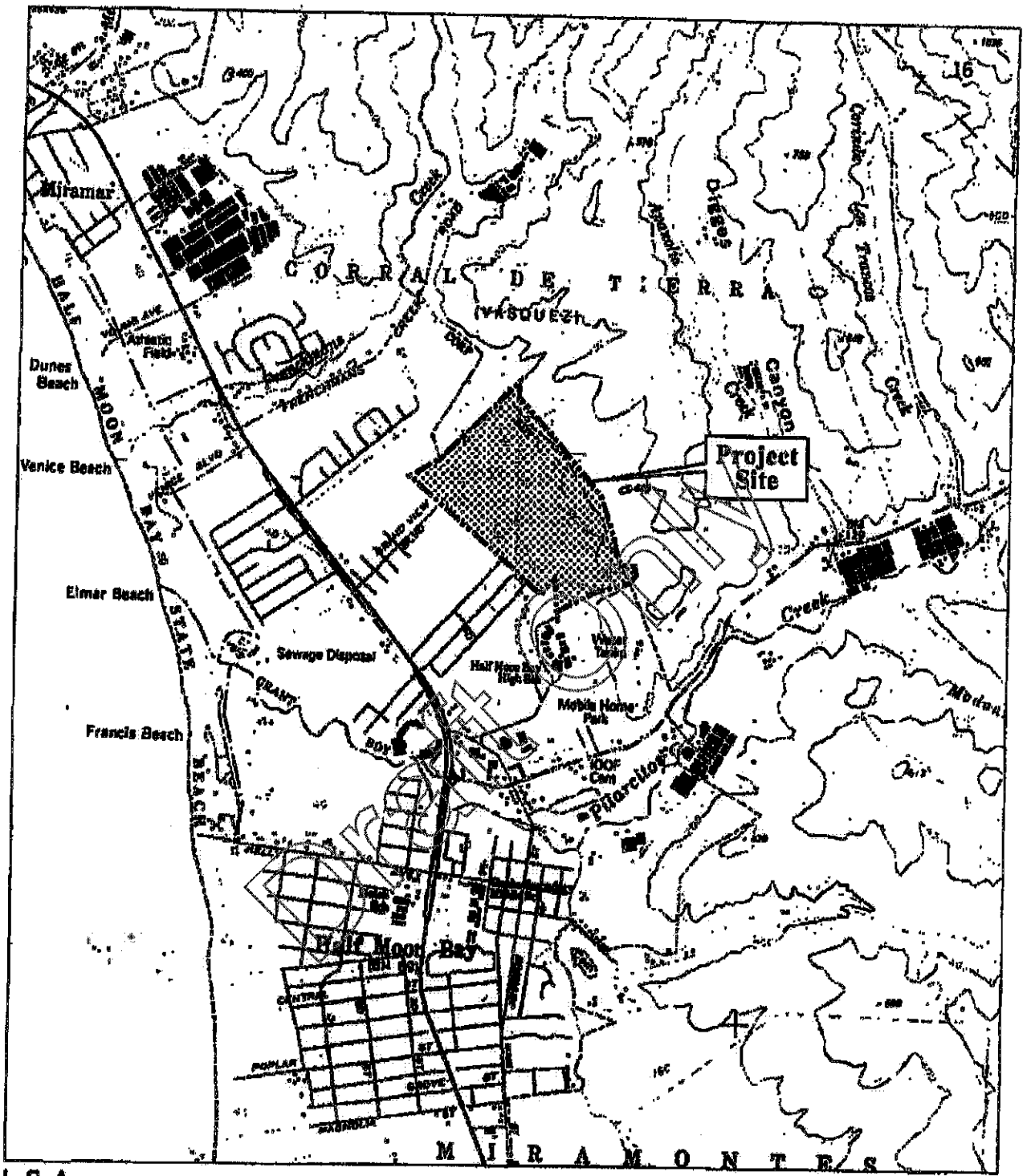
Pacific Ridge at Half Moon Bay is located on an approximately 114-acre property formerly known as Dykstra Ranch. The property is located in the northeastern corner of the coastal community of Half Moon Bay, San Mateo County, California (Figure 1). The property is located northeast of the intersections of Highway 1 with Grand View Boulevard and Terrace Avenue.

Half Moon Bay High School abuts the southwestern corner of the property. To the west, existing residential development occurs along Grand View Boulevard and Terrace Avenue. Fallow, undeveloped land which includes the proposed Beachwood subdivision lies between these two developed areas. Agricultural fields lie to the northeast while undeveloped lands lie to the north, east, and southeast of the property. The Pacific Ridge site and the lands abutting the site to the east are currently used primarily for livestock grazing.

OVERVIEW OF EXISTING CONDITIONS

Topography on the site consists of gentle to steeply sloping coastal terrace with elevations ranging from 50 to 275 feet. The primary water features on the property include four intermittent drainages which bisect the property and a 2.4-acre stock pond in the northwest portion of the site.

This area once supported coastal prairie and northern coastal scrub plant communities. Historical land use included farming and livestock production. The site was farmed until 1972, then remained fallow for several years. In 1985, agricultural use resumed and the site was planted with barley. This use continued for several additional years. Vegetation on the site is currently dominated by non-native grassland with trees and brush concentrated along drainages, fence lines, and in areas that are not grazed by cattle. Mature groves of blue gum (*Eucalyptus globulus*) and cypress (*Cupressus* sp.) were planted in mixed groves and in windrows located along the northeastern and northwestern boundaries of the site and several of the drainages.



LSA

FIGURE 1

SOURCE: USGS 7.5' Half Moon Bay, CA Quadrangle (1994)

P:\AFR1001\GIS\Figure2_SiteLocation.cdr (02/28/2011)

Pacific Ridge at Half Moon Bay

Site Location

Dominant grassland species on the site include annual ryegrass (*Lolium multiflorum*), wild oat (*Avena barbata*), tarplant (*Hemizonia* sp.), western fescue (*Festuca occidentalis*), soft chess (*Bromus hordeaceus*), and wild radish (*Raphanus sativus*). Dominant shrubs include coyote bush (*Baccharis pilularis*) and French broom (*Genista monspessulana*).

The riparian woodland plant species which inhabit the drainages on the property include willows (*Salix* sp.), California rose (*Rosa californica*), Himalaya berry (*Rubus discolor*), elderberry (*Sambucus* sp.), and California bay (*Umbellularia californica*). The freshwater marshes and seasonal wetlands located on the northern end of the property are primarily dominated by English plantain (*Plantago lanceolata*), curly dock (*Rumex crispus*), bird's foot trefoil (*Lotus corniculatus*), monkey flower (*Mimulus guttatus*), meadow barley (*Hordeum bryoanthernum*), umbrella sedge (*Cyperus eragrostis*), fiddle dock (*Rumex pulcher*), spike rush (*Scirpus cernuus*), and soft rush (*Juncus effusus*).

On the northern end of the property is a 2.4-acre stock pond which supports a freshwater marsh community consisting of cattail (*Typha angustifolia*), knotweed (*Polygonum sp.*), umbrella sedge (*Cyperus eragrostis*), and brass buttons (*Cotula coronopifolia*).

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WETLANDS AND RIPARIAN HABITATS

BACKGROUND

Two previous wetland assessments have been completed for the property. Both assessments were conducted to determine U.S. Army Corps of Engineers (Corps) jurisdiction under Section 404 of the federal Clean Water Act. The first determination was conducted in 1988 as part of the baseline information in the project's EIR (WESCO 1988a). The second determination was conducted in 1997 in support of the project's application for a Section 404 permit required as part of the City of Half Moon Bay's conditions of approval for the Dykstra Ranch project (RMI 1997b).

The 1988 assessment identified approximately 5.6 acres of Section 404 jurisdiction on the site. This included the four main drainage courses which bisect the property, a marsh area along the drainage in the northeastern corner of the site, the stock pond in the northern portion of the site, and a seasonal wetland in swale upslope of the stock pond. At the time of this original assessment, most of the flatter terrace area on the property was used for barley production.

The 1997 assessment identified 7.24 acres of Section 404 jurisdiction on the property. This determination included the drainage courses, pond, marsh and seasonal wetland identified in the previous determination. Two additional seasonal wetland areas which developed in areas previously used for agriculture were also identified. The 1997 field studies were conducted in June 1997 and confirmed by the Corps in October 1997.

A third assessment was conducted in April and May 1999 in response to the appeal to the California Coastal Commission (CCC) of the City of Half Moon Bay's approval of the Coastal Development Permit (CDP) for the Pacific Ridge project and to explore apparent changes in wetland extent on the property since the 1997 jurisdictional determination. One issue raised in the appeal and by CCC staff is the potential difference in wetland extent resulting from differences in wetland definition between the Corps and California Coastal Act and CCC regulations.

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DEFINITIONS

Wetlands

In connection with the updated wetlands delineation map (see attached 1-inch to 100-foot scale topographic map entitled Map 1), wetlands on the property were delineated using the Coastal Act's definition of wetlands, CCC regulations, and the CCC's *Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone* (CCC 1994). As explained below, however, use of the other procedures and definitions employed by the Corps to determine Section 404 jurisdiction and the U.S. Fish and Wildlife Service (FWS) wetland classification system yields the same basic wetland boundaries. The following describes and compares these three basic definitions for wetlands.

U.S. Fish and Wildlife Service Classification System

The FWS classification system (Cowardin et al.1979) defines wetlands as:

"lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this classification, wetlands must have one or more of the following three attributes: 1) at least periodically, the land supports predominantly hydrophytes; 2) the substrate is predominantly undrained hydric soil; and 3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year."

Under the FWS definition, the term wetland includes a variety of areas which fall into one of the following five basic categories (Cowardin et al. 1979):

1. Areas with hydrophytes and hydric soils, such as those commonly known as marshes, swamps, and bogs;
2. Areas without hydrophytes but with hydric soils - for example flats where drastic fluctuation in water level, wave action, turbidity, or high concentrations of salts may prevent the growth of hydrophytes;
3. Areas with hydrophytes but nonhydric soils, such as margins of impoundments were hydrophytes have become established, but hydric soils have not yet developed;
4. Areas without soils but with hydrophytes such as seaweed covered portion of rocky shores; and
5. Wetlands without soil and hydrophytes, such as gravel beaches or rocky shores without vegetation.

U.S. Army Corps of Engineers

Section 404 of the Clean Water Act defines wetlands as:

"those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

Under this definition, an area must contain "under normal circumstances" the presence of hydrophytic vegetation, hydric soils, and wetland hydrology to be considered a wetland by the Corps for regulatory purposes. The necessary presence of all three characteristics is commonly referred to as the "three-parameter test" (Corps 1987). The Corps definition would consider areas falling under the above described FWS broad categories of 1 (all three characteristics) and 3 (considering normal circumstances situations described in the Corps 1987 delineation manual) to be wetlands. The key distinguishing parameter in these two categories from the other three categories is the need for hydrophytic plants to be present and have roots into the substrate (category 4 hydrophytes such as seaweed do not technically have roots; seaweeds are anchored to the substrate by features called holdfasts).

The Corps or Section 404 wetland definition is often criticized as providing too narrow a definition of wetlands and excluding many communities which are functionally considered to be wetlands under the FWS or CCC definition. While three of the broad wetland categories above (2, 4, and 5) are not technically considered as wetlands under the Corps definition, these three community types are typically subject to Section 404 jurisdiction as

"other waters of the United States"[1] as defined under 33 CFR Section 328.3 and are identified in Section 404 jurisdictional determinations from the Corps. The Corps (1987) wetland delineation manual acknowledges this difference and notes:

> *"The FWS system includes all categories of special aquatic sites identified in the EPA Section 404b.(1) guidelines. All other special aquatic sites are clearly within the purview of Section 404: thus, special methods for their delineation are unnecessary."*

The definition of "waters of the United States" further expands the geographic reach of Section 404 to include tributary streams which may not meet be specifically identified as "special aquatic sites" in the Section 404 regulations.

These "other waters" community types and corresponding FWS category types include:

- all waters subject to the ebb and flow of the tide (categories 2, 4, and 5)
- lakes, rivers, ponds, perennial and intermittent streams (categories 2 and 5)
- mudflats, sandflats, playas, and salt pans (categories 2, 4, and 5)

On the Pacific Ridge site, the 1997 Corps jurisdiction included the one marsh area, three seasonal wetlands, and other waters such as the stock pond and the four intermittent drainages.

California Coastal Act

The California Coastal Act (1976) defines wetlands in Section 30121 as:

> *"lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens."*

CCC Administrative Regulations (Section 13577 (b)) provide a slightly broader and more explicit definition:

> *"Wetlands are lands where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or support the growth of hydrophytes, and shall also include*

---

[1] For any aquatic area, including wetlands, to be subject to Federal jurisdiction under Section 404 of the Clean Water, the use, degradation or destruction of the area must demonstrate or be potentially subject to federal interests such as being potentially subject to interstate or foreign commerce, areas which could be used by interstate or foreign travelers for recreation or other purposes, waters from which fish or shellfish could be taken and sold in interstate or foreign commerce, be an interstate area, provide habitat for migratory birds, or be a tributary to one of the above types of waters (33CFR328.3). Technically, an area may meet Corps criteria as a wetland or possess one or more functional characteristics of a FWS classification wetland, but lack the interstate or foreign commerce connection necessary for federal jurisdiction as a waters of the United States. In practical terms and for the purposes of this assessment, any areas meeting the technical or functional characteristics of a wetland or "other waters" is assumed to have the applicable interstate or foreign commerce connection.

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those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substance in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deepwater habitats."

Under the CCC definition, the boundary line between a wetland and an adjacent upland is determined by the extent of one or more of the key wetland characteristics of hydrology, hydric soils and hydrophytic vegetation.

This definition is similar to the FWS definition and classification system and incorporates all five of the broad wetland categories defined by Cowardin et al. (1979) and discussed above. The Half Moon Bay Local Coastal Program (LCP) actually adopts the FWS definition (LCP Appendix A, pg 235).

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Technical Criteria

The FWS, Corps, and CCC definitions, while different, share a common element. All three rely on the presence of hydrology to define the characteristics of the wetland or community through creation of physical or physiological stresses which govern the presence or absence of hydrophytic plants. All three definitions also consider the characteristic parameters of wetlands to include hydrophytic vegetation, hydric soils, and wetland hydrology. The Corps definition under Section 404 is the most restrictive, requiring the presence of all three parameters for an area to be legally classified as a wetland. However, when the functional characteristics of all areas potentially subject to Section 404 jurisdiction under the Clean Water Act, or other water of the United States, are taken in totality, the FWS, Corps, and CCC procedures (CCC 1984) essentially cover and address all five of the basic functional wetland community types described by the FWS (Cowardin et al.1979).

All three of the wetland systems also define the boundary between uplands and wetlands in a similar manner. Cowardin et al. (1979) defines the upland limit of wetlands to be: 1) between land with predominantly hydrophytic[2] cover and land with predominantly mesophytic[3] or xerophytic[4] cover; the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or in the case of wetlands without vegetation or soil, the boundary between land that is flooded or saturated at some time each year and land that is not. The CCC has generally accepted the FWS classification system as a guide for wetland identification (CCC 1981). The Corps employs similar criteria, generally substituting the term "prevalent" for "predominant." The terms prevalent and predominant have generally been interpreted to mean greater than 50 percent of the parameter in question.

The FWS system primarily describes a hierarchical classification system which provides information on the characteristics and, to some extent, the likely functions of the wetland. While the system describes the upper (upland/wetland) and lower (wetland/deepwater habitat) limits of wetlands, the classification system (Cowardin et al. 1979) does not provide detailed criteria for determining the boundary lines between wetland and upland environments. In some cases, the dividing lines are clear; in many other cases, the demarcation occurs across a broad transitional zone or continuum.

Because of the need to be able to define regulatory boundaries, the Corps (1987) has developed rigorous procedures and criteria for assessing and defining wetland boundaries. These procedures rely on technical criteria developed by other sources: the FWS for plants and for hydric soils the National Technical Committee for Hydric Soil/Soil Conservation Service.

Hydrology criteria were developed from a variety of sources.

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[2] Hydrophytic plant - plants growing in water or substrate that is at least periodically deficient in oxygen as a result of excessive water content.

[3] Mesophytic plant - plants growing where moisture and aeration conditions lie between extremes.

[4] Xerophytic plant - plants adapted to growing in dry environments in which an appreciable portion of the rooting zone dries to the wilting coefficient at frequent or long intervals.

Vegetation Criteria

Hydrophytic species typically have morphological, physiological, and/or reproductive adaptation(s) which allow the plants to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions. The FWS National Wetland Inventory has developed indicator status categories to define hydrophytic species (Reed 1987). The categories are based on the estimated probability that plants would or would not occur in wetlands. These categories are listed below.

Indicator Categories

Obligate Wetland (OBL). Occur almost always (estimated probability >99%) under natural conditions in wetlands.

Facultative Wetland (FACW). Usually occur in wetlands (estimated probability 67% to 99%), but occasionally found in nonwetlands.

Facultative (FAC). Equally likely to occur in wetlands or nonwetlands (estimated probability 34% to 66%).

Facultative Upland (FACU). Usually occur in nonwetlands (estimated probability 67% to 99%), but occasionally found in wetlands (estimated probability 67% to 99%).

Obligate Upland (UPL). Occurs almost always (estimated probability >99%) under natural conditions in nonwetlands.

Plant species occurring in the obligate or facultative wetland categories represent species which would normally be found in wetlands (*i.e.*, hydrophytic species) and in most wetlands comprise the dominant character of the community. Facultative species have about an equal opportunity of being found in wetlands as in uplands. The term facultative in biological considerations means the ability to grow in other than normal conditions. Facultative species, because they can grow and be found in wetlands, are considered as positive indicators of wetland conditions. Facultative species, however, are a poor character to define upland/wetland boundaries or the presence of wetlands in the absence of other evidence such as hydric soils or wetland hydrology because of their broad tolerance and adaptability to a variety of conditions. Facultative species are probably better classified as mesophytic species rather than true hydrophytic species. In cooler and moister coastal areas in particular, facultative species often comprise the dominant species in upland areas. Facultative upland and upland plants are rarely present in wetlands and are not considered to be indicators of wetland conditions.

For the Pacific Ridge assessment, a dominance of plants in the obligate and facultative wetland categories as defined by Reed (1988) were generally considered to be positive indicators of wetlands. Facultative species were identified as wetland plants if hydric soils or wetland hydrology was present.

Soils Criteria

Exhibit 5: Appeal of Half Moon Bay's CDP Decision
Page 46 of 240
A-34

Hydric soils are defined by criteria set forth by the National Technical Committee for Hydric Soils (SCS and NTCHS 1991). These criteria are based on the depth and duration of soil saturation. A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

The following criteria reflect those soils that meet this definition:

1. All Histosols except Folists, or

2. Soils in Aquic suborder, Aquic subgroups, Albolls suborder, Salorthids great group, Pell great groups of Vertisols, Pachic subgroups, or Cumulic subgroups that are:

   a. Somewhat poorly drained and have a frequently occurring water table at less than 0.5 foot (ft) from the surface for a significant period (usually more than 2 weeks) during the growing season, or

   b. poorly drained or very poorly drained and have either:

      (1) a frequently occurring water table at less than 0.5 ft from the surface for a significant period (usually more than 2 weeks) during the growing season if textures are coarse sand, sand, or fine sand in all layers within 20 inches (in), or for other soils

      (2) a frequently occurring water table at less than 1.0 ft from the surface for a significant period (usually more than 2 weeks) during the growing season if permeability is equal to or greater than 6.0 in/horizon (h) in all layers within 20 in, or

      (3) a frequently occurring water table at less than 1.5 ft from the surface for a significant period (usually more than 2 weeks) during the growing season if permeability is less than 6.0 in/h in any layer within 20 in, or

3. Soils that are frequently ponded for a long duration (7 days to one month for a single event) or very long duration (greater than 1 month for a single event) during the growing season, or

4. Soils that are frequently flooded for a long duration (7 days to one month for a single event) or very long duration (greater than 1 month for a single event) during the growing season.

Hydric soils are commonly identified in the field by using indicators of saturated soil, technically known as redoximorphic features. These features are caused by anaerobic, reduced soil conditions that are brought about by prolonged soil saturation. The most common redoximorphic features are distinguished by soil color, which is strongly influenced by the frequency and duration of soil saturation. Hydric soils tend to have dark (low chroma) colors which are often accompanied by reddish mottles (iron mottles), reddish stains on root channels (oxidized rhizospheres), or grey colors (gleying).

Common indirect field characteristics of hydric soils identified in the Corps Manual and CCC guidance (1994) are 1) a chroma of 2 or less with mottling and 2) a chroma of 1 or less without mottling.

DRAFT

Soil chroma is a measure of the brightness of a soil color. Low chroma soils, particularly dark brown and black soils, tend to have high organic matter contents. High organic matter is often a characteristic of wetlands, but is also common in non-wetland or upland communities such as grasslands. Chroma and mottling can also be reflective of historic soil development under aquic conditions and may be relic characteristics, lasting perhaps hundreds of years. Soils formed in alluvial and marine environments often exhibit such visual characteristics. Therefore, while chroma and mottling are useful field characteristics, they do not provide absolute evidence of active hydric soils in areas where natural conditions have been altered or where the soils may have developed under aquic conditions.

The San Mateo County Soil Survey describes soils on the Pacific Ridge property that are naturally very dark, thus low soil chroma was not considered a strong hydric indicator for purposes of this study. Soils were identified as hydric if accompanied by stronger, consistent hydric indicators such as mottling, rhizospheres, or gleying.

Hydrology Criteria

Wetland hydrology occurs in those areas where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and reducing conditions, respectively (Corps 1987). Cowardin et al. (1979) describes several water regime modifiers to describe wetland and deepwater habitats. For nontidal, palustrine wetlands such as occur on the site, the modifiers range from permanently flooded to temporarily flooded, intermittently flooded and artificially flooded. However, the FWS classification system does not provide specific technical guidance to define each modifier.

The Corps Manual (1987) defines a similar suite of hydrologic zones for the purposes of defining wetland hydrology. These hydrologic zones are based on the duration of inundation and/or soil saturation during the growing season. The Corps Manual considers areas experiencing a duration of continuous soil saturation or inundation greater than 12.5 percent of the growing season to have wetland hydrology. Areas with between 5 and 12.5 percent of the growing season (irregularly inundated or saturated) can be either wetlands or uplands. Areas with less than 5 percent are not wetlands.

For coastal California regions such as the Half Moon Bay area, the growing season is essentially all year. The percent figures above translate to a minimum of 45.6 days of continuous saturation or inundation to positively be a wetland. Irregularly inundated or saturated conditions range from approximately 18 days to 45 days. Thus, areas with a minimum of 18 days of continual saturation or inundation can be, but are not necessarily wetlands.

Because it is often impracticable to specifically measure inundation duration periods, the Corps procedures define a number of indicators which can be used to assess wetland hydrology. These indicators include recorded data such as stream gages and, more commonly used, field indicators such as visual observation of soil saturation, watermarks, drift lines, matted vegetation, sediment deposits, and drainage patterns.

Riparian Habitat

Riparian is typically defined as living on or adjacent to a water supply such as a river, stream, lake or pond. Riparian habitats are often transitional communities, lying between

the aquatic habitats and the drier, upland communities. Riparian vegetation typically establishes and thrives because of the prolonged period of water associated with the pond or stream rather than a result of prolonged saturation. Many riparian species are also referred to as phreatophytes, plants which use large amounts of water and habitually send roots down to and absorb water from the water table. Many of these same riparian species can also tolerate prolonged inundation or saturation and as such are also hydrophytic species.

For the purposes of interpreting Coastal Act policies, the CCC makes a specific distinction between riparian and wetland habitats (CCC 1994). The CCC defines riparian vegetation as:

> *"that association of plant species which grows adjacent to freshwater courses, including perennial and intermittent streams, lakes, and other freshwater bodies."*

The Half Moon Bay LCP's Land Use Plan (LUP) further defines riparian corridors and riparian vegetation for the purposes of defining buffer zones. Riparian vegetation is defined as requiring a 50 percent cover of some combination of the following listed species in Section 3-7 of the LUP: red alder, jaumea, pickleweed, big leaf maple, narrowleaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder. Basically, the LUP distinguishes riparian vegetation composed of a predominance of native riparian species from stream side or water-body vegetation dominated by introduced species such as eucalyptus which is prevalent on sections of the watercourses on the Pacific Ridge site.

The LUP identifies the following riparian corridor buffer zone requirements (LUP 3-11):

(a) *On both sides of riparian corridors, from the "limit of riparian vegetation," extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams.*

(b) *Where no riparian vegetation exists along both sides of the riparian corridors, extend the buffer zones 50 feet from the bank edge for perennial streams and 30 feet from the midpoint of intermittent streams.*

(c) *Along lakes, ponds, and other wet areas, extend the buffer zones 100 feet from the high water point, except for man-made ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.*

METHODS

Wetlands on the Pacific Ridge property were assessed through a combination of aerial photograph review and field studies. The two previous verified Corps jurisdictional determinations were also used as guides to assess wetland extent and distribution on the property.

An initial field assessment was conducted on April 21, 1999 to generally compare current conditions with the previous Corps jurisdictional determinations. Based on this site visit, additional detailed field studies were conducted on May 11 and May 24, 1999 to assess and map additional potential wetland areas which developed or became evident since the 1997 determination. The May 11 site visit involved preparation of a preliminary wetland map for the property. Preliminary boundaries were marked and initially inspected for the

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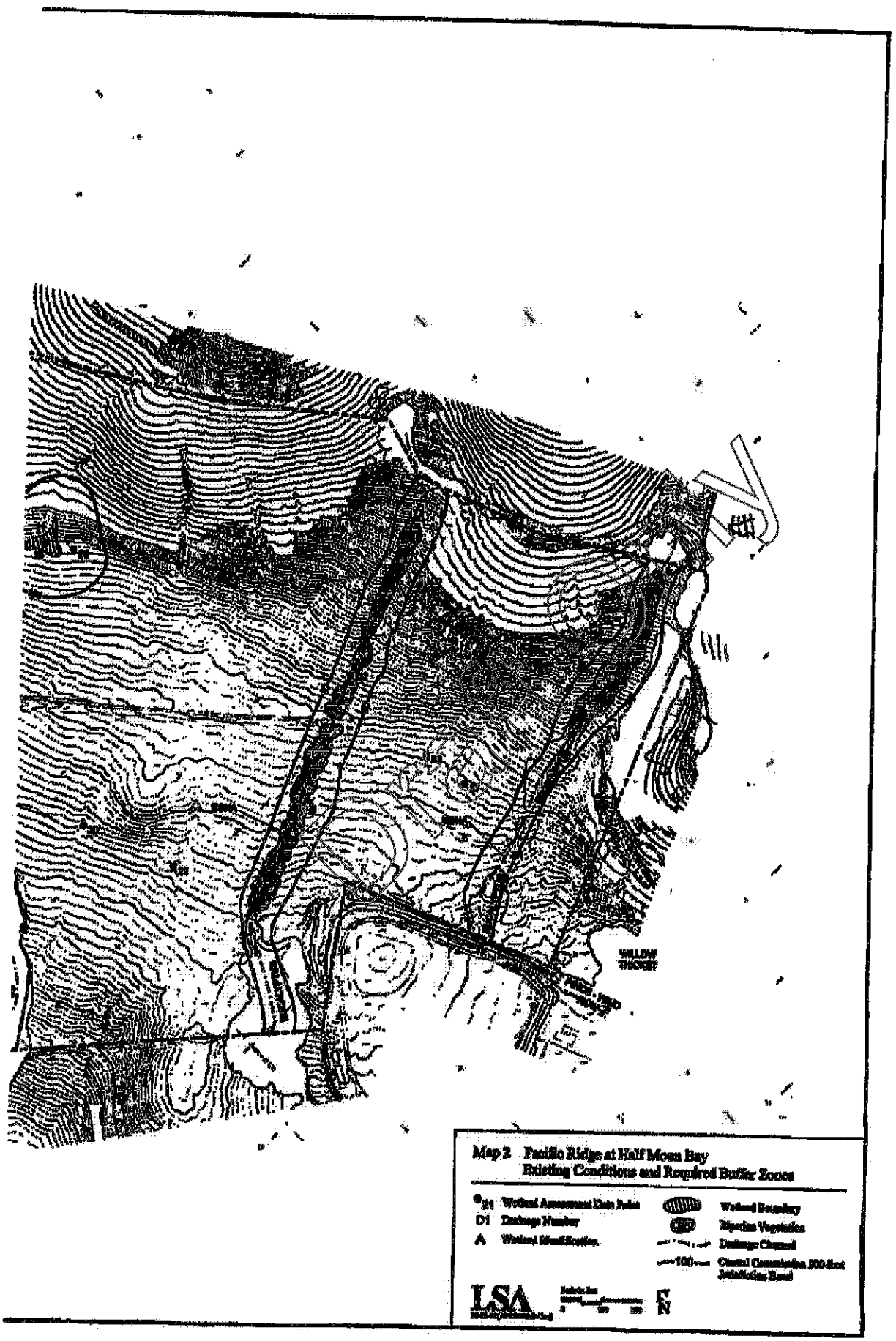
presence of applicable wetland vegetation, soil, and hydrology parameters. This mapping was facilitated using a recently obtained February 11, 1999 color aerial photograph, approximate scale of 1 inch to approximately 200 feet, of the site. Additional data were collected on May 24.

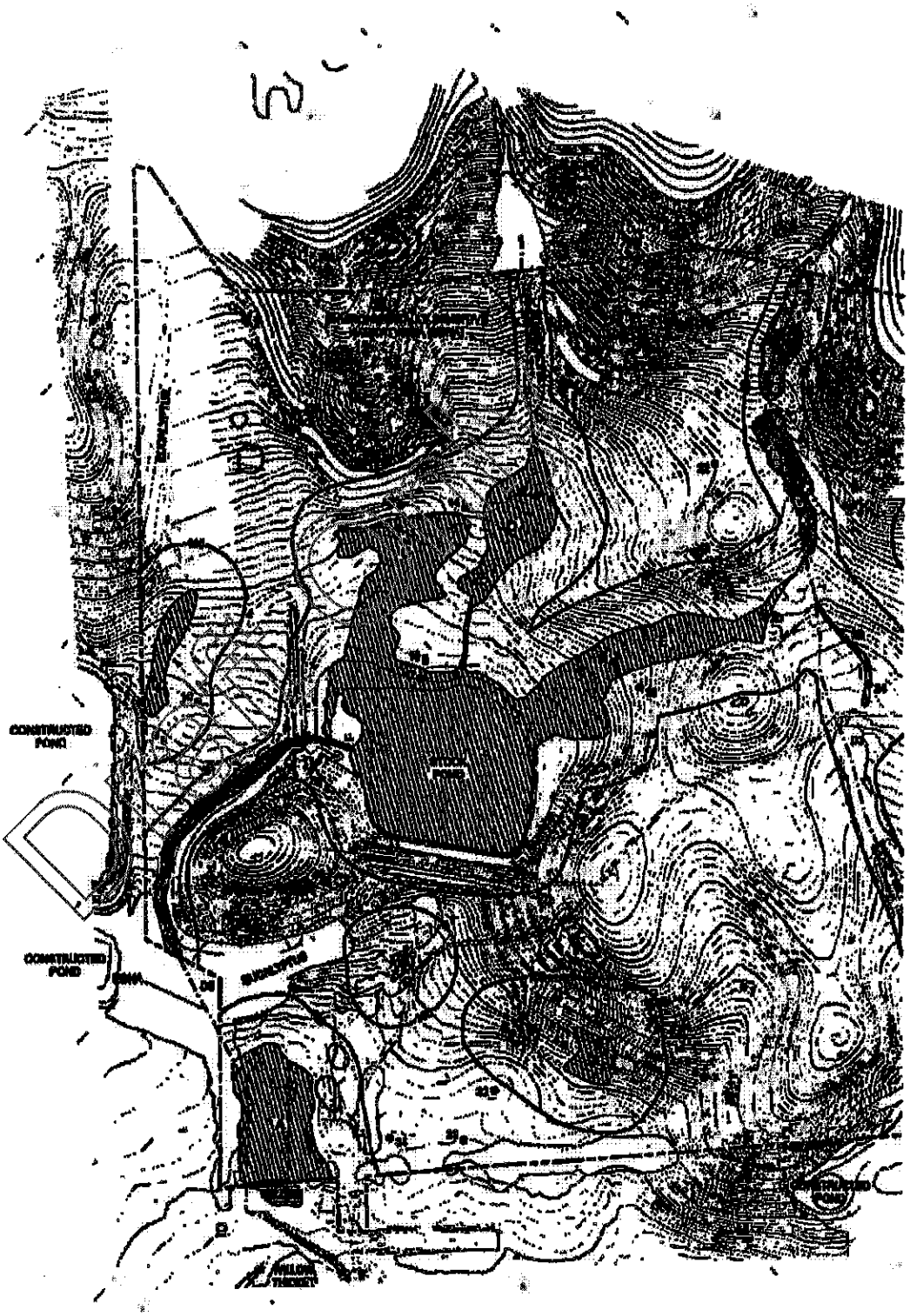
Sample sites were established within each potential wetland area. Where a particular sample site was determined to be within a wetland, additional sample sites were established beyond the apparent extent of wetland hydrology or vegetation to confirm soil characteristics and the location of the wetland boundary. LSA established 30 new sample sites in the study area. For some areas such as Wetland A where boundaries or conditions did not appear to have changed, previous data points and mapping were used. All data was recorded on standard Corps wetland delineation data sheets.

Boundaries mapped on the aerial photograph were transferred to a 1 inch to 100 foot scale topographic map of the site. Wetland boundaries were adjusted to fit field measurements and topography on the topographic map. This step is necessary to provide for more accurate boundaries and adjust for skew, distortion, and differences in scale from using unrectified aerial photography.

Field data sheets for these sites are included in Appendix A. Data point locations are shown on Figure 2 and the attached Map 1.

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WILLOW
SHOPPING
CENTER
Map 2 Pacific Ridge at Half Moon Bay
Existing Conditions and Required Buffer Zones
D1 Drainage Number
A Wetland Identification
Wetland Boundary
Riparian Vegetation
Drainage Channel
100 Coastal Commission 100-foot Jurisdiction Zone
LSA
N



Map 2 North

9-40

In addition to the current conditions mapping, aerial photographs from 1948, 1955, 1983, and 1986 were used to assess historical conditions on the property. Appendix B provides a summary of the observable conditions on these photographs with respect to land use and the presence of wetlands.

Field studies and mapping were completed by Steve Foreman (Wildlife Biologist) and Lane Carr (Soil Scientist). Additional assistance for plant identification was provided by Clint Kellner (Botanist).

RESULTS

Wetland boundaries were mapped following the Coastal Act definition of wetlands, the CCC regulations and the CCC (1994) Procedural Guidance and using the technical criteria for hydrophytic vegetation, hydric soils and wetland hydrology. Figure 2 and Map 1 show the distribution and extent of wetland and riparian habitats on the Pacific Ridge property. Potential offsite wetlands, primarily ponds and two willow thickets, within 200 feet of the property line are also shown.

Onsite Conditions

The soils in the project area are mapped as Farallone Coarse Sandy Loam on the San Mateo Area 1961 Soil Conservation Service maps (Figure 2). This soil map series consists of well-drained, nearly level to moderately steep soils on recent fans and flood plains. The soils have formed in alluvium that was derived mainly from granitic rocks. The Farallone soils are north of Half Moon Bay in narrow valleys that extend into the hills, and on fans that extend outward from these valleys. They are associated with Denison and Miramar soils. The surface soil is dark-gray, weak, granular loamy coarse sand, coarse sandy loam, or loam that is slightly hard when dry. The subsoil in most places is moderately coarse textured, stratified, slightly hard when dry, and has weak subangular blocky structure. The underlying material, which is many feet thick, consists of massive, stratified layers of light colored sandy loam and coarse sandy loam. Most of the Farallone soils are cultivated and are used for flowers, truck crops, and irrigated pasture. (SCS 1961).

Due to the natural darkness of site soils, low soil chroma was not considered a strong hydric indicator. Hydrologic indicators, such as the presence of oxidized root channels (rhizospheres), and a dominance of strong hydrophytic vegetation (mostly FACW or OBL) were necessary in concluding hydric soil conditions.

Due to the soil's high water-holding capacity and poor drainage in some areas, much of the soil throughout the project site, including non-wetland areas, contains rhizospheres. Therefore, the percentage and consistency of rhizospheres were the main criteria for identifying wetland hydrology, and for purposes of this study, a hydric soil. Rhizospheres commonly occur within the root zone, indicating at least an occurrence of a localized reduction processes. This was observed in many of the non-wetland sample sites and believed to be a short-term fluctuation as a result of an above-average rainfall year. This occurrence was not considered a strong hydrologic indicator. Rhizospheres were brighter and more consistent and abundant in many of the wetland sample sites, indicating more long-term average redoximorphic conditions on the site and positive indication of wetland hydrology.

In addition to rhizospheres, the degree of soil moisture was helpful in determining wetland characteristics. Soil was saturated within a few wetlands and where it was not saturated, the soil was more moist than in non-wetland zones. Rainfall had not occurred for at least a 3 week period prior to the wetland investigation. Saturated and very moist soils sometimes did not contain evidence of rhizospheres, as the soil has not had time to dry out. In this situation, high soil moisture content and other secondary indicators such as deep cattle hoofprints were utilized to define wetland hydrology.

The majority of the site is dominated by facultative plant species. Therefore, a dominance of plants in the obligate and facultative wetland categories were considered to be positive indicators of wetlands and, when occurring with hydrologic indicators, a hydric soil was assumed. Facultative species were identified as wetland plants if wetland hydrology or areas with hydric soils were present. Common wetland plants included umbrella sedge (*Cyperus eragrostis*), fiddle dock (*Rumex pulcher*), spike rush (*Scirpus cernuus*), and soft rush (*Juncus effusus*). Typical upland vegetation consists of annual ryegrass (*Lolium multiflorum*), wild oat (*Avena barbata*), tarplant (*Hemizonia* sp.), western fescue (*Festuca occidentalis*), soft chess (*Bromus hordeaceus*), and wild radish (*Raphanus sativus*).

The wetlands mostly occur as seasonal wetlands or swales that are subject to prolonged saturation during the wet season. One marsh area (Wetland A) and one constructed pond are also present on the property (Figure 2 and Map 1).

Following is a brief summary of the main wetlands, pond, and drainage features on the property.

Agricultural Pond

A constructed agricultural pond is located between two knolls in the north central portion of the property (Figure 2). The pond has a current surface of approximately 2.4 acres and supports a ring of bulrushes and cattails around the pond approximately 15 to 20 feet interior to the water's edge. Cattails and bulrushes do not extend across the pond, indicating that the center of the pond is deep, probably six feet or more. A narrow, sparse row of willows is present along the high water line of the western dam face.

This pond was reported to have been constructed in 1954 (WESCO 1988a) by constructing two dams on the north and west sides of the valley. The pond is visible on the 1955 aerial photograph of the site. The pond was originally much larger and had a reported maximum depth of 16 feet (WESCO 1988a). In 1983, a breach was constructed in the northern dam by a prior property owner (see Appendix B).

Pre-pond conditions were assessed using a September 26, 1948 aerial photograph of the site (see Appendix B). In the photograph, the pond area is cultivated and a fence line and road runs through the middle of the valley where the pond is located. There is no evidence of wetlands (discolored spots) in the pond area. The presence of the road also indicates likely dry conditions in the area.

Wetland A

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Wetland A is approximately 1.25 acres and is located at the northwestern corner of the property. This wetland supports marsh habitat consisting of vegetation such as cattail, monkey flower, Himalaya berry, water plantain, and umbrella sedge. The boundaries of this wetland area are similar to those previously mapped by determinations (WESCO 1988; RMI 1997) and are clearly defined by the bordering upland plant species such as coyote bush, blue gum and cypress.

Wetland A was created and is supported by overflow and runoff from the stock pond on the property and possibly the two ponds immediately to the north on the adjacent property. In the 1948 and 1955 aerial photographs of the property, the site of Wetland A contained the residence and associated farm building for the property. Most of the area appears to be a cultivated field outside of the several buildings which were present (remnant foundations remain)(Appendix B).

The primary water source for this wetland is an excavated ditch which was created as an outlet channel for the constructed pond on the property during or prior to 1983. This outlet channel ties into another constructed drainage ditch which runs through the wetland area. The ditch crosses off the property onto the adjacent property (Figure 2). The San Mateo County Soil Survey (SCS 1961) which used aerial photographs from 1948, 1953 and 1956 shows the ditch segment leading from the smaller, western offsite pond across and off the property in its current alignment. The outlet ditch from the onsite pond had not been constructed at this time.

Outflow from the on-stock pond and the off-site pond to the north passes through this drainage ditch system and backs up into the old pasture area creating a marshy environment. This ditch appears to be regularly maintained (vegetation was cleared from the ditch in 1997 and 1998).

Wetland B

Wetland B is a seasonal wetland located in an open meadow along the northern property boundary/fenceline (sample site 8). Dominant vegetation is umbrella sedge while associated species include fiddle dock (FACW), sedge (*Carex* sp. (FACW)), and spreading rush. The site is located in a shallow topographic depression. The soil during the May 24 site assessment was just short of saturation and rhizospheres are consistent throughout the top 12 inches. Sample points 9 and 10 were used to define the upland boundary (Appendix A).

This wetland area was marked somewhat larger in the 1997 Corps jurisdictional determination. At that time, the larger area was mapped because of the presence of sparse rhizoshperes, indicating potentially hydric soils rather than the presence of strong vegetation or hydrological characteristics. Current sample sites 9 and 10 within the boundary of the 1997 wetland were dominated by upland plants and lacked rhizospheres or other signs of wetland hydrology or hydric soils.

The 1986 aerial photograph indicates Wetland B was periodically potentially much larger, possibly occupying much of the space between the northern pond dam and the property line. Dark spots, possibly stands of Juncus dominate the area, particularly adjacent to the base of the dam. Latter photographs, after the pond was reduced in size, show the wetland vegetation retreating or nonexistent during periods of agricultural production.

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The current wetland extent appears to be based on runoff out of the offsite watershed and onsite eucalyptus grove.

Wetlands C and D

Wetlands C and D lie up slope of the pond and at the base of drainage 4. Drainage 4 has a poorly defined natural channel which dissipates into a broad wetland area (Wetland D) as it encounters the flatter, terrace portions of the site. Curly dock (*Rumex crispus* (FACW)) and brown-head rush (*Juncus phaeocephalus* (FACW)) are dominant in Wetland D. The soil was saturated and standing water existed within the cattle hoofprints during the May assessments. Hydric soils are assumed due to saturation and strong hydrophytic vegetation. This wetland is widest where it joins the drainage channel and eventually becomes an approximate 5-foot swale before connecting to the pond.

Wetland C is located in a topographic basin with shallow soils. Sample site 13 was placed near the wetland boundary. Fiddle dock is a dominant species and the most dominant grass is unidentifiable due to cattle grazing. The soil is still moist and too mixed for any rhizospheres to be distinguishable. This area shows evidence of past grading or earth work, with the soils having a high percentage of angular rock fragments. The 1986 shows some potential grading in this area around the toe of the ridgeline. Cattle hoofprints, soil moisture, recent aerial photography, and the dominance of facultative wetland species were used to generate the wetland boundary.

An upland zone characterized by soft chess (*Bromus hordeaceus* (FACU)) and ripgut brome (*Bromus diandrus* (FACU)) separates the two wetlands. Wetland D previously delineated is fed by a drainage channel.

These two wetlands were previously delineated (RMI 1997), although Wetland C appears to have expanded slightly, possibly as a result of two above-average rainfall years. Wetland D was also included in the 1988 jurisdictional determination. Darker areas, possibly indicating the presence of wetlands, also appear in this general area on the 1948, 1955, and 1983 aerial photographs (see Appendix B).

Wetland E

Wetland E appears as an obvious feature on the February 1999 aerial photograph. While vegetation is dominated by facultative species (Mediterranean barley and fiddle dock), soils have been saturated for most of this spring (February through April). In April the swale was saturated and by May the soil was still moist, hoofprints are clear, and rhizospheres are consistent within the top five inches, indicating a fairly recently developed or periodically present wetland. Wetland E was not previously identified in either the 1988 or 1997 Corps determinations.

Wetland E lies within the watershed of the constructed pond and the general watershed of drainage 4. Wetland E is associated with the presence of and caused by the stock pond. The water source for the wetland is a result of the diversion of water out of the drainage 3 watershed into the stock pond. The 1955 aerial photograph shows a diversion dam and small pond constructed across drainage 3 near the head of Wetland E and near data point 20. The dam and the small pond were constructed to divert water from the drainage 3 watershed into the stock pond in order to provide an adequate water supply. Various other

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photographs (1983 and 1986) show various conditions in this swale. Generally, the swale appears to have been fenced to prevent livestock access and farm equipment. Water was apparently diverted into the swale and allowed to sheet flow through the swale and into the pond. In the 1948 aerial photograph, this swale area is cultivated and does not exhibit any apparent wetland characteristics.

This historic diversion dam was lowered prior to 1985 and now only a low remnant dam remains. Water currently flows from drainage 3 through an excavated ditch across a low drainage divide and into the swale. In April 1999, a shallow pool of standing water (4 to 6 inches in depth) was present in the area of the diversion pond in the 1955 aerial photograph. When water is flowing in drainage 3 as it was in April 1999, the ditch picks up most of the flow and diverts it into the swale and to the main pond. Remnants of the smaller pond near the dam still exist today, as evidenced by a pool of shallow standing water observed this spring.

During the 1997 assessments, no water flow or other surface indicators of wetland conditions were apparent in Wetland E. The rainfall year in 1996-97 was characterized by heavy and above normal precipitation in the fall and through January and an extremely dry late winter and spring. By the time of the 1997 assessments, no water flow was present in drainage 3. Hence, no water was being diverted into the Wetland E swale.

Heavy and prolonged precipitation in the 1997-98 and 1998-99 has increased flows into the swale creating wetland conditions which were not apparent in previous assessments. The greater than normal volume of runoff has also led to the re-emergence of a continuous channel for drainage 3 below the diversion. This channel is narrow, averaging 5 feet in width, continues across the terrace and joins with the lower stream channel (Figure 2). A secondary channel or swale, averaging 10 feet in width, splits off from the smaller channel and is labeled as Wetland I (discussed below).

The USGS 7.5 minute Half Moon Bay quadrangle (photo revised in 1980 with 1978 photography) erroneously shows the Wetland E swale to be an extension of drainage 3 (see Figure 2). There is no photographic evidence to support the presence of a channel in this area. The 1980 photo revision appears to have erroneously picked up the diversion out of drainage 3 as the stream channel rather than continuing the channel down its natural course which has been obscured by historic farming activities and the diversion.

Wetland F

Wetland F occurs as a hillside seep (sample site 3). Dominant vegetation is umbrella sedge (FACW) and the soil has pockets of saturation. Rhizospheres are consistent within the top horizon and a very dense, high clay soil is present at approximately six inches. Cattle hoofprints are evident throughout.

The boundary for Wetland F was assessed using sample sites 4 and 5. Both sample sites are located along the northerly of the main seep. This hillside area has numerous patches of spreading rush (*Juncus patens* (FAC)) mixed with several other FAC, FACW, and FACU indicator status species. Although facultative wetland species are present, the vegetation is weakly hydrophytic with 75% facultative species. There are only faint rhizospheres (at sample site 5 only) and the soil was very dry. Based on the lack of strong hydrologic or hydric soils characteristics, sample site 5 was determined to be nonwetland.

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Wetland F may be a periodic wetland feature, appearing only in normal or above normal rainfall years. Wetland F was not included in either the 1988 or 1997 Corps jurisdictional determinations. The water source for this seep could also be the agricultural pond as no evidence of this wetland appears in the 1948 (pre- pond) or 1955 (first year after the pond was constructed) aerial photographs. Dark coloration, possibly indicating the presence of a wetland, does not show in this area until the 1983 aerial. Evidence of this wetland is absent in an April 1996 aerial photograph (Appendix B).

Wetland G

Wetland G is a new wetland located in a basin at the base of the western pond dam face (Figure 2). Soft rush (OBL) is the dominant vegetation and patches of spreading rush are intermixed. The soil was still moist at the end of May, matted vegetation exists on the ground surface, and rhizospheres are consistent from 3 to 12" below the ground surface.

Wetland G was not previously delineated in either 1988 or 1997 and is not evident on any of the historical photographs of the site. This wetland appears to be a result of seepage from the dam as a result of the high rainfall and corresponding, prolonged high water levels in the pond over the last two years. Most of the soft rush and spreading rush growth is young green or new growth. The proximity of this wetland to the dam and the dominance of young rush plants supports the likely recent development of wetland conditions at this location.

Wetland H

Wetland H is another recent wetland feature located on a toeslope, east of the other wetlands. Sample site 25 is located in the middle of a patch of fiddle dock. The slope above is fairly steep with high runoff, causing water to initially collect where the slope begins to flatten out. Rhizospheres are abundant (10-15%) and bright throughout the first 10 inches. Fiddle dock extends east along the toeslope but decreases in percent cover while facultative upland and facultative plants become more established. Sample site 26 indicates the shift towards non-wetland characteristics.

Wetland I

Wetland I is a secondary channel or swale, averaging 10 feet in width, which splits off from the continuation of the drainage 3 channel at the diversion dam (Figure 2). The primary visual characteristic of this wetland is a slight linear depression with fiddle dock as a dominant species. Neither this area nor the continuation of drainage 3 carries a high volume of water (most of the flow is diverted into the Wetland E swale to the main pond), but sufficient water is present as a result of high flows in 1997-98 and 1998-99 to form a distinct hydrophytic vegetation community and hydric soil. Wetland I may not form in normal rainfall years.

Drainage 1

Drainage 1 is located just north of the southern boundary of the site (Figure 2) and has a highly incised channel approximately six feet wide at the bottom. Throughout the upper

portions of the channel, the drainage is vegetated with willows, coyote bush, poison oak, and Himalaya berry. The drainage is deeply incised approximately 8 to 10 feet, at the eastern boundary, but becomes progressively shallower to the west until it is more swale-like under the grove of eucalyptus trees at the west end of the drainage. This drainage has intermittent flow and no standing water was found in this drainage during the red-legged frog habitat assessment site visit in July 1997.

The upper third to half of this drainage contains riparian vegetation as defined by the LUP (Figure 2). The buffer zone for this segment of channel would be 30 feet outward from the edge of the riparian vegetation (LUP 3-11(a)). The lower portion is dominated by eucalyptus and does not contain riparian vegetation. The buffer zone for his segment would be 30 feet from the midpoint of the channel (LUP 3-11(b)).

Drainage 2

Drainage 2 flows along a fence line and has a growth of willows along the edge. The channel is poorly defined, 10 to 15 feet in width, and terminates into a storm drain in a grove of eucalyptus at the western property boundary. Residential neighborhoods occur directly west of the project site and the drainage is piped underground. Flow is intermittent. Cattle heavily impact this drainage and use the willows for shade. With the exception of the willows, riparian vegetation is not as well developed along this drainage as compared to that in Drainage 1.

The majority of this drainage contains riparian vegetation (Figure 2). The buffer zone for this segment of channel would be 30 feet outward from the edge of the riparian vegetation (LUP 3-11(a)). The lower 300 feet of the channel is dominated by eucalyptus and does not contain riparian vegetation as defined by the LUP. The buffer zone for this segment would be 30 feet from the midpoint of the channel (LUP 3-11(b)).

Drainage 3

Drainage 3 is divided into an east and west section, through which the farm road crosses. The upper, eastern portion of the drainage is also shallow and poorly defined. It supports a narrow zone of willows. This section of channel averages 10 feet in width. This upper section of channel essentially disappears just west of the willow dominated section where the channel is diverted out of the watershed and toward the stock pond (see discussion for Wetland E). In this area, a diversion dam was probably constructed in 1954 to divert water from this drainage and watershed into the large constructed agricultural pond in the adjacent watershed (drainage 4) to the north.

The eastern, or upstream, section of this drainage contains riparian vegetation (Figure 2). The buffer zone for this segment of channel would be 30 feet outward from the edge of the riparian vegetation (LUP 3-11(a)).

The western portion of this drainage is deeply incised and is dominated by planted windrows of eucalyptus along each bank. This drainage also terminates into a storm drain just west of the property. No standing water was found in this drainage at the time of the July 1997 surveys. This lower section does not contain riparian vegetation. The buffer zone for his segment would be 30 feet from the midpoint of the channel (LUP 3-11(b)).

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Drainage 3 is the only stream identified on the property on the USGS 7.5 minute Half Moon Bay Quadrangle although the quadrangle erroneously shows the upper section crossing the drainage divide and flowing into the agricultural pond (see Figure 1).

Drainage 4

Drainage 4 lies within a small watershed and the poorly defined, 5-foot wide channel dissipates into a broad wetland area (Wetland D) as it encounters the flatter, terrace portions of the site. Vegetation along the channel is dominated by eucalyptus which does not meet LUP criteria for riparian vegetation. The buffer zone for this segment would be 30 feet from the midpoint of the channel (LUP 3-11(b)).

Drainage 5

Drainage 5 is the constructed outlet channel for the agricultural pond on the property. This channel was constructed in or prior to 1983. The ditch channel is overgrown with willows, nettles, and poison oak. In the northwestern corner of the site, seasonal outflow from the pond and transported through this outlet ditch supports a large marsh area (Wetland A) which has formed in an old farm field along the channel. This channel joins another constructed ditch from the offsite ponds to the north, then proceeds westerly off the site through the adjacent property.

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Offsite Conditions

Figure 2 also shows the location of ponds and potential wetlands within 200 feet of the property boundary. These features include: two constructed agricultural ponds immediately north of the property; one small, dry constructed pond near the end of drainage 3; two small stands of willow in or adjacent to the northwest corner of the property, and willow grove off the southwestern corner of the property adjacent to the High School. The four natural drainages also extend up slope from the property.

The willow grove near the High School was briefly assessed for wetland characteristics. The area is dominated by a dense stand of willow. Surface soils are sandy and exhibit mottling and rhizospheres. This stand of willows and wetland conditions appear to have developed over the last 30 to 40 years, likely as a result of the construction of the High School. The grove area appears as open grassland at the head of an eroded stream drainage in the 1948 and 1955 aerial photographs. Numerous large, eroded gullies appear on the slopes above this basin. Sediment washed out from these gullies is the likely source for the sandy material in the soils. The construction of the High School eliminated the historic drainage from this area and formed an essentially closed basin which traps up slope runoff. Remnants of a drop inlets and a drainage pipe are present at the toe of the High School fill slope, but these features do not appear to be maintained or operable.

Two small stands of willow are also present off the northwestern corner of the property. One stand straddles the property line and is a part of Wetland A. The second stand sits to the west of the drainage ditch for the three up slope ponds (two offsite and one onsite).

Although these habitat features and one other pond located farther up slope on drainage 3 were not mapped in the original mitigation plan for the project (RMI 1997a), these offsite conditions were known and considered in modifying the development. The project

footprint was modified to establish open movement corridors between the three offsite ponds (two ponds the north and the pond in the upper drainage 3 watershed) and the onsite agricultural pond and the Wetland A marsh. The small pond at the base of drainage 3 and the willow grove off the southwestern corner of the property do not contain standing water for sufficient periods to provide important habitat for the red-legged frog.

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SPECIAL STATUS SPECIES

Special-status species are plants and animals that are legally protected under the State and Federal Endangered Species Acts or Half Moon Bay LUP. For the Pacific Ridge assessment, special-status species are defined as follows:

- plants and animals that are listed or proposed for listing as threatened or endangered under the California Endangered Species Act (Fish and Game Code 1995 Section 2050 et seq.; 14 CCR Section 670.1 et seq.) and/or the Federal Endangered Species Act (50 CFR 17.12 for plants; 50 CFR 17.11 for animals; various notices in the Federal Register [FR] for proposed species);

- plants and animals that are Candidates (Category 1) for possible future listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.12 for plants; 61 FR 7591, February 28, 1996, for animals);

- plants occurring on Lists 1A, 1B, and of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California (Skinner and Pavlik 1994). CDFG recognizes that Lists 1A, 1B, and 2 of the CNPS inventory contain plants that, in the majority of cases, would qualify for state listing.

The Half Moon Bay LUP also provides policies for rare and endangered species. The LUP refers to officially listed species under state and federal statutes at the time of the LUP adoption. This definition basically includes species considered under the first bullet above. The LUP also references the CNPS inventory for plants essentially falling into the CNPS categories 1A, 1B, and 2 under the third bullet above.

The Pacific Ridge at Half Moon Bay property is located within the geographic range of both the California red-legged frog (*Rana aurora draytonii*) and the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), species federally-listed as threatened and endangered, respectively. The San Francisco garter snake is also a state listed endangered species. No California red-legged frogs or San Francisco garter snakes were observed on the site during earlier surveys conducted in support of the 1988 Environmental Impact Report (WESCO 1988a and 1988b) or later studies conducted in support of the CDP (RMI 1997a).

The following describes the results of the habitat assessment and studies conducted on the site for these two species. The site assessment and surveys followed FWS (1997) California red-legged frog survey protocols. In addition, an Endangered Species Section 7 consultation with the FWS has been completed for the project. The FWS consultation determined that the project as proposed in the approved CDP would not jeopardize the continued existence of the California red-legged frog or San Francisco garter snake. The FWS also identified the pond and 150-foot wide potential movement corridors along drainage 4, the upper reach of drainage 3, and the wetland and outlet channel between the pond and the two ponds to the north as habitats of concern for these two species.

The following summarizes the results of the surveys conducted to assess red-legged frog and San Francisco garter snake presence or absence on the property. California red-legged frog protocol-level surveys require an assessment of potential habitat and a minimum of two day and two nighttime surveys between May 1 and November 1. The habitat assessment for the San Francisco garter snake is based on a habitat rating system developed

by McGinnis (1984) for the California Department of Fish and Game. In addition, raptor nesting surveys were also conducted and results are described.

SITE ASSESSMENT

The proposed project site is currently used to graze cattle. Adjacent properties are used for a variety of purposes including cultivation of ornamental flowers to the north, additional grazing land on the slopes to the east, residential development and a school site to the southwest, and residential development to the west. The project site is located at the base of the Coast Range hills which rise up just east of the property. The majority of the project site is a non-native annual grassland that is currently used for cattle grazing and has a history of agricultural crop production (see Appendix B for a summary of aerial photograph of the site). The site is heavily grazed and the vegetation was only a few inches high throughout the site during the summer. Cattle have access to all areas of the site except a triangle of upland and marsh habitat (Wetland A) in the northwest corner of the property (Figure 2).

Four drainages or stream channels cross the property. A fifth channel is an excavated ditch which drains the stock pond in the northwestern portion of the property. The previous section on wetlands and riparian habitats provides a more detailed description of these habitats. All four natural channels and the one constructed ditch on the property are intermittent streams and lack suitable pool or late season water to provide essential breeding, foraging or summer hydration habitat for the frog.

The constructed agricultural pond provides the only perennial or late season water on the property. The current pond depth is estimated to be in the range of 6 feet. The pond is known to support bluegill and historically had been planted with bass and catfish. Fish-eating birds such as cormorants are regularly observed foraging on the pond.

The outlet ditch for the pond is labeled as drainage 5 or the outlet channel (Figure 2) and is overgrown with willows, nettles, and poison oak. In the northwestern corner of the site, seasonal outflow from the pond and transported through this outlet ditch supports a large marsh area (Wetland A) which has formed in an old farm field along the channel. This outlet channel contained a number of small pools, 1 to 3 inches deep, during the site assessment on July 8, 1997. By the time of the second survey on August 12,1997, all of the drainages and wetlands were completely dry and the only standing water on the site was found in the stock pond.

Four additional ponds occur on adjacent properties to the east (1), west (1) and north (2) (Figure 2). The two ponds north of the Pacific Ridge property are irrigation ponds. The larger pond to the north is fenced, free of cattle, and supports a dense growth of emergent vegetation and willows around the edges. Because of the lack of cattle grazing, scrub vegetation occurs on the adjacent hillsides. The smaller pond supports a dense stand of emergent vegetation. An irrigation pump is located in the pond to irrigate fields northwest of the project site where ornamental flowers are grown. The upper pond apparently provides the primary water storage. The smaller pond is present in the 1948 area photograph of the area. The upper pond is absent in the 1955 photograph but present in the 1983 aerials. Both ponds are reported to support bass, catfish, and pan fish.

A third stock pond occurs off the property at the head of Drainage 3. This pond was built in the spring of 1996. The pond was almost dry at the time of the survey and was heavily

impacted by cattle. No emergent vegetation was found in this pond. A California newt (*Taricha torosa*) was observed in the pond.

A small fourth constructed irrigation pond is located just west of the property near the terminus of drainage 3. While the pond supports some emergent vegetation, no standing water was present in April 1999 and the pond is dry most of the year.

California Red-legged Frog

The seasonal drainages 1, 2, 3, and 4, and the Outlet Channel (5) do not provide breeding habitat for red-legged frogs. The absence of perennial or prolonged water (into September), plunge pools, and undercut banks makes the drainages unsuitable as breeding or summer hydration habitat. The only potential breeding habitat on the site occurs in the stock pond. Three other nearby ponds on adjacent parcels provide additional potential breeding habitat for red- legged frogs.

In order to assess the occurrence of California red-legged frogs on the site, surveys were conducted during the summer of 1997 according to FWS protocol (FWS 1997). Two daytime and two nighttime surveys for red-legged frogs were conducted at the site on July 8 and August 12, 1997. RMI staff biologists Jon Winter and Tim Lacy (now with LSA Associates) conducted the initial July surveys and habitat assessment. Tim Lacy conducted the August surveys.

The stock pond was the focus of the surveys as it was the only standing water onsite.

During the July daytime survey, the perimeter of the pond was walked and binoculars were used to scan the shallow edges and open water of the pond. Sixty-one bullfrogs (*Rana catesbeiana*) were observed on the edges of the pond. Of these 61 bullfrogs, six were large adults and 55 were small or medium juveniles. No red- legged frogs were observed during the survey.

The July nighttime survey proceeded in a similar manner to the daytime survey. Binoculars were used to scan the pond margin and open water as during the daytime survey. Six-volt lanterns and flashlights were used to illuminate the pond and identify the frogs. Frogs were easily identified in the shallow open water of the pond. Fifty-nine bullfrogs were observed in the pond during the nighttime survey. Of these 59 bullfrogs, 52 were small or medium sized juveniles and seven were large adults. Bullfrogs were heard calling during the nighttime survey on the onsite pond and the ponds to the north, but calls did not result in a loud chorus. Instead, just a few calls were heard from the bullfrogs and then the individual would stop calling. Pacific tree frogs (*Hyla regilla*) also were heard calling in the pond during the nighttime survey. The tree frogs were likely in and around the bulrushes and were not visible. One slider (*Trachemys scripta*), an introduced turtle, was also observed in the pond. No red-legged frogs were observed during this survey.

Results from the August survey were similar to those in the first survey. Fifty bullfrogs were observed in the stock pond during the daytime survey. Of the 50 individuals observed, 32 were small post-metamorphic individuals. Five large adult bullfrogs and one medium adult bullfrog were also observed. Another 12 individuals were heard squeaking as they

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jumped into the water. Because these 12 individuals were not observed visually, they were placed in the unknown size class; however, because they squeaked as they leapt into the water, they were classified as bullfrogs per FWS protocols (FWS 1997). No red-legged frogs were observed during this survey.

The second nighttime survey had the following results. Fifty-eight bullfrogs were observed or heard in the stock pond of which 48 were small sized bullfrogs. One medium and six large adult bullfrogs were also observed. Only one bullfrog was classified as unknown for size. A single bullfrog was heard calling from the south side of the pond during the nighttime survey, but no Pacific tree frogs were heard during the survey. No California red-legged frogs were observed at the stock pond.

The negative results of the protocol level presence or absence surveys, combined with the presence of two significant introduced red-legged frog predators (bullfrog and warm water fish) indicate that the pond does not likely support a viable California red-legged frog population.

Results of the survey were submitted to the FWS for review and comment. Although acknowledging the presence of the predators, the FWS considers all ponds and water bodies in the San Mateo coast region to be potential habitat for the red-legged frog. The FWS also noted that removal of bullfrogs and fish, as had been proposed by Ailanto Properties as part of the mitigation for the Pacific Ridge project, often results in immediate occupancy of water bodies by California red-legged frogs.

The FWS also identified the pond and 150-foot wide potential movement corridors along drainage 4, the upper reach of drainage 3, and the wetland and outlet channel between the pond and the two ponds to the north as potential habitats of concern for these two species.

San Francisco Garter Snake

Potential habitat for San Francisco garter snake includes the agricultural pond and its associated wetlands, to the east, as well as the scrub covered upland hillsides off the property, where snakes may hibernate during the winter. Drainages 3 and 4 could serve as movement corridors, allowing snakes to move east and west across the site (drainages 1 and 2 lead into and terminate in existing residential developments). These could be important to allow snakes to move from the foraging area around the stock pond to the potential hibernation sites on the eastern hillsides in ground squirrel or small rodent burrows. The outlet channel provides a connection between the stock pond and the parcel to the north where two irrigation ponds and additional potential habitat are located.

Habitat at the Pacific Ridge site was evaluated for its ability to support San Francisco garter snake in 1988. The assessment was made using a habitat scoring system developed by Dr. Sam McGinnis and field tested in coastal San Mateo County (McGinnis 1984). This assessment, the parameters of which remain essentially unchanged today, was conducted as part of the biological studies in support of the Dykstra Ranch EIR (WESCO 1988a and b). San Francisco garter snake habitats on the site scored 6 out of a possible 12 points. This is the lowest possible score a site can have and still be considered San Francisco garter snake habitat (McGinnis 1984). San Francisco garter snakes were not observed on the site during either the previous or current surveys. However, in its letter regarding the California red-legged frog surveys, FWS also determined that the site was potential habitat for San Francisco garter snakes.

As with the red-legged frog, the FWS states that "San Francisco garter snakes are potentially present at any water body in the Half Moon Bay area that supports emergent vegetation and amphibians (whether bullfrogs or California red-legged frog)." The stock pond on the project site meets these criteria and is therefore considered potential habitat for this endangered species.

Although the pond provides potential habitat for the San Francisco garter snake, there are no verified recent records of this species in the immediate project area. Personal Communication by Curt McCausland, FWS. to Steve Foreman, LSA.

The appeal to the CCC on the Pacific Ridge CDP provided a statement from Judge Max Gunkel regarding his personal observations of San Francisco garter snakes on the Pacific Ridge property and the adjacent Beachwood property. The information, however, does not list Judge Gunkel's qualifications or experience and the observation records lack specific details (dates, time of day, weather, descriptions, etc.) on which to assess the validity of the observations.

The species list attached to the affidavit also calls into question the specific qualifications of the observed to distinguish the uncommon or rare species of wildlife from more common species which are present on the property. In addition to the a large and uncommon number of San Francisco garter snakes (A plus numerous dead snakes killed by disking of the fields on the Beachwood site) referenced in a letter from the City of Half Moon Bay to Judge Gunkel regarding his sightings of the San Francisco garter snake, Judge Gunkel's affidavit also lists several highly unlikely species for this region and/or the habitats present on the property. These observations include:

- American black hawk
- California clapper rail
- Aleutian Canada goose

The American black hawk (*Buteogallus anthracinus*) occurs primarily in the deserts of southeastern Arizona, southwestern New Mexico, and Mexico. There are only three recorded instances of this species being observed in California, and all were in southern California. Judge Gunkel's observation was more likely a dark phase of one of the more common hawks which migrate through and/or winter in this region.

The California clapper rail (*Rallus longirostris obsoletus*) is an endangered species. This species is restricted to tidal marsh habitats in the San Francisco Bay Area. There are no recent records for coastal San Mateo County (Peter Metropulos, pers. comm. with Jon Winter) and given the species' well documented dependence on tidal salt marshes, this species' presence on the site is extremely unlikely. Judge Gunkel's observations are more likely Virginia rails (*Rallus limicola*). Virginia rails are smaller than clapper rails, but are similar in general coloration and are fairly common in fresh water marshes and ponds in the region. Virginia rails occur on the site in association with the emergent vegetation in the stock pond.

The Aleutian Canada goose (*Branta canadensis leucopareia*) is also an endangered species. Aleutians are a small subspecies of Canada goose. This subspecies breeds in the Aleutian Islands and winters in Oregon and California. The primary wintering or high use areas in California are in Humboldt County and at several locations in the Sacramento (Butte and Colusa Sinks) and San Joaquin valleys. Although this subspecies can occur in other areas of the state, the cackling goose (*B. c. minima*), another small subspecies of Canada goose, is more common in coastal areas. The different subspecies of Canada goose can be difficult

to distinguish, particularly within the three main size classes of geese (large, medium and small). No descriptions are provided of distinguishing characteristics which would provide an ability to verify this observation as distinct from more likely subspecies.

In coastal San Mateo County, three garter snakes are present: the San Francisco garter snake; the coast garter snake (*Thamnophis elegans terrestris*); and the western aquatic garter snake (*Thamnophis couchi*). The latter two species are more common and the coast garter snake is common on the property. This subspecies of the western terrestrial garter snake is common on the property (three were observed during the April 21, 1999 site surveys) and are more likely to be found away from water sources where they could be killed by disking a field (as referenced in the City of Half Moon Bay's letter attached to Judge Gunkel's affidavit).

Raptor Surveys

Surveys for raptor (hawk, eagle and owl) nesting on the Pacific Ridge site were conducted on April 21, 1999 by LSA Wildlife Biologist Steve Foreman and on May 15, 1999 by LSA Wildlife Biologist Jon Winter. Additional observations of raptor activity have also been noted in conjunction with other studies conducted on the site since 1997. The April survey involved observations of raptor activity and searches of the riparian corridors for nests. The May survey involved similar activities, including more thorough surveys of all of the eucalyptus groves, riparian corridors, and other stands of trees for active and inactive nests.

During both surveys, one pair of red-tailed hawks (*Buteo jamaicensis*) were observed on the property. The hawks appear to be a mated pair, but no active nest was identified. The hawks' behavior also did not indicate they were incubating eggs or were feeding young. Red-tailed hawks often initiate nesting activity in late March to early April and by late April or mid May, young are typically present. If the pair nested this year, the nest most likely failed prior to the surveys.

The two hawks' general behavior and general activity indicate their primary roosting and potential nesting site is in the eucalyptus or other ornamental trees in the northwestern corner of the site in the vicinity of the old ranch house, which trees will not be impacted by the Pacific Ridge residential development as approved by the City of Half Moon Bay.

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ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Policy 3-1 of the LUP defines Sensitive Habitats (also referred to as Environmentally Sensitive Habitat Areas or ESHAs) as:

> *"... any area in which plant or animal life or their habitats are either rare or especially valuable and those areas which meet one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams, (3) coastal tidelands and marshes, (4) coastal and offshore areas used by migratory and resident water-associated birds for resting and feeding, (5) areas used for scientific research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes.*
>
> *Such areas include riparian areas, wetlands, sand dunes, marine habitats, sea cliffs, and habitats supporting rare, endangered, and unique species."*

ESHAs on the Pacific Ridge property would include the four natural drainage channels on the property (drainages 1, 2, 3, and 4) and the excavated outlet channel for the agricultural pond (drainage 5); however, only drainage 2 is within the Coastal Commission's jurisdiction per CCC regulation section 13577. The agricultural pond would not be considered an ESHA as LUP policy 3-8 exempts man-made ponds over 2,500 square feet surface area.

Other wetlands on the property are also not designated as ESHAs as these wetland features are not known to support rare and endangered species as defined by the State Fish and Game Commission (LUP ESHA criteria 1, above). The San Francisco garter snake is the only state-listed species potentially present on the site and the seasonal wetlands on the site do not provide any habitat conditions that would be especially attractive to or provide a specific essential life function for this species.

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WESCO. 1988b. Final Environmental Impact Report for Dykstra Ranch, Half Moon Bay. Prepared for City of Half Moon Bay. Prepared by Western Ecological Services Company, Inc., Novato, CA. 25 pp.

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APPENDIX A
WETLAND DELINEATION DATA SHEET

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APPENDIX B
HISTORICAL AERIAL PHOTOGRAPHS

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ATTACHMENT - 5

9-61

LSA

LSA ASSOCIATES, INC.
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BERKELEY
CARLSBAD
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FT. COLLINS
IRVINE
PALM SPRINGS
RIVERSIDE
ROCKLIN
SAN LUIS OBISPO

January 9, 2008

Elizabeth Shreeve, Principal
SWA
2200 Bridgeway
Sausalito, Ca 94965

Subject: Pacific Ridge at Half Moon Bay

Dear Elizabeth:

On September 14, 2007, Sean Lohman and Steve Foreman of LSA Associates, Inc. (LSA) visited the Pacific Ridge site to update the previous wetland and riparian habitat mapping/setback zones for the development area so these features could be professionally surveyed by Mark Thomas & Company (MTC). The surveying was completed by MTC on the same day. A copy of the updated map is attached.

The previous wetland/riparian map and setbacks was originally completed by Steve Foreman of LSA in 2000. At that time, the wetland and riparian boundaries were derived from field mapping and interpretation of the project topographic map available at that time (e.g., the exact locations/boundaries of the features were not professionally surveyed). The mapping/surveying was completed for three creeks and associated riparian zones and two wetlands.

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METHODS

Prior to the field work, we reviewed the previous delineation report, data sheets, and map. In the field, we relocated the features and then evaluated vegetation and soil characteristics at each site to define the boundary. Colored pin flags were placed along the outer boundary of each wetland where the soils and/or vegetation shifted from wetland characteristics to upland characteristics based on standard wetland delineation criteria.

Using the pin flags, MTC surveyed the boundary of each feature and then extended the 100-foot wide LCP designated buffer zones around each feature.

For the streams and riparian communities, LSA designated the stream reaches that met the LCP criteria for riparian vegetation from those that did not (e.g., willow dominated reaches versus those lacking riparian vegetation such as within the eucalyptus groves). MTC surveyed the centerline of each drainage/creek channel across the property. Along stream segments supporting riparian vegetation, MTC surveyed the outer edge of the riparian vegetation

Stream/riparian buffer zones were established based on the following LCP criteria for intermittent streams:

- 30 feet from stream centerline where no riparian vegetation exists.
- 30 feet from the limit edge of riparian canopy where riparian vegetation is present.

These setbacks are illustrated graphically on the attached map.

WETLANDS

The two wetlands bordering the development zone are an isolated wetland along the base of the steeper, upper hill slope (identified as Wetland H on the 2000 wetland map) and an old channel of Drainage 3.

Wetland H is a seepy area located on at a change of grade at the outlet of a erosion gully. In 2000, fiddle dock was the characteristic plant of this wetland and rhizospheres are abundant (10-15%) and bright throughout the first 10 inches of the soil. Soil conditions/rhizospheres in 2007 were similar, but the dominant or characteristic wetland vegetation was composed of *Juncus bufonius*. The Juncus provided a fairly dense ground cover within the wetland, but dropped out at the edges. Wetland H expanded slightly from 2000 and was located somewhat farther upslope and south of the originally mapped location. This shift in location is a result of mapping error using the earlier topographic map versus the more accurate surveying.

The swale/old channel wetland is visually discernable by subtle topographic and vegetation clues that indicate where these boundaries are. A majority of the plants in this feature are tolerant of moist or saturated soil conditions, but the same could be said for much of the plant cover in the immediate area and elsewhere on the property. The soils, however, in this feature contain pedogenic evidence of long-duration soil saturation in the form iron mottling, and there is a relatively clear shift in the abundance of these mottles at the apparent wetland edge. The presence of these mottles within the wetlands provides confirmation of the otherwise indistinct wetland boundaries.

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STREAMS

The stream designations, at least with respect to designation of LCP riparian vegetation criteria were identical to the 2000 map. Willow dominates the areas with riparian vegetation is present while eucalyptus is dominant in the non-riparian cover segments. Riparian/stream buffers were applied per the LCP criteria and are shown on the attached map.

SUMMARY

Watercourse and riparian cover are essentially unchanged since the original mapping, but the boundaries of wetlands adjacent to the northern swale and of the mid-slope seep did shift some. We expected these boundaries to fluctuate because smaller wetland features like these are sensitive to annual climate variability, and also because the original wetland mapping was not surveyed and there was bound to be some discrepancy between mapping methods. Despite slight shifting of the boundary locations (primarily wetland H), the overall extent of wetland did not change substantially.

If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,

LSA ASSOCIATES, INC.

Steve Foreman
Principal/Wildlife Biologist

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PRELIMINARY NOT FOR CONSTRUCTION

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ATTACHMENT - 6

BPM
BURR PILGER MAYER
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November 14, 2012

To the City Council
City of Half Moon Bay, California

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Half Moon Bay (the City) for the year ended June 30, 2012. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards (and, if applicable, *Government Auditing Standards* and OMB Circular A-133), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated September 19, 2012. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City of Half Moon Bay are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2012. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were:

Management's estimate of the post employment benefit obligation is based on actuarial assumptions. We evaluated the key factors and assumptions used to develop the assumptions in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the defined benefit pension plan (PERS) is based on actuarial assumptions. We evaluated the key factors and assumptions used to develop the estimate in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the capital projects is based on ordinary maintenance activities necessary to keep an asset operational for its originally intended useful life versus significant improvements, replacement, and life extending projects that is capitalized as additions to capital assets. We evaluated the key factors and assumptions used to develop the estimate in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the revenue and expenses to be accrued at year end is based on management's judgment. We evaluated the key factors and assumptions used to develop the accruals in determining that it is reasonable in relation to the financial statements taken as a whole.

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Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were:

> The disclosure of net assets/fund balances in Note 8 to the financial statements describes the City's governmental fund reporting of the net assets into five classifications.
>
> The disclosure of defined benefit pension plan in Note 9 to the financial statements describes the City's governmental fund reporting of the defined benefit pension plan policy and methods.
>
> The disclosure of other post employment healthcare benefits in Note 10 to the financial statements describes the City's post retirement benefit policy and methods.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements:

- Adjustment in the amount of $337,778, to record a correction to interest subsidy on Judgment Obligation Bonds
- Adjustment in the amount of $539,468, to record loss on investment in Sewer Authority Mid-Coastside
- Adjustment in the amount of $295,000, to record accrual for claims payable
- Adjustment in the amount of $104,638, to record deferred revenue

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated November 14, 2012.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

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Other Matters

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the use of the City Council and management of the City of Half Moon Bay and is not intended to be, and should not be, used by anyone other than these specified parties.

Sincerely,

Burr Pilger Mayer, Inc.

Burr Pilger Mayer, Inc.

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ATTACHMENT - 7

35 ANNIVERSARY 1976 LSA 2011

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SOUTH SAN FRANCISCO

July 19, 2011

Albert Fong
Ailanto Properties
1901 Harrison Street, Suite 140
Oakland, CA 94612

Subject: Assessment of Eucalyptus Stands on the Pacific Ridge Subdivision Site, Half Moon Bay, San Mateo County, California

Dear Albert:

LSA Associates, Inc. (LSA) has completed the arborist surveys and raptor nesting habitat suitability assessment for the eucalyptus groves on the Pacific Ridge Property as required under special condition 5.D. of the project's coastal development permit amendment number A-1-HMB-99-022-A1. This condition requires a report by a professional arborist of the trees in Drainages 1, 2, 3, 4, and 5 that describes their current state and makes recommendations for their long-term arboreal management including for roosting and nesting.

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METHODS

On July 7, 2011, LSA Associates, Inc. (LSA) International Society of Arboriculture (ISA) Certified Arborist Ali Summers and wildlife biologist Matt Ricketts conducted an assessment of the eucalyptus trees (*Eucalyptus globulus*) in five drainages on the above-referenced project site in Half Moon Bay. The drainage numbers referred to below correspond with the stream numbers identified in the preliminary site plan for the project by Randall Planning & Design (dated March 2000) as presented in the Coastal Commission's October 3, 2008 Staff Report for the project (also see attached figure for drainage references). These drainage/stream numbers have also been used in subsequent environmental review documents for the project.

The trees along each drainage were evaluated for health and general structure with respect to suitability for raptor nesting. No attempt was made to prepare a detailed assessment of each tree or calculate the overall number or density of trees. Overall, a thousand or more eucalyptus trees may be present.

RESULTS

Drainage 1

This drainage is toward the southern end of the property and most of the trees occur within the riparian setback zone with the approved development area. One standing dead tree was noted, and

eucalyptus with a witch's broom[1] was also noted. The larger eucalyptus trees are in the approximate size class of 20-30 inches diameter at breast height (DBH), though there are some that are over 40 inches DBH. Cypress and pine are also present, in the north end of the drainage. No structural defects, pests, or diseases were noted.

The upper branches of the larger trees in the drainage are of sufficient girth and structure to support nests of red-tailed (*Buteo jamaicensis*) and red-shouldered (*B. lineatus*) hawks, the two raptor species most likely to nest on the site. The trees in this drainage are more widely spaced than the trees along other drainages and thus have greater room for horizontal branch development that provides stable platforms for nesting by these species.

Drainage 2

This drainage also lies primarily within the approved development area and is vegetated with willow along much of its length; eucalyptus are located at the north and south boundaries of the parcel. The majority of the trees in this drainage are healthy. One witch's broom tree was noted. More trees are present in this drainage than in Drainage 1. Sizes are varied, with many size classes represented; the larger trees appear overall to be slightly larger than those in Drainage 1. No structural defects, pests, or diseases were noted.

Although the larger trees in this drainage are slightly larger than those in Drainage 1, their habitat value for raptors is somewhat compromised by the abundance and density of smaller trees that grow in close proximity to the larger trees and thus limit horizontal limb development, and the proximity to existing development off site on the southern end of the drainage along Silver Avenue. These smaller trees also lack the large branches and branching structure required by raptors for constructing stable stick nests.

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Drainage 3

Drainage 3 lies along the northern edge of the approved development area. All of the eucalyptus trees lie along the western, lower reaches of the drainage. The upper drainage riparian zone is dominated by willows. The majority of the eucalyptus trees in this drainage appear healthy. Approximately 20 percent of the trees have lost some limbs; this is more evident in the older, larger trees. Many size classes are represented, from the numerous seedlings and saplings on the east side of the drainage up to trees of 60 inches DBH. Most of the trees are approximately 25-30 inches DBH. Some cypress are also present at the south end of the drainage. Poison oak and blackberry are both present in the herbaceous layer. No structural defects, pests, or diseases were noted.

The drainage contains several large trees suitable for raptor nesting.

[1] A Witch's broom is a disease or deformity in a woody plant, typically a tree, where the natural structure of the plant is changed. A dense mass of shoots grows from a single point, with the resulting structure resembling a broom or a bird's nest.

Drainage 4

Drainage 4 lies upstream of the pond on the northern portion of the property. The eucalyptus trees on the property are limited to a small patch of trees along the eastern edge of the property. These trees, however, are a finger of a large stand of eucalyptus which extend upslope off the property. The majority of the trees in this drainage are healthy. Many size classes are represented, from saplings of 4 inches DBH to trees of approximately 55 inches DBH. One standing snag was noted in this drainage. No major structural defects, pests, or diseases were noted.

The upper portion of the drainage somewhat resembles a closed-canopy coniferous forest in terms of amount of shaded and open understory, creating suitable conditions for great horned owls (*Bubo virginianus*). Indeed, several juveniles of this species were heard calling and briefly seen flying further up the drainage off the Pacific Ridge property during LSA's site visit. Presumably, these juveniles fledged from a nearby nest earlier in the 2011 nesting season.

Drainage 5

This is the largest drainage of the five, and contains the largest number and the greatest density of trees. A variety of size classes is present, from seedlings on the edges up to trees of 50 inches DBH. There are proportionately more dead trees (both standing and fallen) in this drainage than the others, as well as a significant amount of litter. Approximately 15 cypress are growing in the drainage, primarily on the south end, on the edges. A number of the eucalyptus trees on the ungrazed side of the fence are spindly and suppressed. Also on the ungrazed side of the fence, there is a large amount of poison oak, blackberry, and California wild grape in the herbaceous layer; one standing snag in the north end was noted to be almost completely covered with wild grape. The south end of the drainage features a more varied herbaceous layer, most likely due to the proximity of a pond.

During the July 7 site visit, a pair of red-tailed hawks were acting very agitated when the biologists walked along the north side of the eucalyptus stand and a juvenile was heard, then seen, in a tall tree at the eastern corner of the stand. In addition, a relatively fresh-looking stick nest was observed in an approximately 200-foot-tall eucalyptus on the northern edge of the stand approximately 300 feet west of the large stock pond. Based on these observations, it appears that this eucalyptus stand supported an active red-tailed hawk nest that fledged at least one young in the 2011 nesting season (additional juveniles may have been located elsewhere in the stand). This stand has also supported nesting red-tailed hawks during the 2010 Raptor nesting survey of the property (LSA 2010). As such, this drainage may contain the most suitable nesting raptor habitat on the site, perhaps due to its greater distance from human activities (i.e., residential neighborhood and high school).

SUMMARY AND MANAGEMENT RECOMMENDATIONS

In summary, the vast majority of the eucalyptus are well-established, healthy trees. With a few exceptions as noted above, there are no apparent, major structural defects, pests, or diseases present. Drainages 1 and 2 lack any significant vegetation in the herbaceous layer; increasing amounts of ground level vegetation are present in Drainages 3, 4, and 5. Drainage 5 contains the largest number and the highest density of trees. It is divided by a fence such that cattle have access to part of the stand.

PRELIMINARY

For the long-term management of the eucalyptus stands, fewer large trees with good structure are more desirable than several smaller trees with poor structure. Larger, well-established trees are less prone to failure than suppressed trees, which tend to be weaker. When allowed to grow without competition, trees form a denser, more uniform branch distribution and a more full canopy, and ultimately attain a larger size. This is more desirable both in terms of aesthetics as well as habitat value for nesting raptors. Additionally, it is easier to maintain a fire-safe condition around stands with fewer large trees than around stands with numerous small trees.

LSA recommends the removal of all suppressed understory trees, standing or fallen dead trees, most of the seedlings and saplings, and the accumulation of litter beneath the canopy in Drainages 1, 2, and 3. This will reduce both the fire and safety hazards and the competition for resources, and allow the remaining trees to attain the best size and form. Similar thinning of trees in Drainages 4 and 5 could be completed to reduce fire hazard, but is not necessary from an arboreal or raptor management standpoints. There are numerous large trees with good, large horizontal limbs and the younger trees over time will provide future replacement trees as the larger trees die. The only raptor nesting noted on the Pacific Ridge property occurs in these two drainages (Drainage 5 red-tailed hawk 2010 and 2011; Drainage 4 great horned owl 2011).

Please call me at (510) 236-6810 if you have any questions or require further information.

Sincerely,

LSA ASSOCIATES, INC.

Steve Foreman
Principal

Attachment

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Literature Cited

LSA Associates, Inc. 2010. Letter to Albert Fong, Ailanto Properties regarding the Results of Survey for Nesting Raptors and Salt Marsh Common Yellowthroat, Pacific Ridge Subdivision Project, Half Moon Bay, San Mateo County, California.

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ATTACHMENT - 8

ATTACHMENT 8

BUSINESS OF THE PLANNING DIRECTOR
OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For the meeting of: September 26, 2012

PDP-034-12 – Request for a Coastal Development Permit to allow the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

RECOMMENDATION

Approve PDP-034-12, a Coastal Development Permit to allow the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010) subject to the Findings (Exhibit A) and Conditions (Exhibit B) contained in the attached resolution.

BACKGROUND

On July 2, 2012, Ailanto Properties, Inc., submitted an application for a Coastal Development Permit to allow the installation of a hog wire/field fence along the southwest boundary of APN# 056-350-010, beginning near the terminus of Silver Avenue south toward the terminus of Highland Avenue, thence following the property line east. The subject property is located on the east side of Highway 1 just north of the Half Moon Bay High School, immediately east of Terrace, Silver and Highlands Avenues. The site is zoned PUD (Planned Unit Development) with a General Plan designation of Planned Development District.

Half Moon Bay Zoning Code section 18.38.035 requires that a biological report be prepared for proposed development that is located within 100 feet of a sensitive habitat area. There have been several biological reports prepared for Pacific Ridge/Ailanto Property over the years for wetlands and riparian areas. The most recent wetland and riparian habitat mapping/setback zones were prepared by LSA Associates, dated 2008.

In accordance with section 18.38.035(c) of the zoning code, the previous biological reports (Attachments 3-7), along with a letter from LSA biologist Steve Foreman, dated July 27, 2012,

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stating that the proposed fence would not have impacts on coastal resources based upon his assessment of the fence installation, as well as his review and preparation of previous biological studies, was sent to the California Department of Fish and Game, the Army Corps of Engineers, the Regional Water Quality Control Board and the California Coastal Commission for review. The zoning code allows each agency 45 days from the date the agency received the report to provide the City with comments on the quality of the report and any suggested mitigation measures deemed appropriate. The biological reports were sent out to the above noted agencies on July 20, 2012, as well as to the San Mateo County Planning and Building Division. No comments or suggested mitigations were received during review period.

The proposed fence would be located within 100-feet of a coastal resource and is therefore appealable to the California Coastal Commission.

ANALYSIS

The project proposes the installation of a hog wire/field fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east. The total fence length will be approximately 825-feet with an overall height 6-feet, as shown on the plan (Attachment 2). Planning Director approval is required for the following entitlements:

- A Coastal Development Permit (CDP) is required for projects that meet the definition of development, which is defined in Section 18.20.020(C) to mean, "On land, in or under water, the placement or erection of any solid material or structure..." The hog wire fence meets the definition of development and, therefore, a CDP is required.

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The parcel associated with the proposed project (Assessor's Parcel Numbers # 056-350 010) is owned by Ailanto Properties Inc. The site is known as the Ailanto/Pacific Ridge properties. The history of the site dates back to 1985 and has been a topic of discussion in Half Moon Bay for many years regarding proposed residential development for up to 216 homes at one point in time. The property was ultimately approved for development of 63 homes by the California Coastal Commission (CCC) in 2008. This application is for security fencing only and is not tied to the residential development and does not include construction of anything other than a boundary fence for security purposes. There are no modifications to the approved development or additional construction elements being considered with this application.

The proposed fence would be a total of six (6) feet in height with posts; footing would extend approximately three (3) feet below grade. This style of fencing is also commonly referred to as a field fence. The wire pattern fencing would be 2-inch wide by 4-inch long rectangles for a height of 54-inches, with two 3/16 inch stainless steel cables horizontally above the 54-inch hog wire fencing. The fence style is very similar to other wire fences that are in place on properties within the City. The fence would extend approximately 420 feet along the western boundary, parallel to the street, from Silver Avenue to Highland Avenue and would then shift (90-degrees) and extend

up the hill from Highland Avenue along the southern property boundary for approximately 405 feet. Many of the posts would be dug by hand, but depending on location a mobile Jeep mounted auger may be used for post digging as well. Minor tree trimming may also be required in certain locations to allow adequate space for the fence construction.

Liability issues have driven the need for the fencing. This area has been used as a short cut to Half Moon Bay High School. There has also been trespassing onto the property and in order to deter this behavior, the applicant is proposing installation of fencing along the most direct access points to the property.

Coastal Development Permit. A Coastal Development Permit (CDP) is required for any project that meets the definition of Development in Section 18.20.020(C) of the Zoning Code unless it is explicitly exempt. Construction of a perimeter fence is considered "Development," a CDP is required for this project.

Section 18.20.050(C) of the Zoning Code provides procedures for the review of CDPs. Because this project requires no discretionary permits other than a CDP, the Planning Director is authorized to review and deny, conditionally approve, or approve the CDP. The Planning Director is required to make all of the findings necessary for a Coastal Development Permit per Section 18.20.070 of the Zoning Code.

Compliance with Local Coastal Program (LCP) Policies. The City's Local Coastal Program does not provide specific standards or guidelines for accessory structures such as the proposed fencing. The proposed project will not interfere with the City's valuable scenic corridor and visual resources per Chapter 7 of the LCP, specifically policies 7-11 and 7-12. The Visual Protection policies of Chapter 7 direct new development to be located where it will not pose visual impacts from primary access routes from Highway 1 to the beach, to protect coastal vistas from Highway 1 to the coastal hills and to the ocean, and to protect coastal vistas from the beaches to coastal bluff-tops and to the coastal hills. The proposed project is limited to ground level (not greater than 6-feet in height) improvements that have no effect to public vistas or to primary coastal access routes.

The fence will skirt the edge of a grove of eucalyptus trees that occurs along an intermittent drainage (identified as Drainage 2 in the Biological Report). Vegetation on the Ailanto property side of the fence is dominated by eucalyptus trees with little understory vegetation and nonnative annual grasses and forbs along the edge of the adjacent road. No significant native vegetation is present.

While the fence will be within 100 feet of the drainage channel, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground storm water system at the edge of the property. Based on the biologist observations and studies over the years, no significant coastal resources are present or would be affected by the construction or presence of the fence. The

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biologists that have worked on this project have not identified any raptor nesting in the immediate area of the fence and the drainage has little to no value for endangered species such as the California red-legged frog or San Francisco garter snake as habitat or as a movement corridor. The fence will not be placed within sensitive habitat (coastal resource).

California Environmental Quality Act (CEQA). Planning staff reviewed the CEQA exemptions and has prepared a Categorical Exemption for this project under CEQA Section 15303, Class 3 (e) (Attachment 4), which exempts accessory (appurtenant) structures including garage, carports, patios, swimming pools and fences. The Categorical Exemption will be filed with the County of San Mateo in accordance with necessary procedures for such filings. No adoption of findings or certification is required by the Responsible Agency under CEQA for a Categorical Exemption.

CONCLUSION

With the recommended conditions of approval and findings of evidence, the proposed fence installation would meet all of the applicable development standards and does not pose a threat to any of the coastal resources. Staff recommends approval of the project and has prepared the recommended findings and conditions of approval (Exhibit A and B). The Planning Director will need to determine if the project concurs with the analyses set forth in the findings and whether the conditions are appropriate and adequate for approval.

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ATTACHMENTS:

1. Draft Resolution with Findings and Evidence, Exhibit A and Conditions of Approval, Exhibit B.
2. Plan with proposed fence locations and dimensions.
3. S. Foreman, LSA Associates, Inc. letter July 27, 2012
4. 1999 Biological Report
5. ESHA Update 2008
6. Raptor Nesting Surveys 2010
7. Eucalyptus Stands Habitat Assessment and Management Recommendations 2011

PLANNING DIRECTOR RESOLUTION PDR-
RESOLUTION FOR APPROVAL
PDP-034-12

Coastal Development Permit for the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

WHEREAS, an application was submitted requesting approval of a Coastal Development Permit for the installation of a hog wire fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010), in a PUD (Planned Development) Zoning District; and

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

WHEREAS, the Planning Director conducted a duly noticed public hearing on September 26, 2012, at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

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

WHEREAS, the Planning Director has determined that the requested Coastal Development Permit for fencing is categorically exempt from CEQA under Section 15303, Class 3(e) (Attachment 4), which exempts accessory (appurtenant) structures including garage, carports, patios, swimming pools and fences; and

WHEREAS, the Planning Director has made the required findings for approval of the project, set forth in Exhibit A to this resolution;

NOW, THEREFORE, BE IT RESOLVED that, based upon the Findings in Exhibit A and subject to the Conditions of Approval contained in Exhibit B, the Planning Director approves the application (PDP-034-12).

PASSED AND ADOPTED by the City of Half Moon Bay Planning Director at a duly noticed public hearing held on September 26, 2012, by the following vote:

APPROVED: ATTEST:

Pat Webb, Interim Planning Director

Caroline Weigandt, Recording Secretary

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EXHIBIT A

FINDINGS AND EVIDENCE
Planning Director Resolution PDR-
PDP-034-12

Request for a Coastal Development Permit for the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

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Coastal Development Permit – Findings for Approval

The required Coastal Development Permit for this project may be approved or conditionally approved only after the approving authority has made the following findings per Municipal Code Section 18.20.070:

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

   Evidence: The proposed project is located along the southwest property boundary, beginning near the terminus of Silver Avenue, south toward the terminus of Highland Avenue, thence east along the property line. The fence proposed is commonly referred to as a field fence and would be consistent with other boundary fences in the City. It would be a visually open pattern that would not impact views of the property. The project does not interfere with public's access to the coastal trail, beach or sea. The proposed project does not pose any significant threat to coastal resources or inconsistencies with the policies of the City's Land Use Plan (LUP).

   Coastal Act 30240(b) and Policy 3-3 (b): *Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

   Compliance: The fence skirts an edge grove of eucalyptus trees that occurs along an intermittent drainage (identified as Drainage 2 in the Biological Report). Vegetation on the Ailanto property side of the fence is dominated by eucalyptus trees with little understory vegetation and nonnative annual grasses and forbs along the edge of the adjacent road. No significant native vegetation is present. While the fence will be within 100 feet of the drainage, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground storm water system at the edge of the property. Based upon the biologist's observations and studies over the years, no significant coastal resources are present or would

be affected by the construction or presence of the fence. The biologist did not identify any raptor nesting in the immediate area of the fence and drainage has little to no value for endangered species such as the California red-legged frog or San Francisco garter snake as habitat or as a movement corridor.

Policy 3-5(a): *Require all applicants to prepare a biologic report by a qualified professional selected jointly by the applicant and the City to be submitted prior to development review. The report will determine if significant impacts on the sensitive habitats may occur. The report shall consider both any identified sensitive habitats and areas adjacent. Recommended uses and intensities within the habitat area shall be dependent on such resources, and shall be sited and designed to prevent impacts which would significantly degrade areas adjacent to the habitats. The City and the applicant shall jointly develop an appropriate program to evaluate the adequacy of any mitigation measures imposed.*

Compliance: A biological report was prepared for this site in 1999 and was approved as part of the CDP for the residential development project. There have also been biologists that have conducted surveys for the raptor nesting surveys in 2010, and assessment and management recommendations for the eucalyptus stands habitat in 2011, as well as an ESHA update for the CDP in 2008. These documents, along with a biologist analysis of the proposed fence were submitted for circulation to the US Fish and Wildlife Service, California Coastal Commission, Department of Fish and Game, Army Corps of Engineers, and Regional Water Quality Control Board, as well as the San Mateo County Planning and Building Division on July 30, 2012. There were no comments on suggested mitigations received during the 45-day review period.

Coastal Act 30244: *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Compliance: The construction of fencing is not anticipated to require any grading or cause disturbance to the site, with the minor exception of the footings for the posts and bracing sections. Most posts will be hand dug, but depending on the soil conditions either a trailer or vehicle (Jeep) mounted, powered auger may be needed excavate the holes in order to prepare for the placement of the post footings. However, staff is recommending a condition to require that the project cease operations and a study be performed on any artifacts that are found during construction of the fence.

Coastal Act 30250: *New residential, commercial or industrial development except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

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Compliance: This project is for approval of security fencing. It is located in a PUD zoning district and is surrounded by existing residential development and the high school. The fencing will not have significant adverse effects, either individually or cumulatively, on coastal resources.

2. **Growth Management System** – The development is consistent with the annual population limitation system established in the Land Use Plan and Zoning Ordinance.

   Evidence: The proposed project is for the construction of security fencing on a currently vacant site and does not propose any new residential units under this application; therefore, it is not subject to the City's growth management system.

3. **Zoning Provisions** – The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the Zoning Ordinance.

   Evidence: The project is consistent with the land use limitations and property development standards of the PUD Zoning District. With approval of the Coastal Development Permit, the project will comply with all Coastal Resource Conservation Standards. While the fence will be within 100 feet of the drainage channel, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground storm water system at the edge of the property. Based on the biologist analysis, no significant coastal resources are present or would be affected by the construction or presence of the new fencing.

4. **Adequate Services** – The proposed development will be provided with adequate services and infrastructure in a manner that is consistent with the Local Coastal Program.

   Evidence: The project proposes the installation of security fencing on a vacant, site in the PUD zone. The fence would provide security and deter the use of the property as a short cut to Half Moon Bay High School. No services or infrastructure are necessary for this project.

5. **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 is not located between the sea and the first public road parallel to the sea. The proposed fencing would not restrict or otherwise adversely affect public coastal access or public coastal recreational opportunities because it involves construction of security fencing on a currently vacant site.

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Environmental Review – Finding

CEQA – The project will not have a significant effect on the environment.

Evidence: The project has been determined to be Categorically Exemption under CEQA Section 15303, Class 3 (e), which exempts accessory (appurtenant) structures including garage, carports, patios, swimming pools and fences.

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EXHIBIT B

CONDITIONS OF APPROVAL
Planning Director Resolution PDR-
PDP-034-12

A Request for a Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

Authorization: Approval of this permit authorizes A Request for a Coastal Development Permit to allow the Installation of a Hog Wire/Field Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010).

The following Conditions apply to this project:

1. CONFORMANCE WITH APPROVED PLANS. Development shall be in substantial conformance with the approved plans (Attachment 2), City date stamped of July 2, 2012 except for any changes that may be required by these conditions of approval. The Planning Director shall review and approve any deviation from the approved plans. In the event that the Planning Director determines that any proposed changes warrant further review and approval, the applicant shall submit the revised plans for consideration at a public hearing before the Planning Director._____ (Planning)

2. TREE PROTECTION. Applicant shall avoid any adverse affect to the existing trees on site resulting from trucks and equipment access. If the route of travel is to occur around or between trees, then a licensed arborist shall provide a written statement to the City which includes recommendations and/or mitigations to prevent damage to trees and roots. _____(Planning/Building)

3. STORMWATER MANAGEMENT / EROSION CONTROL. During Construction the applicant shall minimize the transport and discharge of storm water from the project site by incorporation of the following measures into the construction site practices:

    a. Identify all storm drains, drainage swales and creeks located near the construction site and make sure all subcontractors are aware of their locations to prevent pollutants from entering them. Use silt fence barrier, straw bale barrier, sand bags, brush or rock filter or other appropriate measures, as

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necessary to minimize the quantity of sediment laden runoff from the site. _____

b. Stabilize any areas that have been stripped of vegetation, and maintain erosion control measures between October 15 and April 15. _____

c. Ensure that erosion control by re-vegetation is performed just prior to the rainy season unless on site irrigation is provided. Select seed to minimize fertilizer and water use. Limit watering to the amount and frequency, which can be absorbed on site. _____

d. Avoid stockpiling of soils or materials, when rain is forecast. Cover with a waterproof tarp during periods of rainy weather to control runoff. Monitor the site for minimization of erosion and sediment runoff every 24 hours during and after every storm event. Before it rains, sweep and remove materials from surfaces that drain to storm drains, creeks, or channels. _____

e. Never clean brushes or rinse paint containers into a street, gutter, storm drain, or creek. Recycle, return to supplier or donate unwanted water-based (latex) paint. Dried latex paint may be disposed of in the garbage. Unwanted paint (that is not recycled), thinners, and sludges must be disposed of as hazardous waste. _____

f. Avoid cleaning, fueling, or maintaining vehicles on site, except in an area designated to contain and treat runoff. Clean up leaks, drips, and other spills immediately so they do not contact stormwater. Never wash down pavement or surfaces where materials have spilled. Use dry cleanup methods whenever possible. _____

g. Avoid mixing excess amounts of fresh concrete or cement mortar. Whenever possible, return contents of mixer barrel to the yard for recycling. Dispose of small amounts of excess concrete, grout, and mortar in the trash. ____

h. Practice source reduction. Reduce waste by only ordering the amount you need to finish the job. Recycle leftover materials whenever possible. Materials such as concrete, asphalt, scrap metal, solvents, degreasers, cleared vegetation, paper, rock, and vehicle maintenance materials such as used oil, antifreeze, and batteries are recyclable. _____

i. Inspect portable toilets for leaks. Do not place on or near storm drain outlets. Be sure the leasing company adequately maintains, promptly repairs, and replaces units as needed. _____ (Building)

4. HOURS OF CONSTRUCTION. The hours of construction shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 10:00 a.m. to 6:00 p.m. Sundays and Holidays. _____ (Building)

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5. CONSTRUCTION TRAILERS (IF APPLICABLE). Temporary construction trailers are permitted as accessory uses in conjunction with the development of this site, subject to the following conditions:

   a. The construction trailer shall be used as a temporary construction office only.
   b. Neither sanitation facilities nor plumbed water is permitted within the trailer.
   c. No overnight inhabitance of the construction trailer is permitted.
   d. No construction trailers are permitted on site prior to building permit issuance.
   e. The construction trailer shall be removed 90 days from issuance of the certificate of occupancy. Use Permit approval is required for construction trailers beyond 90 days. _____ (Building/Planning)

6. LOT GRADING, MATERIALS, EQUIPMENT AND VEHICLE STORAGE. Any earth movement on or off the site in excess of 50 cubic yards shall require the submittal of a grading plan for review and approval by the Public Works Department. Lot Grading includes, but is not limited to, any leveling, scraping, clearing, or removal of lot surface area. Materials, Equipment, and Vehicles include, but are not limited to:

   a. All masonry, wood, and steel construction materials
   b. All construction-related equipment and storage containers.
   c. All construction-related vehicles including temporary trailers _____ (Building)

7. HAZARDOUS MATERIALS. Any materials deemed hazardous by the San Mateo County Department of Health that are uncovered or discovered during the course of work under this permit shall be disposed in accordance with regulations of the San Mateo County of Health. _____ (Building/County Health)

8. COMPLETION OF FIRE DISTRICT REQUIREMENTS. All requirements of the Coastside Fire Protection District shall be met _____(Fire)

9. ENCROACHMENT PERMIT. An Encroachment Permit shall be required prior to any installation of utilities and any other required work within the public right-of-ways. _____ (Public Works)

10. COMPLETION OF UTILITIES. Any public utilities requiring relocation as a result of the construction of the building(s) or improvements under this permit shall be relocated at the owner's expense. _____ (Building)

11. UNDERGROUND UTILITIES. All utilities for energy and communications shall be installed underground. _____ (Building)

12. ENCROACHMENTS NOT AUTHORIZED. The property owner shall ensure that landscaping or fencing does not encroach into the right-of-way or any public easements, except for any street trees authorized by this permit.

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13. LANDSCAPING (WHEN DEEMED REQUIRED). Landscape plans and details in compliance with the City's Water Conservation in Landscaping Ordinance (Chapter 13.04 of the Municipal Code) shall be submitted for review. Plans shall specify that at least 80% of the plants in non-turf landscape areas are native plants, low-water using plants, or no-water using plants (unless the applicant elects to perform a water budget). An irrigation plan shall be included that ensures irrigation system efficiency of 70% or more, moisture sensor and/or rain sensor shutoffs, and no sprayheads in landscape areas that are 8 ft. wide or less. _____ (Planning)

14. CCWD. Coastside County Water District's Indoor Water Use Efficiency regulations require a separate irrigation meter on all projects with 5,000 square feet or more of irrigated landscape. A separate ¾" irrigation meter is required.

15. EFFECTIVE DATE. The Coastal Development Permit shall take effect after final local action or 10 working days after receipt of the Notice of Final Action by the Coastal Commission for projects that are located in the Coastal Appeal Areas. The applicant/owner's shall submit a signed copy of these conditions of approval to the Planning Department before they can obtain a grading permit. _____

16. ACCURACY OF APPLICATION MATERIALS. The applicant shall be responsible for the completeness and accuracy of all forms and material submitted for this application. Any errors or discrepancies found therein may be grounds for the revocation or modification of this permit and/or any other City approvals. _____

17. EXPIRATION. The Coastal Development Permit shall expire on the latest expiration date applicable to any other discretionary or ministerial permit or approval required for the development, including any extension granted for other permits or approvals. Should the development not require City permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire one year from its date of approval if the development has not begun during that time.

18. HOLD HARMLESS. The applicant agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against an and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, any review by the California Coastal Commission conducted under the California Coastal Act Public Resources Code Section 30000 et seq., or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The Indemnification shall include any Claims

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that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The applicant's duty to defend the City shall not apply in those instances when the applicant has asserted the Claims, although the applicant shall still have a duty to indemnify, protect and hold harmless the City.

19. PERMIT RUNS WITH THE LAND. The Coastal Development Permit runs with the land and the rights and obligations thereunder, including the responsibility to comply with conditions of approval, shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned.

OWNER'S/PERMITTEE'S CERTIFICATION:

I have read and understand and hereby accept and agree to implement the foregoing conditions of approval of the Coastal Development Permit.

APPLICANT:

_____ _____

(Signature) (Date)

Draft Only

MINUTES
OF THE PLANNING DIRECTOR MEETING
OF THE CITY OF HALF MOON BAY

Wednesday, September 26, 2012

Ted Adcock Community/Senior Center
535 Kelly Avenue
www.hmbcity.com

Staff Present: Pat Webb, Interim Planning Director
Catherine Barber, Contract Planner
Caroline Weigandt, Recording Secretary

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I. CALL TO ORDER 4:31 pm

II. ORAL COMMUNICATION - None

III. PUBLIC HEARING ITEMS

Interim Director Pat Webb suggested moving Item 2 – PDP-040-11 to be discussed first due to the audience presence.

Item #2 Pastorino Barn
City File: PDP-040-11
Location: 921 Miramontes Street
APN: 056-280-010
Applicant: Wayne and Dana Pastorino
Description: Coastal Development Permit to allow the construction of a new barn for storage of equipment. The new barn would be approximately 5,600 square feet in area and 20 feet tall. Planner: Catherine Barber

Contract Planner Catherine Barber presented her staff report and noted two e-mails she had received regarding this project.

Interim Director Webb opened the Public Hearing

Wayne Pastorino (Applicant), 921 Miramontes Street in Half Moon Bay: Mr. Pastorino addressed his reasoning why he needed to construct a new barn on his property.

Kerry Burke, 34 Amesport Landing in Half Moon Bay: Ms. Burke spoke on behalf of Mr. Pastorino and provided a brief history of the property.

Interim Director Webb closed the Public Hearing

Interim Director Pat Webb approved PDP-040-11, a Coastal Development Permit to allow the construction of a new barn for storage of equipment. The new barn would be approximately 5,600 square feet in area and 20 feet tall located at 921 Miramontes Street (APN# 056-260-050) within the OSR (Open Space Reserve) Zoning District subject to the Findings (Exhibit A) and Conditions (Exhibit B) contained in the attached resolution.

Item #1	Pacific Ridge/Ailanto Property Fence
City File:	PDP-034-12
Location:	Pacific Ridge/Ailanto Property-southwest perimeter, along terminus of Silver and Highland Avenues
APN:	056-350-010
Applicant:	Ailanto Properties, Inc.
Description:	Coastal Development Permit to allow the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, and thence following the property line east; total fence length approximately 825-feet, overall height 6-feet. Planner: Catherine Barber

Contract Planner Catherine Barber presented her staff report and was available for questions.

Interim Director Webb opened the Public Hearing

John Ward, Consultants and representing Albert Fong from Ailanto Properties: Mr. Ward provided a history of the Pacific Ridge/Ailanto properties and explained the reasoning for proposed 825 foot fence along the southwest portion of the property beginning near the terminus of Silver Avenue south toward the terminus of Highland Avenue following the property line eastward.

Sarah Ann Brolly, 625 Silver Avenue in Half Moon Bay: Ms. Brolly expressed concern for the high school students who drive fast down the street and requests that access to the school be fenced off.

Michael Allen, 599 Highland Avenue in Half Moon Bay: Mr. Allen is in favor of the fence and expressed concern for the speeders and parking congestion on the street and the trash and drug paraphernalia from the students and homeless along the trail.

Mark Resoff, 683 Highland Avenue in Half Moon Bay: Mr. Resoff is very concerned about cutting off access to the high school as this will be a safety issue by putting more drivers on the road. Also noted that this trail was used as an evacuation path for the neighborhood and who would be responsible for maintaining the fence. Mr. Resoff also stated that there was no problem with drug paraphernalia and homelessness.

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Amy Wooliever, 600 Highland Avenue in Half Moon Bay: Ms. Wooliever stated that there would be a traffic factor on Highway 1 if the trail is cut off to the high school and downtown. Also, she recommended taking this item to the Planning Commission for further review.

Patrick Wooliever, 600 Highland Avenue in Half Moon Bay: Mr. Wooliever concurred with his wife and added that students who currently use the trail would impact Highway 1 with traffic.

Michelle Sutton, 636 Highland Avenue in Half Moon Bay: Ms. Sutton explained that her entire family used the trail and would recommend a compromise. She requested to keep the trail open and off the highway.

Frank Garrity, 689 Silver Avenue in Half Moon Bay: Mr.Garrity supports the project and noted the speed concerns, homeless encampments and fire danger.

Sally Brice, 502 Silver Avenue in Half Moon Bay: Ms. Brice is concerned of a fire and noted evidence of recent fireworks, drug paraphernalia and speeding cars.

Anne Ryckebusch, 508 San Benito Street in Half Moon Bay: Ms. Ryckebusch noted that access to the high school would be limited with the construction of a fence and she is opposed to it. She suggested the City seek a way to improve pedestrian/bikeway access and when the new neighborhood is built to provide a pathway.

Philip Torre, 67 Highland Avenue in Half Moon Bay: Mr. Torre expressed concern with the parking on his street and urges the fence be built to limit parking problems for students, games and other events held at the school.

Phil Slattery, 648 Highland Avenue in Half Moon Bay: Mr. Slattery is in favor of the fence and the property owner has the right to do what he wants. He suggested a neighbor surrender five feet of their property for a trail.

Interim Director Webb closed the Public Hearing.

Upon request, Ed Watkins representing the Boys and Girls Club informed Ms. Webb that the high school requested access to the high school when the baseball field was built.

Interim Director Webb discussed the concerns and comments from the speakers and explained that the Highway 1 improvements project and the new circulation element now underway would improve pedestrian and bike access throughout the community and invited the audience to attend the public meetings.

Additionally, she noted that there were considerable liability issues for the property owner due to the trespassing of the students on their property.

Ms. Webb approved PDP-034-12, a Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary,

9-93

beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010) subject to the Findings (Exhibit A) and Conditions (Exhibit B) contained in the attached resolution. Ms. Webb informed the audience that one could submit an appeal to the Planning Commission if desired and explained the process. Lastly, Ms. Webb noted the neighborhood would be notified when the fence would be installed.

IV. ADJOURNMENT:

Planning Director meeting adjourned at the hour of 6:15 pm.

APPROVED:

Pat Webb
Interim Planning Director

ATTEST:

Caroline Weigandt
Recording Secretary

Draft Only

Draft Only

ATTACHMENT - 9

Catherine Barber

ATTACHMENT 9

From: Pat Webb <pwebb@hmbcity.com>
Sent: Saturday, September 22, 2012 10:40 PM
To: Catherine Barber
Subject: Fwd: Ailonto Property fence
Attachments: Litter Photo for Pam.docx; ATT1168296.htm

FYI - Pat

Sent from my iPhone

Begin forwarded message:

From: "Pamela Fisher" <pamelafisher@gmail.com>
To: "pwebb@hmbcity.com" <pwebb@hmbcity.com>
Subject: Ailonto Property fence

I am writing in support of the request by Pacific Ridge/Ailonto Properties to erect a hog fence to block access from Highland Ave onto their property which abuts the HMB High School property. I won't repeat the issues raised in the letter you have received from Frank and Doreen Gerrity, and other neighbors but I do want to let you know I am in full agreement with what they have written. I also want to let you know that I am the person who happened to be on the sidewalk outside my home when another neighbor and I heard a car accelerating rapidly up Highland Ave. This was a short time after high school dismissal as numerous cars had been driving up Highland Ave, parking along the Ailonto property waiting for their student to emerge from the Ailonto property. I did step into the street waving my arms in an attempt to get the driver's attention to slow down. We were flabbergasted that the driver continued racing up the street and swerved around me, refusing to slow down.

Draft Copy

We have been dealing with issues of HMB High School arrival and dismissal traffic and parking which became particularly onerous this past year after it was announced by a PTA group at the beginning of last year that the pathway at the top of Highland Ave was a legitimate access for students onto the High School property. When questioned by us, parents expressed enormous frustration by the insufficient ingress and egress to the high school on Lewis Foster Drive at arrival and dismissal times. Parents simply saw the Highland Ave access through the Ailonto property as the solution to their problem. While alleviating some congestion on Lewis Foster Drive this has created an untenable situation for the Highland Park neighborhood. This has simply allowed CUSD to avoid addressing their traffic issues while creating an untenable situation for the Highland Park neighborhood. I would hope with the 81 million dollars approved in the recent bond measure that CUSD will find a way to address their traffic problems for their parents. Access which was likely sufficient when

students were bused to schoo. ..ould certainly have needed upgrading when busing was discontinued.

Aside from traffic issues, we have watched drug deals occurring using the Ailonto property pass-through to and from the HMB High School property on numerous occasions. Trash including drug paraphernalia has also been an ongoing problem for us. See attached photo.

As well as daily school traffic and student parking, traffic and parking for HMB High School games and practices has also added to the neighborhood problem. Some HMB High School Baseball team parents have adamantly refused to park on the High School property even when instructed to do so by the school or politely requested to do so by neighbors pointing out the no trespassing signs Ailanto has had posted for years.

Further adding to our neighborhood parking, traffic and trash issues has been the traffic and parking for community sports groups using the HMB High School fields for daily practices and weekend games. Individual members of the Pop Warner board have tried to address the parking issue when on site but parents have refused to comply with instructions to drive and park on the high school property. We have also had young children unsupervised at the top of Highland Ave waiting for parents to pick them up after practices even though they are not supposed to be released by their coach until the parent is present on school property. This is a significant safety issue.

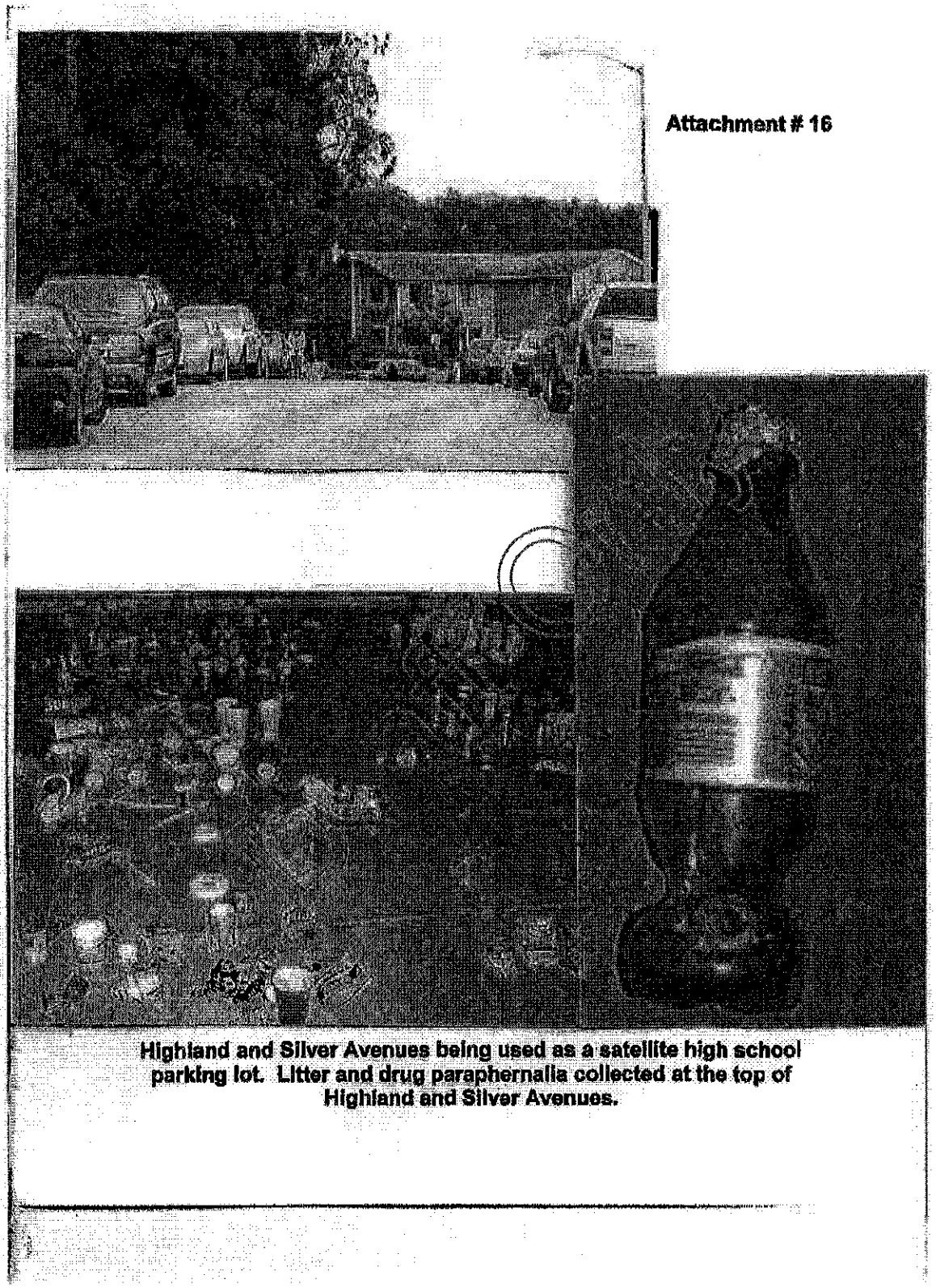
The common denominator to all of these issues for the Highland Park neighborhood is the access from Highland Ave through the Ailonto property onto the HMB High School property. The construction of the fort in the drainage ditch this past Spring on their property along with evidence of smoking in this Eucalyptus grove was likely the tipping point for Ailonto Property in coming to terms with their liability. Efforts have been made for years by members of this neighborhood to mitigate our problems through letters and meetings with CUSD and community sports groups, but to no avail. The fencing off of this property is long overdue.

Thank you,
Pamela Fisher

--
Pamela Fisher
659 Highland Avenue
Half Moon Bay, CA 94019
pamelafisher@gmail.com
(Home) 650-712-0370
(Cell) 650 455-1194

DRAFT COPY

Attachment # 16



Highland and Silver Avenues being used as a satellite high school parking lot. Litter and drug paraphernalia collected at the top of Highland and Silver Avenues.

Catherine Barber

From: Pat Webb <pwebb@hmbcity.com>
Sent: Monday, September 24, 2012 2:21 PM
To: Catherine Barber
Subject: Fwd: Highland Park Nieghborhood-Ailanto fence

FYI - can you forward all these comments to John Ward please? Hard to do from iPhone.
Thanks Pat

Sent from my iPhone

Begin forwarded message:

> **From:** Amy Wooliever <amyw@lhpusd.com>
> **Date:** September 24, 2012 1:54:47 PM PDT
> **To:** pwebb@hmbcity.com
> **Subject: Highland Park Nieghborhood-Ailanto fence**
>
> Dear Ms. Webb,
> I learned of the CDP on the upcoming Planning Director's Meeting to erect a fence along the property line of the Ailanto /Pacific Ridge development border. I am a Highland Ave resident and mother of three boys. One currently in high school and two on their way in the next few years. I am concerned that this simple fence is not what it appears on paper and that the city may be missing an unintended consequence in that the fence will block a HMBHS access path that has been traveled for 15-20 years by our neighborhood youth and families. While I am a strong believer in property rights and have no problem with the approved subdivision, I am concerned that you will approve the CDP without the opportunity for the community to weigh in on an important community access discussion. This approval will have the following consequences:
>
> - Traffic congestion in the mornings and afternoons will increase due to dozens of additional cars traveling the Main St/Hwy 1 intersection. I understand through my reading that this was a concern in the approval of the CDP for the Pacific Ridge Subdivision. If the blockage of this "shortcut" had been included in the original CDP process, the traffic mitigation would have been expanded to include both the families in the neighborhood who must then drive out of the neighborhood to take high schoolers out as well as the dozens of cars that use the route in the mornings to save time on the road.
> - Highland Park, Terrace and Grandview Terrace youth will be forced to walk along Highway 1, at peak traffic times, to get to high school. There is no safe crossing for "east side" youth to get to the newly built bike path on the west side of Hwy 1. Therefore youth must walk along the highway, just feet away from cars traveling up to 50 mph (or faster).
> - Many families from outside the neighborhood use this "shortcut". There is a steady stream of traffic going up Highland each morning to avoid further congestion at Hwy 1/Main Street as well as the ill-conceived Lewis Foster Drive access to the HS.
> - Families, children, dog walkers, hikers all use the access on the weekends and summer to reach the high school safely for recreation and events as well as a safe path of travel to downtown and Cunha Intermediate School.

Draft Only

I understand that this property access path belongs to Ailanto. I just ask that the community have an opportunity to discuss the proposed fence to block this access as it was not in the original vetting of the CDP for the subdivision. A meeting on Weds, to decide the fate of this important access for the future of our neighborhood does not give me or others time to pursue constructive options for our community. I understand that the CDP request does not encompass these wider community issues but I formally request that more discussion and care be given to the permit application before a decision is made. If nothing else, proper notification of the neighboring properties should be made. While some properties were notified, other property owners, with properties adjacent to the proposed fence learned of the issue by me, not the city. I am not a community organizer, nor have the time for such a hobby, but this is a big enough issue for me and others that we are willing to put the time in to pursue constructive and healthy options for our children and families.

I formally request that this item be tabled and brought before the commission at a later date for full review of the consequences.

Amy Wooliever
600 Highland Ave
HMB
(650)787-9463

Draft Only

Catherine Barber

From: Pat Webb <pwebb@hmbcity.com>
Sent: Tuesday, September 25, 2012 5:54 PM
To: Catherine Barber
Cc: john@jmwassociates.com
Subject: FW: Ailanto/Pacific Ridge fence

FYI -Pat

From: teresa mcwhirt [mailto:teresamcwhirt@gmail.com]
Sent: Tuesday, September 25, 2012 5:45 PM
To: Pat Webb
Subject: Ailanto/Pacific Ridge fence

Dear Ms. Webb,

A neighbor informed us about the CDP on the upcoming Planning Director's Meeting to erect a fence along the property line of the Ailanto /Pacific Ridge development. We live at 696 Silver Ave, which is a property that borders the Ailanto property. We have 2 children who will be on their way to high school in a few years. We are not sure that this fence is as simple as it seems. This blocks an access path that has been utilized for at least the amount of time we have lived in this neighborhood, which is 14 years. In addition, the fence is something we will have to look at everyday and a hog wire fence is not particularly aesthetically pleasing. We do not have a problem with the subdivision, but are very concerned about this fence and the impact on our neighborhood/community.

The families from Grandview Terrace, Highland park and Terrace use this access path and will be forced to either drive to school or walk along Highway 1 which is very dangerous. There are no other safe avenues to get to the high school along highway one (i.e. they have to cross highway 1 to get to the new trail). There are many families from the noted neighborhoods and outside these neighborhoods that use this access path for school, school events and as a walkway to downtown and Cuhna. As a city street, there are lots of cars using Silver and Highland both in the mornings and on event days/evenings to avoid the traffic congestion that happens on school mornings or during events. If the access path is closed, the congestion will become significantly more problematic.

We were not aware of the CDP until a neighbor mentioned it. It is our understanding that anyone within 300 feet should be notified. The fence was not in the original vetting of the CDP for the subdivision. We are requesting that this item be brought before the commission at a later time to give our communities time to pursue appropriate options.

Thank you for your consideration.

Teresa McWhirt
Ken Kennedy
696 Silver Ave.
Half Moon Bay
650-303-6306

Draft Only

Catherine Barber

From: Pat Webb <pwebb@hmbcity.com>
Sent: Wednesday, September 26, 2012 12:46 AM
To: Catherine Barber
Subject: Fwd: CDP regarding the Ailanto Fence - Sept. 26th meeting

FYI

Sent from my iPhone

Begin forwarded message:

From: "monicaarosoff" <monicaarosoff@coastside.net>
Date: September 25, 2012 11:01:13 PM PDT
To: <pwebb@hmbcity.com>
Cc: "monicaarosoff" <monicaarosoff@coastside.net>, "Marc Rosoff" <marcLrosoff@coastside.net>, "Teresa McWhirt" <teresamcwhirt@gmail.com>, <webmaster@hmbreview.com>
Subject: FW: CDP regarding the Ailanto Fence - Sept. 26th meeting

Dear Ms. Webb,

Our neighbors, Teresa McWhirt and Ken Kennedy, kindly shared the letter that they sent you earlier today regarding the proposed fence. Our home is 683 Highland Ave., the house on highland that is immediately adjacent to the Ailanto property and the path that goes from the Highland Park neighborhood to the high school. We also have 2 children who will attend high school in the future, and agree with all of the concerns that were brought to your attention in their letter, which I have pasted below for your reference. We would like to share with you additional concerns that we have regarding the installation of a hog wire fence that blocks access to the high school and to our own fence. We believe that this fence could be erected in such a way that addresses our concerns, and also addresses the liability risk that the Ailanto property owners are concerned about.

Safety Concerns

- We believe that closing off access to the High School from the Highland Park neighborhood is a very significant safety concern. Cutting off access to this section of the high school leaves the baseball field area of the school significantly more isolated from the high school access points. As long time residents of this neighborhood, and neighbors of the high school, we have had to call the police department many times over the past years to stop vandalism of the high school property (in particular the new baseball facilities) and once even to put out a fire in the high school baseball bleachers. Access to the north end of the high school should be preserved for police, fire fighters and medical personnel.
- The high school is the designated Coastside evacuation center. Should there be a true emergency in town, it makes no sense to prevent our neighborhood access to the high school. The fence can and should be erected such that access to the high school is preserved.
- Goals 2 and 3 of the City of Half Moon Bay's Circulation Element of the General Plan are to maintain safe and convenient vehicle access and to promote alternative methods of transportation. We respectfully request that the City not approve the construction of a fence in such a manner that it would guarantee an increase in vehicle congestion at the high school, remove the only safe path for pedestrians to access a crosswalk that connects us to the coastal trail system and downtown, and force residents of the Highland Park neighborhood to use their cars when they previously could have walked or used other alternative modes of transportation.
- With regards to liability concerns, we believe that the proposed fence will generate liability issues for the residents of Highland Ave., as there will be high schoolers and other individuals who will jump our fences to create a shortcut to exit the high school and avoid walking along

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Highway 1, where they previously would have used the path that is located on the border of the Ailanto property (and ours).

- Gang graffiti has been scrawled on our fence repeatedly over the past 5 years. We remove it when it appears, and keep the police apprised of new graffiti. This is very important to monitor gang activity in our community and specifically at the high school. We do not think that it is advisable to block off access to the high school and property fences in such a way that the homeowners and police have no easy way to monitor the appearance of graffiti and deter the perpetrators. Will the high school or the owners of Ailanto properties be responsible for policing their students and for repairing our fence when it is damaged?

Impact on our Property

- We require access to our fence on both sides for maintenance purposes, including the removal of gang graffiti. The proposed fence would cut off access to entire outside perimeter of our fence.
- How is the proposed fence going to be installed such that the path to the high school is closed off? We have not given consent to have any structure connected to our fence, nor has anyone approached us in this regard. We are concerned that installation of the fence as proposed will destabilize our fence.

We plan to attend the meeting that was announced for September 26th. We request that the construction of the fence be brought before the commission at a later time as well, and that the proposal to erect this fence be crafted in such a way that access to the high school is preserved for the reasons that we have outlined above, and that our neighbors have summarized below.

Yours respectfully,

Monica Rosoff
Marc Rosoff
683 Highland Ave.
Half Moon Bay
650-712-8836

Dear Ms. Webb,

A neighbor informed us about the CDP on the upcoming Planning Director's Meeting to erect a fence along the property line of the Ailanto /Pacific Ridge development. We llive at 696 Silver Ave, which is a property that borders the Ailanto property. We have 2 children who will be on their way to high school in a few years. We are not sure that this fence is as simple as it seems. This blocks an access path that has been utilized for at least the amount of time we have lived in this neighborhood, which is 14 years. In addition, the fence is something we will have to look at everyday and a hog wire fence is not particularly aestetically pleasing. We do not have a problem with the subdivision, but are very concerned about this fence and the impact on our neighborhood/community.

The families from Grandview Terrace, Highland park and Terrace use this access path and will be forced to either drive to school or walk along Highway 1 which is very dangerous. There are no other safe avenues to get to the high school along highway one (i.e. they have to cross highway 1 to get to the new trail). There are many families from the noted neighborhoods and outside these neighborhoods that use this access path for school, school events and as a walkway to downtown and Cuhna. As a city street, there are lots of cars using Silver and Highland both in the mornings and on event days/evenings to avoid the traffic congestion that happens on school mornings or during events. If the access path is closed, the congestion will become significantly more problematic.

We were not aware of the CDP until a neighbor mentioned it. It is our understanding that anyone within 300 feet should be notified. The fence was not in the original vetting of the CDP

Draft Only

for the subdivision. We are requesting that this item be brought before the commission at a later time to give our communities time to pursue appropriate options.

Thank you for your consideration.

Teresa McWhirt
Ken Kennedy
696 Silver Ave.
Half Moon Bay
650-303-6306

From: monicaarosoff [mailto:monicaarosoff@coastside.net]
Sent: Tuesday, September 25, 2012 10:45 PM
To: pwebb@hmbcity.org
Cc: 'monicaarosoff'; 'Marc Rosoff'; webmaster@hmbreview.com; 'Teresa McWhirt'; cmolivero@yahoo.com
Subject: CDP regarding the Ailanto Fence - Sept. 26th meeting

Dear Ms. Webb,

Our neighbors, Teresa McWhirt and Ken Kennedy, kindly shared the letter that they sent you earlier today regarding the proposed fence. Our home is 683 Highland Ave., the house on highland that is immediately adjacent to the Ailanto property and the path that goes from the Highland Park neighborhood to the high school. We also have 2 children who will attend high school in the future, and agree with all of the concerns that were brought to your attention in their letter, which I have pasted below for your reference. We would like to share with you additional concerns that we have regarding the installation of a hog wire fence that blocks access to the high school and to our own fence. We believe that this fence could be erected in such a way that addresses our concerns, and also addresses the liability risk that the Ailanto property owners are concerned about.

Safety Concerns

- We believe that closing off access to the High School from the Highland Park neighborhood is a very significant safety concern. Cutting off access to this section of the high school leaves the baseball field area of the school significantly more isolated from the high school access points. As long time residents of this neighborhood, and neighbors of the high school, we have had to call the police department many times over the past years to stop vandalism of the high school property (in particular the new baseball facilities) and once even to put out a fire in the high school baseball bleachers. Access to the north end of the high school should be preserved for police, fire fighters and medical personnel.
- The high school is the designated Coastside evacuation center. Should there be a true emergency in town, it makes no sense to prevent our neighborhood access to the high school. The fence can and should be erected such that access to the high school is preserved.
- Goals 2 and 3 of the City of Half Moon Bay's Circulation Element of the General Plan are to maintain safe and convenient vehicle access and to promote alternative methods of transportation. We respectfully request that the City not approve the construction of a fence in such a manner that it would guarantee an increase in vehicle congestion at the high school, remove the only safe path for pedestrians to access a crosswalk that connects us to the coastal trail system and downtown, and force residents of the Highland Park neighborhood to use their cars when they previously could have walked or used other alternative modes of transportation.
- With regards to liability concerns, we believe that the proposed fence will generate liability issues for the residents of Highland Ave., as there will be high schoolers and other individuals who will jump our fences to create a shortcut to exit the high school and avoid walking along Highway 1, where they previously would have used the path that is located on the border of the Ailanto property (and ours).

Hard Copy

- Gang graffiti has been scrawled on our fence repeatedly over the past 5 years. We remove it when it appears, and keep the police apprised of new graffiti. This is very important to monitor gang activity in our community and specifically at the high school. We do not think that it is advisable to block off access to the high school and property fences in such a way that the homeowners and police have no easy way to monitor the appearance of graffiti and deter the perpetrators. Will the high school or the owners of Ailanto properties be responsible for policing their students and for repairing our fence when it is damaged?

Impact on our Property

- We require access to our fence on both sides for maintenance purposes, including the removal of gang graffiti. The proposed fence would cut off access to entire outside perimeter of our fence.
- How is the proposed fence going to be installed such that the path to the high school is closed off? We have not given consent to have any structure connected to our fence, nor has anyone approached us in this regard. We are concerned that installation of the fence as proposed will destabilize our fence.

We plan to attend the meeting that was announced for September 26th. We request that the construction of the fence be brought before the commission at a later time as well, and that the proposal to erect this fence be crafted in such a way that access to the high school is preserved for the reasons that we have outlined above, and that our neighbors have summarized below.

Yours respectfully,

Monica Rosoff
Marc Rosoff
683 Highland Ave.
Half Moon Bay
650-712-8836

Dear Ms. Webb,

Draft Only

A neighbor informed us about the CDP on the upcoming Planning Director's Meeting to erect a fence along the property line of the Ailanto /Pacific Ridge development. We live at 696 Silver Ave, which is a property that borders the Ailanto property. We have 2 children who will be on their way to high school in a few years. We are not sure that this fence is as simple as it seems. This blocks an access path that has been utilized for at least the amount of time we have lived in this neighborhood, which is 14 years. In addition, the fence is something we will have to look at everyday and a hog wire fence is not particularly aestetically pleasing. We do not have a problem with the subdivision, but are very concerned about this fence and the impact on our neighborhood/community.

The families from Grandview Terrace, Highland park and Terrace use this access path and will be forced to either drive to school or walk along Highway 1 which is very dangerous. There are no other safe avenues to get to the high school along highway one (i.e. they have to cross highway 1 to get to the new trail). There are many families from the noted neighborhoods and outside these neighborhoods that use this access path for school, school events and as a walkway to downtown and Cuhna. As a city street, there are lots of cars using Silver and Highland both in the mornings and on event days/evenings to avoid the traffic congestion that happens on school mornings or during events. If the access path is closed, the congestion will become significantly more problematic.

We were not aware of the CDP until a neighbor mentioned it. It is our understanding that anyone within 300 feet should be notified. The fence was not in the original vetting of the CDP

9-105

for the subdivision. We are requesting that this item be brought before the commission at a later time to give our communities time to pursue appropriate options.

Thank you for your consideration.

Teresa McWhirt
Ken Kennedy
696 Silver Ave.
Half Moon Bay
650-303-6306

Draft Only

September 26, 2012

Pat Webb
Planning Director
City of Half Moon Bay

re: Coastal Development Permit Application
City File # PDP-034-12
APN # 056-350-10
Title: Pacific Ridge / Allanto Property Fence

We support Allanto Property's request to put a fence around their property which would block pedestrian access between the Highland Park neighborhood and Half Moon Bay High School.

People from outside the neighborhood, including visiting baseball teams from as far away as Oakland know about cutting through Allanto's property to get to the high school. This has caused traffic, speeding and congestion problems in our neighborhood.

In October 2011 and in Februrary 2012, multiple Highland Park neighbors met with former Cabrillo Unified School District Superintendent Robert Gaskill, former Half Moon Bay High School Principal Mary Streshly and current Half Moon Bay High School Vice Principal Jarrod Dooley to discuss several issues, including the traffic problems in the Highland Park neighborhood. We voiced the concerns listed below and asked the school district for their help in addressing these concerns. None of the problems listed below have been eliminated and nothing has been done to mitigate their impact on the Highland Park neighborhood. Fencing Allanto's property would solve these problems. The following are excerpts from the meeting documentation with CUSD.

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Road Safety:
The Highland Park Neighborhood is a family neighborhood, heavily populated with children and pets. It has always been a safe neighborhood because it has a single ingress/egress point at Highway 1 and that point is several blocks away from the top of Highland and Silver Avenues. As such, the top of Highland and Silver Avenues are very close to being dead-end, cul-de-sac type streets. You expect this type of street to be safe, with cars moving slowly as they approach the turn-around point at the top. Unfortunately, this is not the case.

Speeding
Speeding is the greatest safety issue in our neighborhood. A neighborhood dog recently came within inches of being hit by a speeding car being driven by a non-neighborhood parent. (Granted the dog should not have been loose, but dogs AND CHILDREN do get loose sometimes and dart into streets.) Recently, a neighbor saw a non-neighbor female high school student speeding up Highland Avenue. The neighbor stood in the middle of the street with hands held high to get the driver to slow down. The driver did not slow down – she kept up her speed and swerved around the neighbor. Other neighbors witnessed a baseball player changing his shirt (pulling it over his head) as he drove down Silver Avenue.

Drop-Off and Pick-Up Zone:
The Highland Park Neighborhood has become a high school drop-off and pick-up zone. This has caused unsafe speeding as parents hurry to drop students off in the morning and pick them up in the afternoon. In addition to the speeding, there is added road congestion at these times. There are also blocked driveways as parents wait for students and a blocked street when parents going in opposite directions stop to talk through their respective driver's windows. Some parents even exit their cars and leave the cars in the street, rendering the street impassible.

These problems are worse this year. We learned that a PTA announcement was made suggesting the Highland Park Neighborhood as a High School drop-off and pick-up zone.

Student and Sports Parking:
The Highland Park Neighborhood has become a satellite parking lot, both for students attending school and for people attending after hours games and practices. Indeed, we understand the High School baseball team has told visiting teams and umpires that parking in Highland Park is closer than parking in the school lot. This parking has caused unsafe speeding, parking congestion, littering, public urination, undressing to change into uniforms, and congregation in front of homes by non-neighborhood teens and young adults.
Please see first two photos

In addition to the traffic problems that were discussed with CUSD, there is another serious concern for the homes at the top of Highland and Silver Avenues:

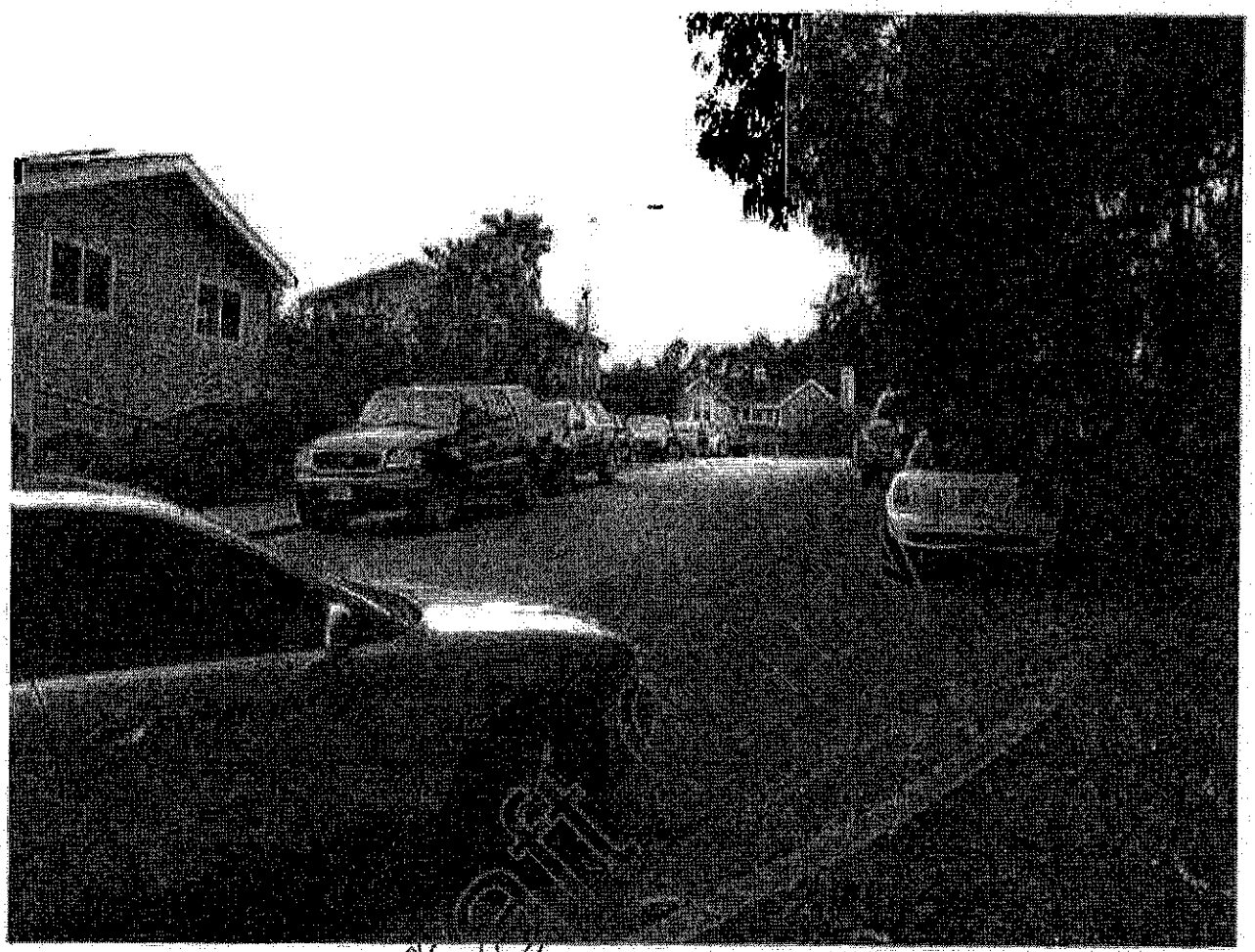
Flammable Eucalyptus Trees
At the top of Highland Avenue, there is a drainage ditch that is surrounded by and overhung by a grove of flammable eucalyptus trees. This drainage ditch has become a play area for neighborhood kids and a "hang-out" area for high school students. In Spring of 2012, a large "fort" was built in the drainage ditch where we have found evidence of smoking. There have also been at least two homeless encampments in the trees, on which we had to call the Half Moon Bay Police. A fire in these trees would be catastrophic due to their close proximity to homes.
Please see third photo

Draft only

Again, we support Ailanto Property's desire to build a fence around their property, which would block pedestrian access between the Highland Park neighborhood and Half Moon Bay High School and we respectfully request that you approve their permit to do so.

Thank you very much,

Frank and Doreen Gerrity
Highland Park Neighborhood
Half Moon Bay, CA



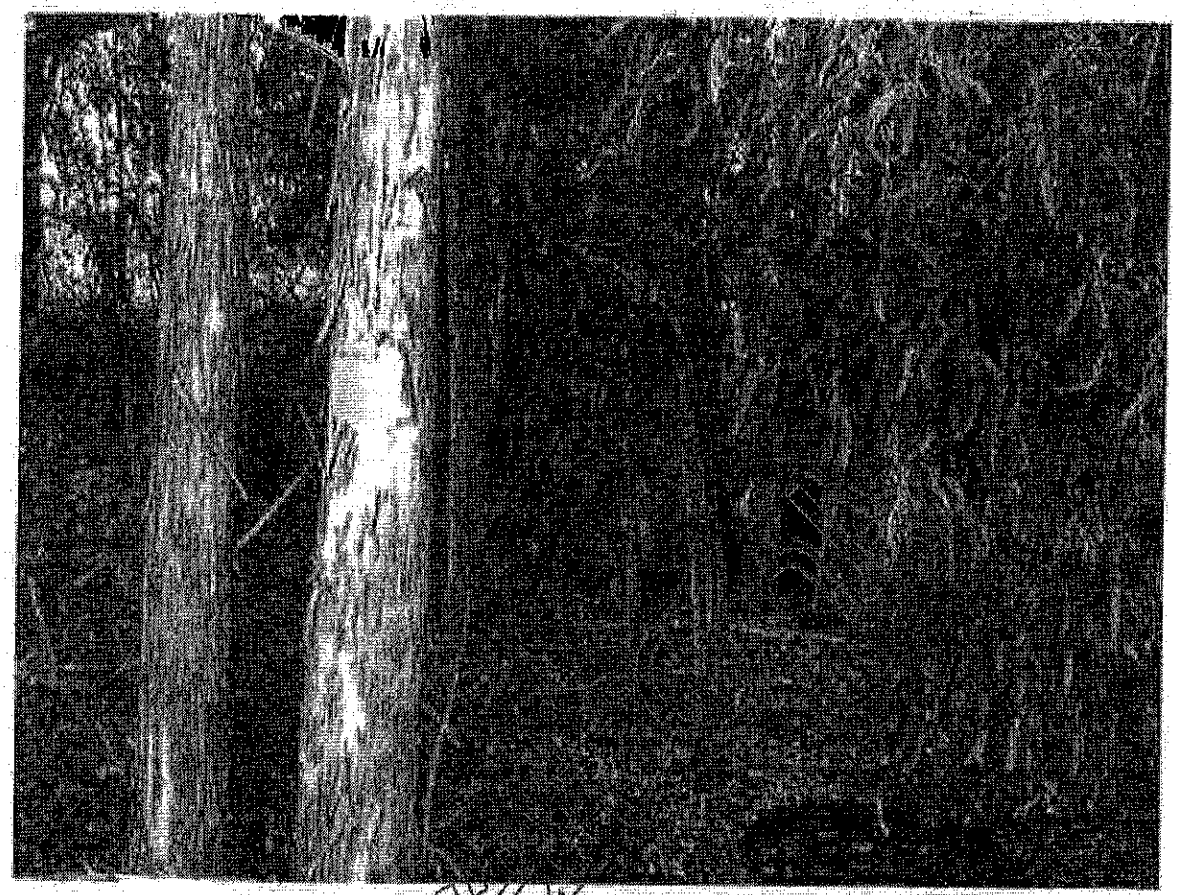
Cars parked along Highland and Silver Avenues

Draft



Visitors unloading cars along Highland and Silver Avenues

Draft Only



Fort in Ditch at top of Higland Avenue / along Ailanto Path
Cigarette packs were found next to the fort
Students and visitors ignore the yellow "No Trespassing" signs

Catherine Barber

From: Pat Webb [pwebb@hmbcity.com] **Sent:** Mon 10/1/2012 9:37 AM
To: Catherine Barber
Cc:
Subject: Fwd: More hog-wire fencing around my neighborhood
Attachments:

FYI - Pat

Sent from my iPhone

Begin forwarded message:

> **From:** Kevin Connell <kevconnell75@gmail.com>
> **Date:** September 28, 2012 1:53:02 PM PDT
> **To:** pwebb@hmbcity.com
> **Cc:** Liza Miller <lizamiller123@yahoo.com>
> **Subject: More hog-wire fencing around my neighborhood**
>
> Hi,
>
> Just read this story:
> http://halfmoonbay.patch.com/articles/new-hog-wire-fence-poses-problems-for-neighborhood#photo-11501697
>
> Are you planning on cutting off access for Highland park neighborhood residents to the high school? Do you really think a fence is going to keep high school kids out? The fence will be cut within the first week it is erected.
>
> I still do not understand why the neighborhood is such an after-thought from a planning standpoint. No easements of any kind? No cross walks across route 1 or sidewalk along the busiest highway on the coast? Do you think it is slightly dangerous for me to carry my two small children across the highway? There is a tremendous amount of open space – some city land – surrounding this neighborhood, yet residents are literally being fenced in like cattle.
>
> Finding out about this kind of thing via google is extremely aggravating. I will see you at the next planning meeting.
>
> Regards,
> Kevin Connell
> 538 Silver Ave

Draft Only

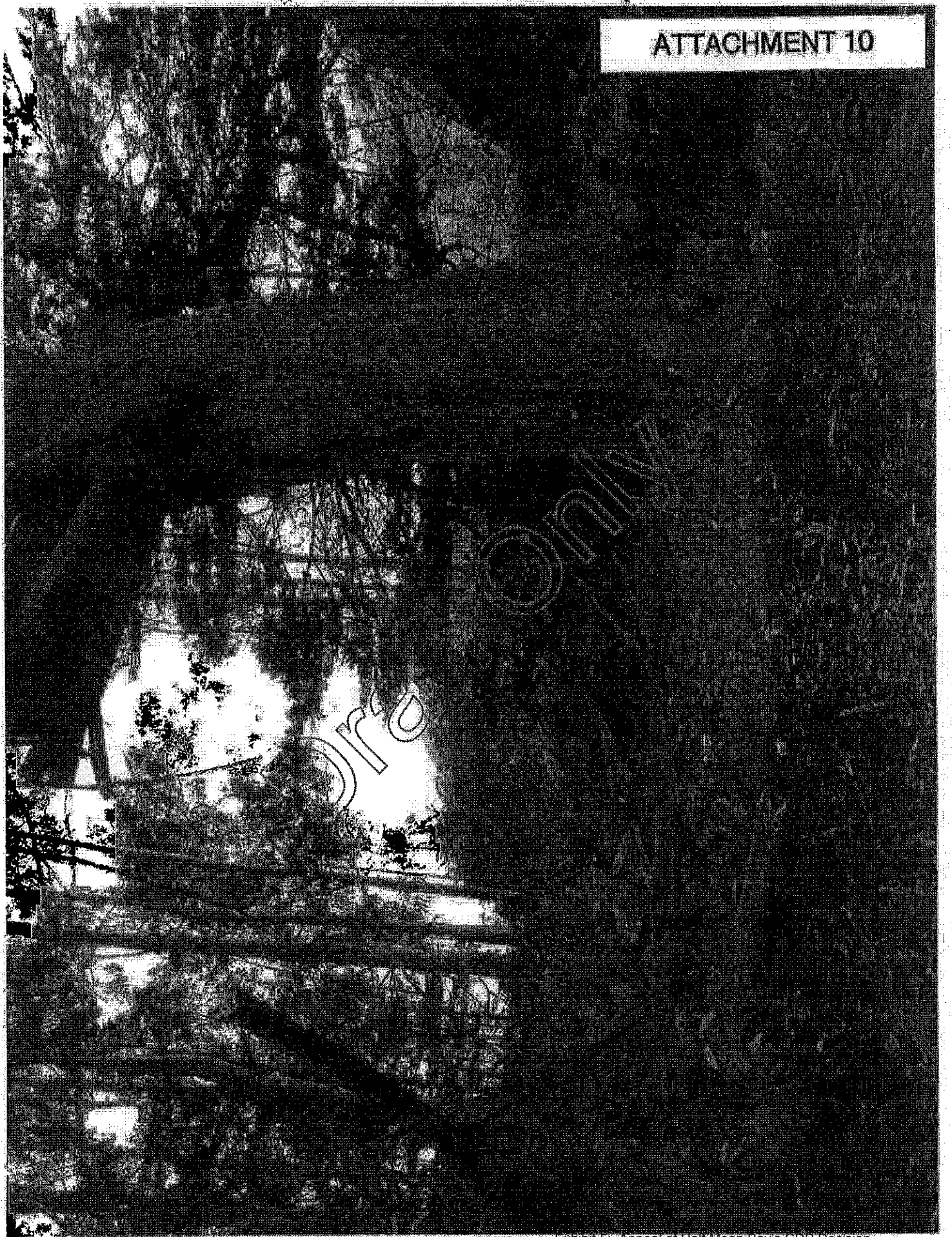
9-112

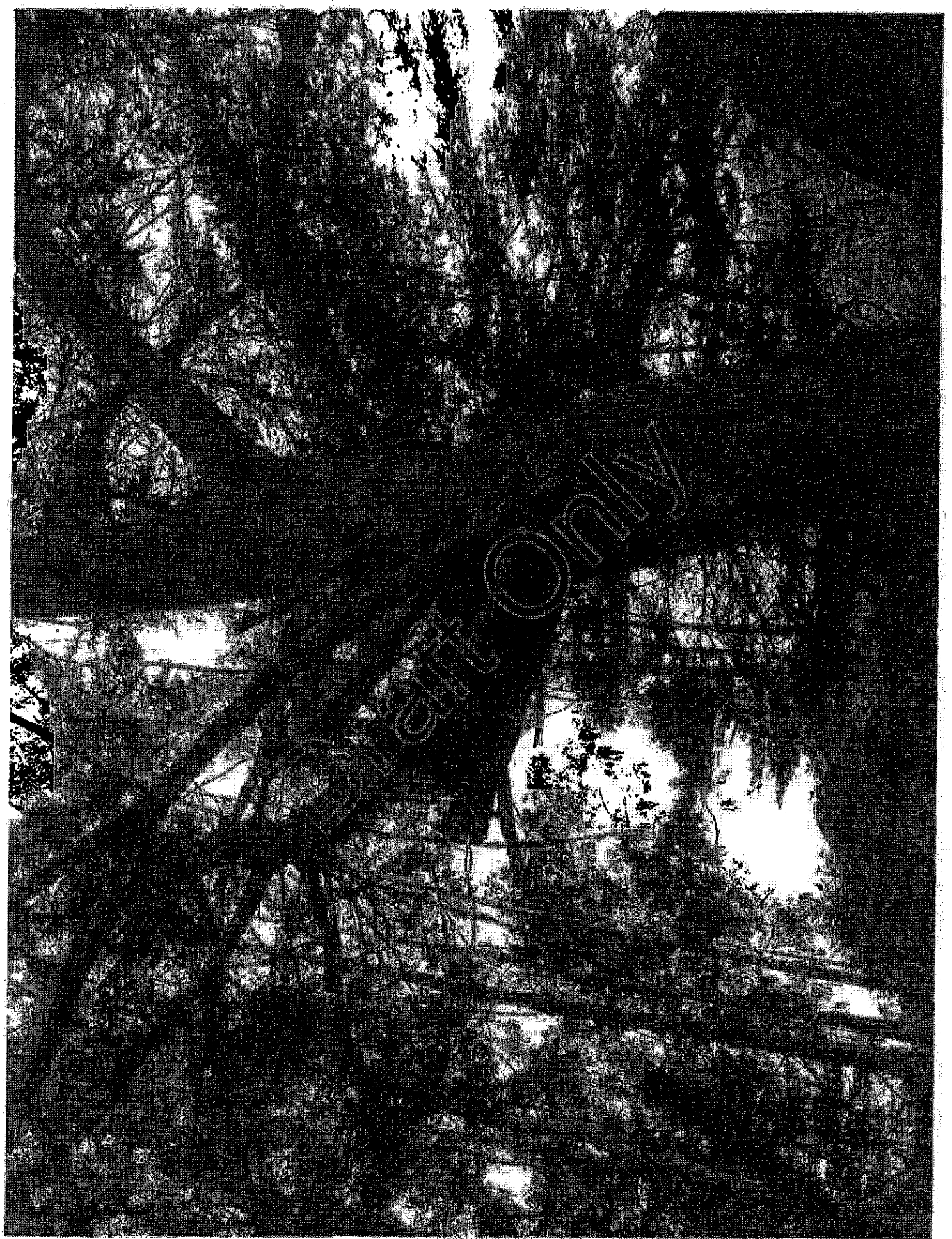
Draft Only

ATTACHMENT - 10

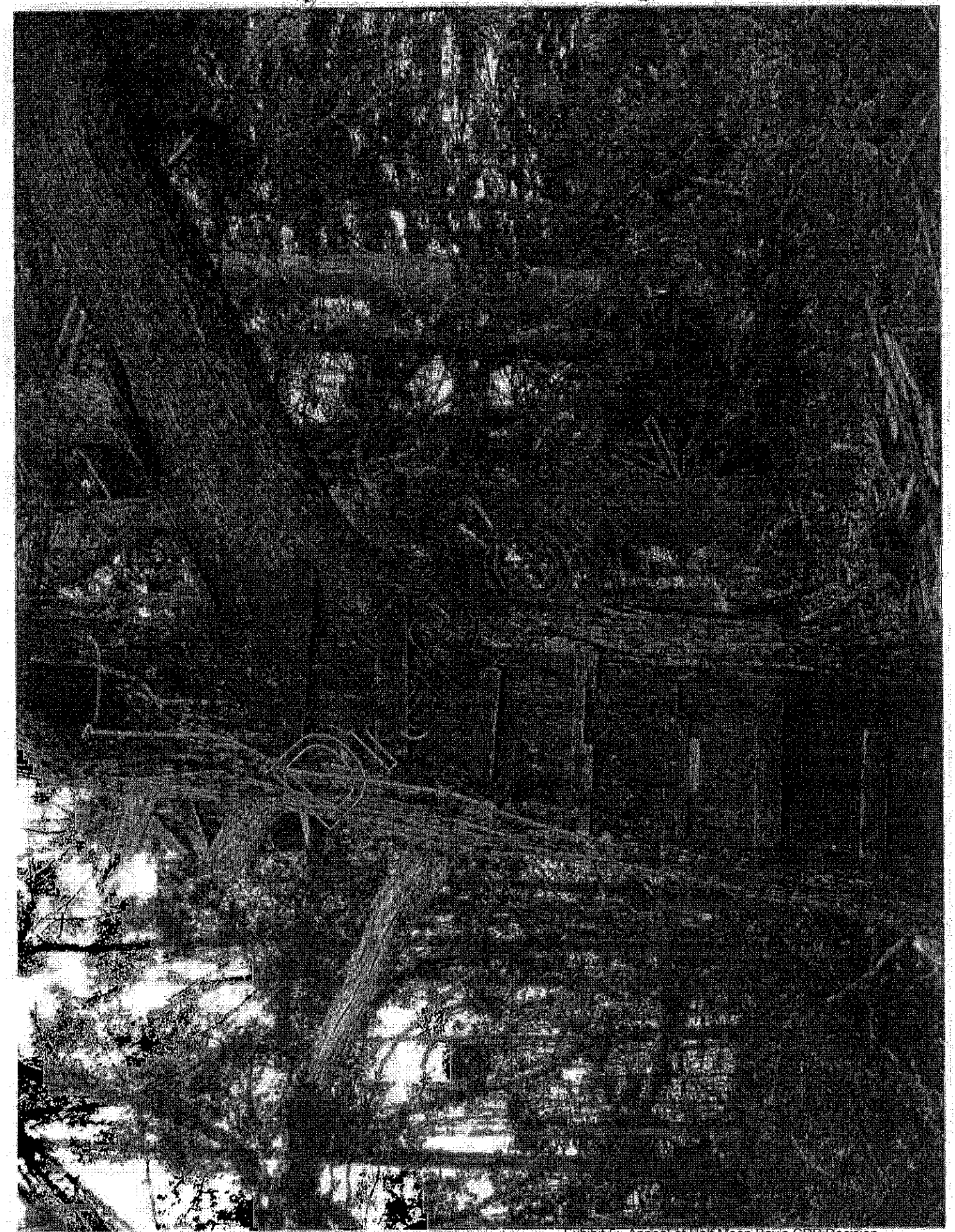
9-113

ATTACHMENT 10





Art Only



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Photo only

Draft Only

ATTACHMENT - 11

ATTACHMENT 11

CITY CLERK - HMB
2012 OCT 10 AM 2:20

CITY OF HALF MOON BAY

APPEAL FORM

Appeal of Action by:
(Check One)

- ☐ **Architectural Review Committee** (7 Working Days After Date of Action)
- ☐ **Planning Director** (10 Working Days After Date of Action)
- ☒ **Planning Commission** (10 Working Days After Date of Action)

Project Number and Location: ~~PDP-024-12~~ PDP-024-12, HIGHLAND FENCE

Date of Action: 9/26/12 **Date Appeal Period Ends:** 10/10/12

Name of Appellant: Marc L. Rosoff, Monica Rosoff

Address: 683 Highland Ave., Half Moon Bay, CA 94019
Street Number, City, State, Zip

Phone Numbers: 650. 712 8836
☐☐

Please Attach a Separate Statement of Appeal That Describes in Detail the Grounds for the Appeal and the Relief Being Sought

Signature of Appellant: Marc L. Rosoff, Monica Rosoff 10/9/12

****

STAFF USE ONLY

Appealable to Coastal Commission: ☐ Yes ☐ No

Subject to City Appeal Fee: ☐ Yes ☐ No

City Fee Collected: _____

Received by: _____ **Date:** _____

Draft Only

9-120

CITY OF HALF MOON BAY

APPEAL FORM

Appeal of Action by:
(Check One)

- ☐ **Architectural Review Committee** (7 Working Days After Date of Action)
- ☐ **Planning Director** (10 Working Days After Date of Action)
- ☒ **Planning Commission** (10 Working Days After Date of Action)

Project Number and Location: PDP-034-12, AILANTO HIGHLAND FENCE

Date of Action: 9/26/12 **Date Appeal Period Ends:** 10/10/12

Name of Appellant: Teresa Mehurst Kenneth Kennedy

Address: 696 Silver Ave, Half Moon Bay, CA 94019
Street Number, City, State, Zip

Phone Numbers: 650-303-6306
☐☐

Please Attach a Separate Statement of Appeal That Describes in Detail the Grounds for the Appeal and the Relief Being Sought

Signature of Appellant: Teresa L. Mehurst

****

STAFF USE ONLY

Appealable to Coastal Commission: ☐ Yes ☐ No

Subject to City Appeal Fee: ☐ Yes ☐ No

City Fee Collected: _____

Received by: _____ **Date:** _____

Office Copy

9-121

CITY OF HALF MOON BAY

APPEAL FORM

Appeal of Action by:
(Check One)

- ☐ **Architectural Review Committee** (7 Working Days After Date of Action)
- ☐ **Planning Director** (10 Working Days After Date of Action)
- ☒ **Planning Commission** (10 Working Days After Date of Action)

Project Number and Location: PDP-034-12, ATLANTO HIGHLAND FENCE

Date of Action: 9/26/12 **Date Appeal Period Ends:** 10/10/12

Name of Appellant: AMY & PATRICK WOOLIEVER

Address: 600 HIGHLAND, HMB, CA 94019
Street Number, City, State, Zip

Phone Numbers: 650.726.1123 Patrick 315-9665
☐☐

Please Attach a Separate Statement of Appeal That Describes in Detail the Grounds for the Appeal and the Relief Being Sought

Signature of Appellant: Amy Woolever / Patrick Wool

****

STAFF USE ONLY

Appealable to Coastal Commission: ☐ Yes ☐ No

Subject to City Appeal Fee: ☐ Yes ☐ No

City Fee Collected: _____

Received by: _____ **Date:** _____

Draft Only

9-122

APPEAL TO THE PLANNING COMMISSION OF THE CITY OF HALF MOON BAY
October 10, 2012

PDP-034-12: Request for a Coastal Development Permit to allow the installation of a Hog Wire Fence in the Highland Park Neighborhood.
Approved by Planning Director, Pat Webb on September 26, 2012

Appellants, Marc and Monica Rosoff, Patrick and Amy Wooliever, Ken Kennedy and Teresa McWhirt, as residents of the City of Half Moon Bay as well as the Highland Park neighborhood, request that the Planning Commission deny the approval of the Coastal Development Permit (CDP) submitted by Ailanto Properties to build a fence as proposed along the SW border of the Ailanto property, to allow for further study and to mitigate the impact of the fence to Half Moon Bay.

Background:
On July 2, 2012, Ailanto Properties, Inc. submitted an application for a CDP to the City of Half Moon Bay to allow the installation of a hog wire/field fence. A fence is considered "development" under the Local Coastal Program (LCP). The fence would be constructed along the southwestern and southern boundary of Pacific Ridge development, beginning at the terminus of Silver Ave, extending south to the terminus of Highland Ave and following the southern property line east. The fence has a planned height of 6 feet and a total length of 825 feet.

The primary justification, as noted in the city staff report: "Liability issues have driven the need for the fencing. This area has been used as a shortcut to Half Moon Bay High School." This description is vague and does not provide notice as to why the shortcut to HMBHS creates liability issues. Indeed, there is no support for any liability concerns associated with the shortcut to HMBHS. Rather, the historic footpath has been used for many years as an alternate access point to HMBHS without incident. It is the installation of the fence that will lead to liability issues for the City and Ailanto Properties, not the current footpath.

A public hearing was held at the Planning Director's meeting of September 26, 2012. More than a dozen area residents shared both their support and their objections with the CDP application. The CDP application was approved by Planning Director Pat Webb on September 26, 2012.

While acknowledging a few neighbors are in favor of fencing off the access to HMBHS, many more neighborhood residents are very concerned about the impact of the CDP approval and request that you consider our appeal of Ms. Webb's decision. We believe that Ailanto's liability concerns which were used as a basis for the CDP approval, should be mitigated, but in a way that maintains the current and historic access. Further, the traffic conditions from people using the footpath from outside of the Highland Park neighborhood are an existing condition, closure of the footpath will change conditions rather than add to the existing traffic in the neighborhood. We urge the Commission to separate the neighborhood traffic concerns related to the footpath and the liability of the property owner, expressed by the Planning Director and others, when considering this appeal.

9-123

- Blocking the footpath access eliminates the only pedestrian and bicycle route for our Highland Park neighborhood children and families, to access HMBHS, downtown Half Moon Bay, the Coastal Trail and our beaches. If the access is blocked, there is no safe alternative to enter or exit the neighborhood except by car; there are no crosswalks or sidewalks connecting Highland Park to the rest of the Half Moon Bay Community. The traffic light which may or may not be installed at the intersection of Terrace and Highway 1 sometime in the future is not adequate mitigation to our concerns regarding access, as there is no guarantee that it will ever be installed.
- The east side of Highway 1 from Terrace Avenue to Main Street is unsafe for pedestrians use. Sections of the pavement outside the traffic lanes have less than 3 feet of space for pedestrians. We are very concerned for the safety of our children and all other pedestrians and bicyclists in Highland Park, as they would be forced to walk along Highway 1 to reach a crosswalk. Sadly, pedestrian and bicyclist fatalities along Highway 1 are well documented and the Planning Commission should recognize that the proposed fence places our residents at risk, in particular our high schoolers, who will be forced to walk the highway as early as 6:20 am, when it is still dark outside, to reach class on time.
- Traffic will increase at the already impacted intersections of Terrace/Hwy 1 and Hwy/Main Street during morning and afternoon hours. Fearing the safety risk to their children walking or biking Highway 1, many parents will be forced to drive their children to school. This impact on traffic was not studied in the original CDP approved for the Ailanto Pacific Ridge development, as the scope of the CDP scope did not include a fence blocking the foot trail connecting the Highland Park neighborhood with HMBHS.
- Reducing safe and healthy routes to school has a negative impact on the physical health of our community children.
- The Highland Park neighborhood has no recreational space. With the approval of the CDP, we will now be "fenced in" and blocked from the rest of HMB by a fence, houses and Highway 1. The CDP approved for the Pacific Ridge development in 2006 designated parcel F (adjacent to HMBHS) as park facilities and parcel D (adjacent to the Highland Park neighborhood) as open space. The proposed fence, which was not in the scope of the original CDP, blocks access to these parcels, and also blocks the neighborhood's existing access to the HMBHS facilities. This is contrary to the original development plans, and therefore, did not provide proper notice.
- HMBHS is the designated evacuation facility for Half Moon Bay. If evacuation is required because of a natural disaster (e.g., tsunami, earthquake, fire), or other emergency Highland Park residents would be forced to travel into the evacuation zone (Hwy 1) to reach the safety of higher ground or the designated evacuation facility. Other eastside neighborhoods within the evacuation zone (Frenchman's Creek, Grandview) have better emergency access out of the neighborhood in case of an emergency. Additionally, adding more traffic to Highway 1 would make it more difficult to evacuate those most at risk from the ocean west of Highway 1.
- The footpath access in question has been in existence and has been used by the community for at least 30 years. Several longtime HMB residents, now in their 40s and 50s remember using the footpath to get to HMBHS when they were

Exhibit 5: Appeal of Half Moon Bay's CDP Decision
Page 136 of 240

students even before the Highland Park neighborhood was developed, and well before Ailanto acquired the Dykstra ranch property in 1985.

Basis of Appeal/Rationale:

This appeal is based on the following issues which frame our concern and were not adequately studied or considered in the staff report presented:

1. Increased Traffic on Highway 1:

The proposed fence will block access to Half Moon Bay (HMB) for neighborhood children and families and substantially increase traffic on Highway 1, especially between Terrace and North Main Street during peak morning and afternoon traffic times.

The traffic mitigation plan included in the original CDP for the Pacific Ridge Development, was improved with the guarantee of millions of dollars in traffic improvements on Hwy 1 and the reduction of the total homes to be built to 63 from the original plan of over 200 homes. The proposed Ailanto fence was not in the original CDP and not in the approved plan for the Pacific Ridge Development, therefore, the careful consideration, traffic studies, and subsequent lawsuits and agreement to establish a reasonable development plan, did not take into account the number of residents using the footpath. Based on our informal survey and knowledge of the neighborhood, the footpath is used approximately 700 times per week based on the following estimates:

- Highland Park HMBHS Students (walking): 100 trips (10+ students @ 2 trips/day)
- Grandview Terrace HMBHS Students (walking): 100 trips (10+ @ 2 trips/day)
- Other HMBHS Students: 300 trips (30+ students)
- Highland Park Residents for Recreation (to HMBHS, downtown, beaches): 200 trips/week

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While the proposed Ailanto fence will not convert all these trips to vehicle trips along Highway 1, the vast majority will result in more cars using Highway 1. By comparison, the approved CDP for the Pacific Ridge Development of 63 homes included two traffic estimates, the lower of which estimated 700 weekly car trips would be added to the existing 1200 car trips exiting Terrace to Highway 1.

The increased vehicle traffic resulting from the proposed Ailanto fence should not be ignored as the traffic impact on Hwy 1 has been well-studied. The new CDP submitted by Ailanto Properties to build a fence that blocks this access does not conform with Coastal Acts 30210 and 30252, which require that development shall not interfere with the public's ability to access the sea. The location and the amount of new development should maintain and enhance public access to the coast. The negative impact of the proposed Ailanto fence to the public's access to the sea and mitigation of these negative impacts should be required as a condition for the approval of the CDP. If the proposed Ailanto fence had been included in the original CDP proposal, additional

mitigation plans, such as a planned access point within the development, likely would have been required by the City of Half Moon Bay in accordance with the Local Coastal Plan. The Planning Commission should consider this impact and reject or delay the approval of the fence CDP, so that appropriate mitigation plans can be considered and put in place, per Half Moon Bay City Policy.

The Planning Director staff report made no mention of traffic impacts, likely unaware of the traffic impact of the fence CDP application and the level of footpath use. At face value, a fence seems to be a benign way to solve an issue of liability and property rights.

The Planning Commission should be absolutely clear that blocking the only reasonably safe pedestrian access to HMBHS, downtown, and the ocean will increase traffic, but also force any pedestrians or bicyclists leaving or accessing Highland Park to use the Terrace/Highway 1 intersection. The fact that children or adults may need to walk a little further to reach school or other destinations is an inconvenience, but traffic/safety is a much larger issue. Our concern for adults and children walking along Highway 1 to reach school or recreation is supported by multiple recent studies. In 2010, the Surface Transportation Policy Partnership "pedestrian danger index" ranked San Mateo County as one of the 5 most dangerous counties for pedestrians in California (http://www.transact.org/Ca/dangerousbydesign.htm). The San Mateo County Comprehensive Bicycle and Pedestrian Plan (the CCBP), updated in 2012 states:

- 17% of trips to school are made on foot.
- 16% of all trips are made by school-age children on foot.
- 27% of all early morning congestion can be attributed to parents dropping off their children at school (p.2).
- From 2004-2008, bicyclists and pedestrians accounted for 8% and 27% of all traffic fatalities in San Mateo County.
- The intersection of Hwy 1 and Hwy 92 is noted for its high incidence of bicycle collisions (p. vii).
- The HMBHS area is called out in the county maps (Figure E-2 of the CBPP Main Report, http://www.ccag.ca.gov/pdf/plans-reports/SMC%20Bike%20Plan%202011/CBPP_Main%20Report_Sept2011_FINAL.pdf)

  as a Pedestrian Focus Area, as an area of county-wide significance which should receive the highest priority for the funding of projects that improve pedestrian access and safe routes to school.

In summary, while a fence is exempted from California Environmental Quality Act under Section 15303, the proposed Ailanto fence, blocking a historic access, will add traffic during peak hours on a congested stretch of Hwy 1, a fact given no consideration in the planning staff report. Finally, we implore that the planning staff consider that, by finding an acceptable solution that meets the needs of Ailanto and the community, we will avoid putting our children and all pedestrians and bicyclists in harm's way.

9-126

2. Reducing or Eliminating Pedestrian or Bike Access to Recreation:

Installation of a fence, blocking access to safe pedestrian and bike travel to Half Moon Bay will substantially limit access to recreation areas including but not limited to the Coastal Trail, downtown, beaches, HMBHS athletic facilities.

It is not apparent that the impact of this fence on the public's ability to access our beautiful coastal trail, recreation facilities and beaches was considered in the planning staff report. The Highland Park neighborhood has no parks or recreational areas and all lots are currently developed leaving no room for future park or recreational facilities. The Local Coastal Plan recognizes that school playgrounds meet the unmet recreation needs in Half Moon Bay, "Existing parks are chiefly used for passive recreation, with school playgrounds and,.. currently serving active recreation demand" (LCP, Chapter 2, page 28). In the original Highland Park development plan, an easement was in place previously dedicated to become recreational space, but it was released by the City of Half Moon Bay. A private residence has been built on this land. The access to the HMBHS and to the Coastal Trail are critical recreation resources for this neighborhood Construction of the proposed Allanto fence will eliminate this access to recreational spaces that Highland Park residents currently enjoy. Such action will also serve to reduce property values of the families in the Highland Park development, because access to recreational resources by foot or bicycle will be eliminated. We would like to note that the potential future installation of a traffic light at the intersection of Terrace and Highway 1 will not mitigate the negative impact that the proposed Allanto fence would have on the Highland Park neighborhood based on the elimination of direct access to existing recreational facilities such as the HMBHS fields.

Public access to and along the coast to maximize public recreational opportunities in the coastal zone is clearly delineated in the LCP. Section 2.2c of the LCP Land Use Plan mandates that the City maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners. Also noted in the LCP Land Use Plan, Policy 1-4 stipulates that prior to the issuance of any development permit, the city shall make the finding that the development meets the standards set forth in all applicable Land Use Plan policies.

It is necessary for the City, the property owner, and the community to work together to find a solution that addresses the concerns of Allanto Properties, and that also allows the proposed fence CDP to conform with the following Coastal Act Policies (excerpts below):

- 30210, which ensures maximum access to recreational opportunities for all the people consistent with public safety needs,

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- 30211, which states that Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization.
- 30252.6, which stipulates that the locations and amount of new development should maintain and enhance public access to the coast by 1) facilitating the provision or extension of transit service, 2) providing commercial facilities within or adjoining residential development or in other areas that minimize the use of coastal access roads, 3) providing non-automobile circulation within the development,
- 30212, which stipulates that public access to the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where 1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; 2) adequate access exists nearby, 3) agriculture would not be adversely affected. Nothing in this division shall restrict public access or shall it excuse the performance of duties and responsibilities of public agencies which are required by sections 66478.1 -66478.14 inclusive, of the Government Code and by section 4 of Article X of the California Constitution.

In addition, approval of the proposed Allanto fence does not support goal #3 of the General Circulation Plan of Half Moon Bay, which is to encourage alternative modes of transportation, such as bicycling, walking, and public transit to reduce single occupancy vehicle traffic, minimize environmental impacts, and improve personal health and recreational enjoyment. According to Policy #9 of the General Circulation Plan, new residential and commercial development must be planned and designed to accommodate, enhance and provide facilities for adopted bicycle, pedestrian and public transit circulation plans. A fence is considered development under the LCP.

3. Inadequate Notice of Impacted Property Owners (photos included at end):

The proposed Allanto fence CDP notification failed to meet several requirement of the Municipal Code for public notice:

Municipal Code, 17.22.045 Public required stipulates the following requirements:

1. *At least ten days prior to the public hearing, notice shall be published in a newspaper of general circulation within the city of Half Moon Bay.*
2. *Public notice conforming to the requirements of this title shall be mailed to all property owners within 300 feet of the boundaries of the proposed subdivision.*
3. *A copy of the public notice shall be conspicuously posted on the site of the proposed subdivision adjacent to every public street or access way at least ten days prior to the public hearing. (Ord. 3-94 §1(part), 1994).*

Several property owners, specifically HMBHS/Cabrillo School District and two other neighboring properties to Allanto, have no record of receiving notice of the public hearing for the proposed fence. When this point was raised at the 9/26/2012 meeting of the Planning Director, the audience was informed that a best effort had been made to provide adequate notice. Municipal Code is clear on the requirements of adequate notice and proper notification procedures are expected and required.

9-128

Additionally, the Municipal Code requires conspicuous notice at the site adjacent to every public street or access way. For the fence CDP, a single notice was nailed to a tree on the footpath past the entrance and not visible without being on Ailanto property. This clearly does not meet the standard of "conspicuous" as one had to actually be trespassing to view the notice.

Further, the single notice posted at the top of Highland clearly does not constitute notice along "every public street" as dictated by Municipal Code. No notice was posted at the terminus of Silver Avenue or Terrace Ave both of which are adjacent to the proposed fence. Also, no notice was posted on the property boundary between Ailanto and Cabrillo Unified School District. A conspicuous notice facing the school property would have alerted people using the footpath travelling from HMBHS to the Highland Park neighborhood. The property boundary is a clear access way for Cabrillo and required for public viewing as the boundary borders the baseball field/batting cage area of the school grounds and is used by students and school personnel daily.

Finally and most importantly, the notice did not clearly or adequately explain the fence location and resulting impact. Whether intentional or not, the notice described the fence (6-foot hog-wire fence), but not the salient and key fact that installation along the property boundary would cut footpath access because the footpath is on the Ailanto property. Given the long-term use of the footpath and the location of the single public notice on a tree on the east side of the footpath, behind a fence, most people assumed incorrectly that the property line and proposed fence would not affect the footpath.

Proper noticing of community members was unclear, insufficient, and incomplete and not to the standard set forth in Municipal Code 17.22.045.

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4. Community Health

Keeping the footpath from Highland Ave. to HMBHS contributes to the efforts of the City of Half Moon Bay to foster a pedestrian- and bicycle-friendly, healthy, environmentally responsible community.

Rather than reducing access to public recreation facilities and the coast by erecting fences, improving existing the access route to HMBHS is beneficial to the Half Moon Bay community overall by promoting a healthy lifestyle, environmental responsibility and economic competitiveness. Walk San Diego, a community-based California non-profit, reports that during the housing crash, homes in communities deemed walkable maintained almost 5% more of their value than non-walkable communities with similar neighborhood demographics ("Walkable Communities Lose Less Value", Wall Street Journal, Nov. 8, 2010). By contrast, common sense dictates that houses located in a neighborhood that is fenced in by a 6-foot high hog-wire fence will be much less likely to be top picks in a struggling real estate market.

A walkable city also promotes a healthy community. The 2012 San Mateo Comprehensive Bicycle and Pedestrian Plan (the CCBP) summarizes the issue (p. 3): "As the percentage of children walking to school has dropped precipitously in a generation, rates of obesity and chronic disease (namely diabetes) have

skyrocketed. Following a similar trend, less than half of all U.S. adults now achieve healthy levels of physical activity according to the Centers for Disease Control and Prevention. While the causes and issues involved are complex, there is a growing consensus that poor access to walkable neighborhoods is a prime contributor to this public health epidemic."

Health data is gathered each year for Cabrillo Unified School District. In addition to tests of physical strength and agility, students are weighed and measured. The chart below shows the fitness of our local children is also declining over time:

Percentage of Cabrillo Unified 9th graders in Healthy Fitness Zone *

2007	2009	2011
82.7%	77.5%	61.1%

* Body Mass Index (BMI). Data collected by the California Department of Education http://www.cde.ca.gov/ta/tg/pf/pftresults.asp

We as a community should be doing everything we can to help our children and community develop healthy lifestyles. We are committed to working collaboratively with Ailanto Properties, city officials, the school district and the residents of Highland Park to balance the needs of the community with property owner's rights.

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5. Long-time Access Blocked

Individuals who have supported the installation of the fence and the closure of the North access to HMBHS have highlighted that children and community members should not be trespassing on Ailanto property. It is important to emphasize that the footpath access in question was in existence and has functioned as a trail serving the Coastside community for well over 30 years, predating the purchase of the Ailanto property in 1985. Ailanto has owned the Dykstra ranch property for 27 years, and has been aware that the footpath has been used consistently and continuously by HMBHS students walking to school not only from the Highland Park neighborhood, but also from the Spindrift and Grandview neighborhoods.

On sites with coastal development permit proposals, where investigation shows that public use is substantial enough to create potential prescriptive rights, the Coastal Commission is required to protect those areas of use prior to approving a development project that would interfere with those rights. (Some Facts About Prescriptive Rights, California Coastal Commission, 2001 http://www.coastal.ca.gov/access/pr-access-facts.pdf) While the footpath is not a direct access to the shoreline, it is the safe pedestrian and bicycle access to reach the shoreline.

In accordance with the general policies of the LCP Land Use Plan, the role of the City of Half Moon Bay is to require public dedications or prescriptive easements where required to ensure compliance with the Coastal Commission policies, and to accept and retain offers of dedication until the State of CA, the County of San Mateo, or any private entity organized for the acquisition of public dedication are in a position to accept the responsibility for maintenance and liability. Appellants request that the City Planning Commission deny or postpone acceptance of the CDP so that our community has an opportunity to engage in dialogue and cooperation to identify solutions that will address and balance private property owner concerns with the safety, access and recreation needs of the community.

The appellants are supportive of the property rights of Ailanto and recognize their liability concerns. We hear and respect the neighborhood concerns regarding traffic and litter and have taken an active role in mitigating the effect of speeding and debris. It is our children who play ball in the streets, ride bikes in the neighborhood and are most at risk of speeding cars and any unsafe trash or litter. Consequently, we work continually to improve the safety of our neighborhood by stopping or slowing drivers that go too fast and explaining our concerns to people outside the neighborhood, and collecting trash. During the hearing that took place on September 26th, 2012, it was implied that many of the supporters of the fence did not believe that the rights of the property owner, Ailanto, were being adequately considered by the opponents. Both the Planning Director and the subsequent HMB Review coverage correctly labeled Highland Park as a "neighborhood divided". The majority of Highland Park residents were neither aware nor adequately notified of this CDP. Residents bordering the fence (who have not given consent to any structure being attached to their fence) had no idea as to the scope of the project. As a result, the 9/26/2012 public hearing portrayed a distorted view of neighborhood sentiment.

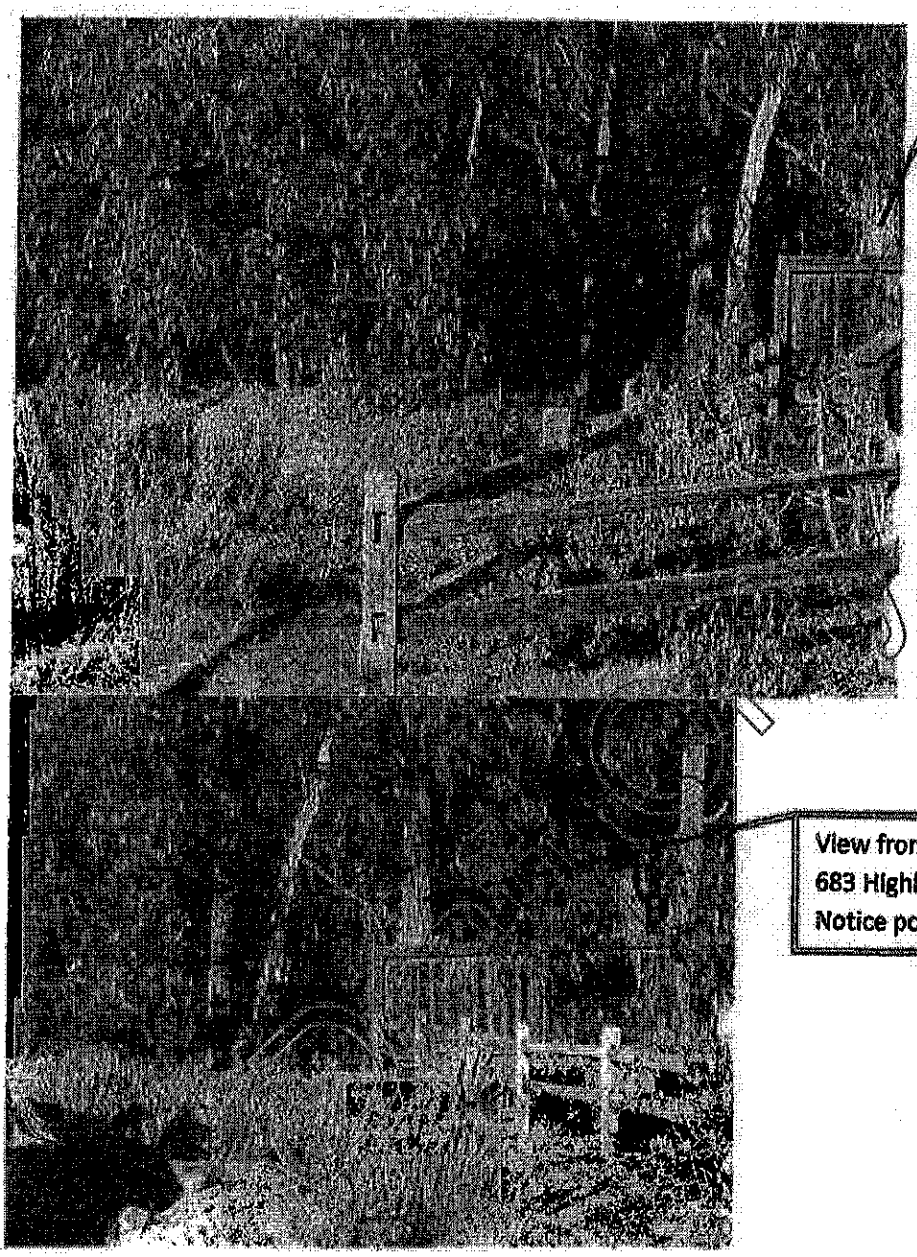
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In closing, community dialogue is important to make our neighborhood a safer, better place for all of our residents. The City Planning Commission has an opportunity to provide a chance for the interested parties to forge a solution that improves access in our community, reduces car trips and traffic, and increases safety. The appellants want to work with those parties toward a solution to keep our children safe, uphold the rights and provisions of the Coastal Act providing access to our beautiful coast, recreation areas and town while respecting the Ailanto's property rights and the concerns of fence supporters. The appellants request that the Planning Commission take into consideration the needs and concerns brought forward by the community and summarized in this appeal regarding the negative impact of the proposed fence, and deny the approval of the CDP to allow these discussions to take place. Approving the CDP as it has been proposed is a missed opportunity for the community, a culmination of poor planning decisions over the years, which leave our subdivisions isolated and

reliant on vehicular travel in a region of Half Moon Bay which can sorely afford one more car on the road. Approval of this CDP has a substantial negative effect both on the Highland Park neighborhood residents and Half Moon Bay residents and visitors traveling our local arterial highways.

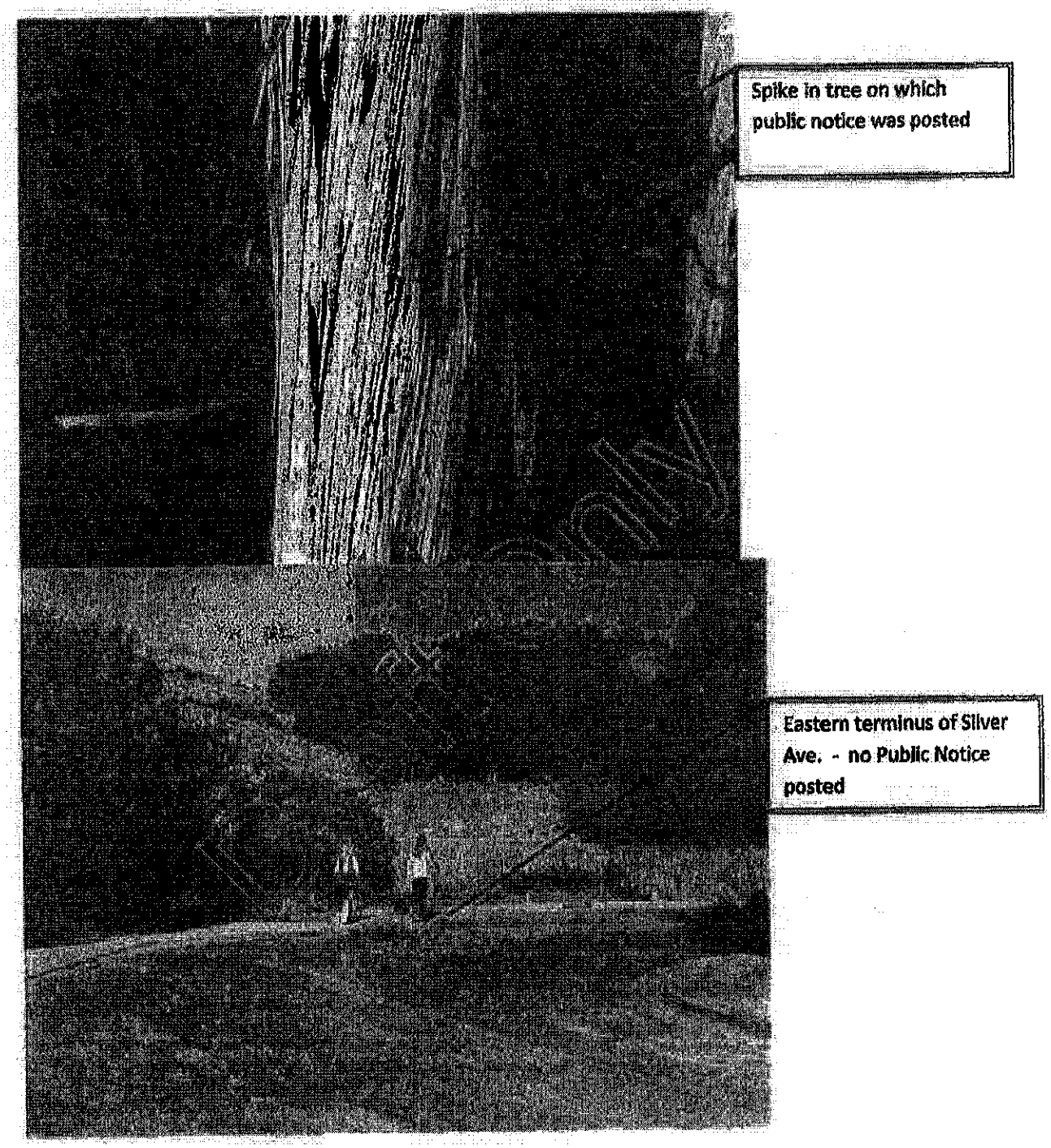
A speaker at the recent hearing, citing the rights of the property owner Ailanto, suggested that if the access was so important, those in favor of the fence should give up *their* property to allow community access. If a few feet of property improves the health and sustainability of our community, keeps pedestrians off the highway and potentially saves the life of a neighborhood child...I think even a neighborhood "divided" can agree that it is a small price to pay.

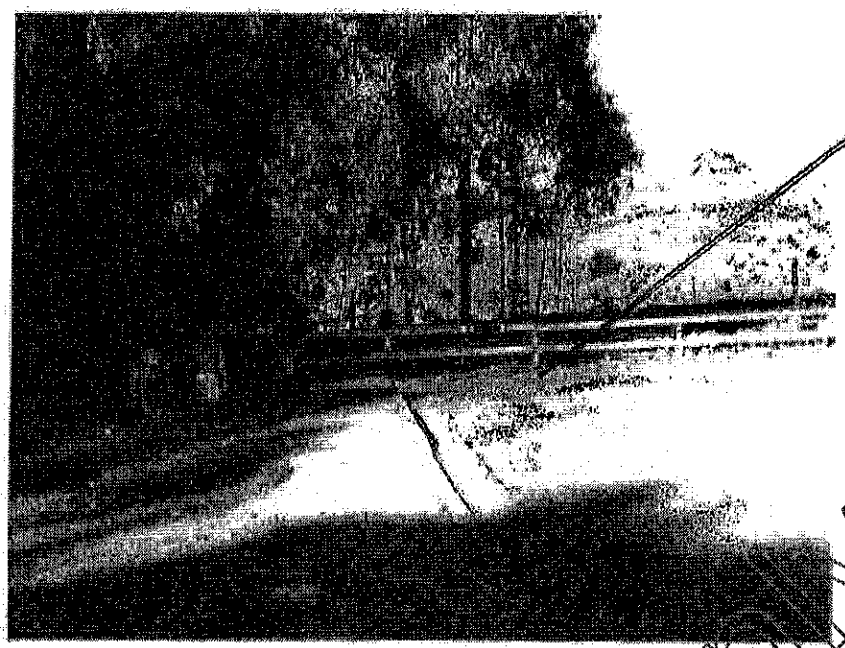
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View from 683 Highland driveway: Single Public Notice posted on this tree.

View from street in front of 683 Highland: Single Public Notice posted on this tree.


Spike in tree on which public notice was posted
Eastern terminus of Silver Ave. - no Public Notice posted



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ATTACHMENT - 12

BUSINESS OF THE PLANNING COMMISSION
OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For the meeting of: November 13, 2012

TO: Planning Commission

FROM: Catherine Barber, Contract Planner

TITLE: **PDP-034-12 – Appeal of Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, then following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)**

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RECOMMENDATION:

Staff recommends that the Commission deny the appeal and uphold the Planning Director's approval of PDP-034-12, a Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary of APN 056-350-010 ("Ailanto Property").

COASTAL DEVELOPMENT PERMIT APPEALS PROCEDURE

The City of Half Moon Bay Zoning Code, which is part of the City's certified Local Coastal Program ("LCP"), provides that a decision by the Planning Director's decision on a local Coastal Development Permit ("CDP") may be appealed to the Planning Commission. The grounds for an appeal of a local coastal development permit shall be limited to an allegation that the development does not conform to the standards set forth in the City's certified LCP or the coastal access policies of the Coastal Act.

PROCEDURAL BACKGROUND

On July 2, 2012, Ailanto Properties, Inc., submitted an application for a CDP to allow the installation of a hog wire/field fence along the southwest boundary of APN# 056-350-010, beginning near the terminus of Silver Avenue south toward the terminus of Highland Avenue, then following the property line east. The subject property is located on the east side of Highway 1 just north of the Half Moon Bay High School, immediately east of Terrace, Silver and Highlands Avenues. The site is zoned PUD (Planned Unit Development) with a General Plan designation of Planned Development District.

On September 26, 2012 at a duly noticed Planning Director's meeting, the Planning Director approved the CDP application based primarily on the applicant's stated concerns about security and liability issues for the property.

Residents Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and Patrick Wooliever (collectively "Appellants") appealed the Planning Director's approval of the CDP on October 10, 2012.

PROJECT BACKGROUND AND CDP APPROVAL

The Ailanto Property consists of two large, undeveloped parcels situated directly east of the Terrace Avenue/Highland Park subdivisions and north of Half Moon Bay High School. The Ailanto Property is well-known as the site of the proposed "Pacific Ridge" subdivision. The property was also subject of protracted litigation involving the property owner, the City of Half Moon Bay, and the California Coastal Commission over various issues, culminating in the issuance of a CDP by the California Coastal Commission on October 15, 2008 for construction of 63 homes, a neighborhood park, open space, and numerous infrastructure improvements, including funding for improvements to the intersection of Terrace Avenue and Hwy 1 and the vicinity ("Pacific Ridge CDP").

As mentioned in the staff report for the CDP, the instant project is "not tied to the [Pacific Ridge CDP], and does not include construction of anything other than a boundary fence for security purposes. There are no modifications to the approved development or additional construction elements being considered with this application." Staff reiterates that point here, and also notes that construction of a perimeter fence is not inconsistent with the any of the special conditions imposed by the Coastal Commission in the Pacific Ridge CDP.

The approved fence would extend approximately 420 feet along the western boundary, parallel to the street, from Silver Avenue to Highland Avenue and would then shift (90-degrees) and extend up the hill from Highland Avenue along the southern property boundary for approximately 405 feet. The fence would be approximately (6) feet in height with posts; footing would extend approximately three (3) feet below grade, as shown on the plan (Attachment 2). The wire pattern fencing, commonly referred to as a field fence, would be 2-inch wide by 4-inch long rectangles for a height of 54-inches, with two 3/16 inch stainless steel cables horizontally above the hog wire. This fence style is very similar to other wire fences in place on properties within the City. Many of the posts would be dug by hand, but depending on location a mobile Jeep mounted auger may be used for post digging. Minor tree trimming may also be required in certain locations to allow adequate space for the fence construction.

Since the scope of the instant CDP was limited to the construction of a perimeter fence, and because the fence would not interfere or otherwise violate the special conditions imposed by the Coastal Commission on the Pacific Ridge CDP, staff focused its analysis on potential impacts to visual resources and coastal resources.

With regard to visual resources, staff concluded that the fence would not impact any scenic corridors or visual resources based on the facts project site is not within a designated visual resource area and the fence would be constructed with hog wire fencing material no taller than six feet in height.

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With regard to coastal resources, the Zoning Code requires that for projects located within 100 feet of a sensitive habitat area, the project applicant must submit a biological report on coastal resources (wild strawberry, sensitive habitat area, riparian areas, and wetlands) located on or within 200 feet of the project site, and that the report be circulated to the appropriate environmental and regulatory agencies. There have been several biological reports prepared for Ailanto Property over the years for wetlands and riparian areas in connection with the Pacific Ridge CDP. The most recent wetland and riparian habitat study was prepared by LSA Associates in 2008. The 2008 study, all previous biological reports (Attachments 3-7), and a letter from LSA biologist Steve Foreman, dated July 27, 2012, stating that the fence would not have impacts on coastal resources based upon his assessment of the fence installation, as well as his review and preparation of previous biological studies, were sent to the California Department of Fish and Game, the Army Corps of Engineers, the Regional Water Quality Control Board and the California Coastal Commission for review. No comments or suggested mitigations were received during review period.

At the public hearing on the CDP, several members of the Highland Park subdivision offered testimony both in support of and against the fence. The Planning Director acknowledged the concerns expressed by members of the community, specifically the adjacent Highland Park neighborhood, but noted that the requested CDP was being approved for safety reasons and security issues. The Planning Director noted that the City was undertaking an update to the Circulation Element and invited members of the public to participate in the workshops for this project. She also noted that there were currently plans in process that include improvements to Highway 1 for both pedestrians/bicycles and vehicular traffic.

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APPELLANTS' CONTENTIONS

The appeal contends the CDP application was improperly approved based on various perceived problems and concerns, including: (1) increased traffic on Highway 1; (2) reduction/elimination of pedestrian/bike access to recreation; (3) inadequate notice of the Planning Director Hearing; (4) community health; and (5) loss of use of a long-time footpath across the Ailanto Property.

As stated above, grounds for appeal of a CDP are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act. In this case, only items numbered (2) and (5) above allege nonconformance with specific policies of the City's LCP or coastal access policies of the Coastal Act. However, the below analysis attempts to address all potentially applicable LCP and Coastal policies associated with the Appellants' concerns.

ANALYSIS

1. **Increased traffic on Highway 1.**

Appellants contend the approved fence will block access to Half Moon Bay High School for neighborhood children and families and substantially increase traffic on Highway 1 especially between Terrace and North Main Street during peak morning and afternoon traffic times.

Appellants do not reference any specific LCP policies on this point. Appellants assert that the approved fence does not conform with sections 30210 and 30252 of the Coastal Act. However, a closer reading of these provisions reveals that neither is applicable to the approved fence project, and therefore the fence does not conflict with these policies.

Section 30210 provides:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

The term "access", as used in 30210, refers to access to the sea and/or coastline, and not to a convenient shortcut to a schoolyard from a residential neighborhood. Staff also notes this section expressly acknowledges the need to protect the rights of private property owners as well as public access. As stated in the Findings and Evidence, the approved fence is not located between the sea and first public road parallel to the sea, and therefore it would not impair the ability of the public to access the sea or coastline in Half Moon Bay.

Section 30252 provides:

> *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

The phrase "new development," as used in Section 30252 and throughout Chapter 3, Article 6 of the Coastal Act, is appropriately construed in the context of the section 30250, the first section in Article 6. Section 30250 contemplates access policies for "new *residential, commercial, or industrial* development..." The approved project—a perimeter fence around a portion of an undeveloped lot—does not fall into the category of residential, commercial, or industrial development and therefore the project is not subject to the public access requirements for new development under Section 30252.

Notwithstanding Appellants' misplaced reliance on Sections 30210 and 30252, staff notes the LCP contains a number of Transportation Policies, three of which address traffic issues on Highway 1:

> LCP Policy 10-25
> *The City will support the use of Level of Service C as the desired level of service on Highways 1 and 92, except during the peak two-hour commuting period and the ten-day average peak*

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recreation hour when Level of Service E will be acceptable.

LCP Policy 10-26
The City will support improvements to Highway 1 and 92 outside the City, including phased increases in capacity. First priority being safety improvements to Highway 92; second priority, construction of Devil's Slide bypass.

LCP Policy 10-27
The City will recommend to CalTrans installation of improvements on Highway 1 to improve safety and recreational traffic flow and minimize local and visitor traffic conflicts, including signs and left-turn bays at beach access routes. Request CalTrans undertake the widening of Highway 1 to four lanes within the City.

The clear focus of these policies is the alleviation of conflicts between commuter traffic and recreational traffic. The traffic impacts—if any—resulting from the instant project would not conflict with these policies. For the instant project, any potential traffic increase would not substantially interfere with recreational traffic, given that school start times are either 6:40 a.m. (O period) or 7:45 a.m. and dismissal time is at 2:56 p.m., which do not directly coincide with recreational traffic peaks.

However, Appellants' primary argument on this point is that the approved fence would result in an increase in vehicle traffic from Highland Park onto Highway 1 because the "vast majority" of an estimated 700 weekly pedestrian trips across the Allanto Property to Half Moon Bay High School would convert into vehicle trips. Furthermore, Appellants argue the future improvements to Highway 1 would be inadequate because the traffic mitigation analysis conducted in connection with the Pacific Ridge CDP did not account for pedestrian traffic between Highland Park and Half Moon Bay High School. Appellants do not offer any support for this contention, however, and nothing in the traffic analyses by the Coastal Commission or the applicant supports this theory—for example, by assuming some the traffic impacts that would result from build out of the Pacific Ridge subdivision would be mitigated by diverting high school traffic through an existing footpath.

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2. **Reducing or eliminating pedestrian or bike access to recreation.**

Appellants also contend that installation of the fence would block access to safe pedestrian and bike travel in Half Moon Bay and will substantially limit access to recreation areas including but not limited to the Coastal Trail, downtown, beaches, and Half Moon Bay High School athletic facilities. Appellants concerns in this regard appear to stem from the absence of parks facilities in their neighborhood, and the loss of an easement previously used to access Half Moon Bay High School. Appellants cite Coastal Act sections 30210, 30211, 30252.6, and 30212, as well as the General Circulation Plan. For the same reasons discussed above, these Coastal Act sections are inapplicable to the approved fence project.

Furthermore, the Circulation Element of the General Plan is not part of the City's LCP, and is therefore not a proper grounds for a CDP appeal. Staff does note, however, that the Planning Commission recently approved both trail and road improvements for Highway 1 that are consistent with the above noted policies set forth in the Circulation Element.

3. **Inadequate notice of impacted property owners (photos included at end).**

Appellants further contend that the noticing required for the hearing on the CDP notification failed to comply with several requirements of the Municipal Code for public notice.

As a preliminary matter, the Municipal Code section (17.22.045) cited by Appellants pertains to the hearing requirements for a tentative map under the City's subdivision ordinance, and does not apply to a public hearing on a CDP application. The noticing requirements for a CDP are set forth in Municipal Code section 18.20.060, and the City provided adequate notice as required by that section.

4. **Community health.**

Appellants also contend that keeping the footpath across the Ailanto Property to Half Moon Bay High School contributes to the efforts of the City of Half Moon Bay to foster a pedestrian- and bicycle-friendly, healthy, environmentally responsible community. This claim does not present a clear relationship to any LCP or Coastal Act policy. Accordingly, this argument is not a proper grounds for a CDP appeal and should not be considered by the Planning Commission.

5. **Long time access blocked.**

Appellants' final contention is that as a result of longtime public use of the Ailanto Property to access Half Moon Bay High School, potential prescriptive rights may have vested in the footpath. Appellants cite "the general policies of the LCP Land Use Plan" as requiring the City "to require public dedications or prescriptive easements to ensure compliance with Coastal Commission policies." Although Appellants do not specifically mention any LCP or Coastal Act policies, staff presumes that Appellants are referring to the public access policies cited several times in the notice of appeal, i.e. Coastal Act section 30210, 30211, and 30212. As discussed above, these policies are inapplicable to the Ailanto Property, which is not situated between the sea and the first public road parallel to the sea.

Furthermore, the claim of potential prescriptive rights across the Ailanto Property is foreclosed by Section 1009 of the California Civil Code, which expressly abrogates the common law doctrine of prescriptive rights or implied dedication as a basis for establishing a public right of access across private property.

CONCLUSION

For the reasons discussed above, the Planning Commission should find that the record of the proceeding adequately supports the Planning Director's approval of PDP-034-12, a Coastal Development Permit to allow the installation of a Hog Wire Fence along the southwest property boundary of APN 056-350-010 ("Ailanto Property") and deny the appeal.

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ATTACHMENTS:

1. Draft Resolution.
2. Plan with proposed fence locations and dimensions.
3. S. Foreman, LSA Associates, Inc. letter July 27, 2012
4. 1999 Biological Report
5. ESHA Update 2008
6. Raptor Nesting Surveys 2010
7. Eucalyptus Stands Habitat Assessment and Management Recommendations 2011
8. Planning Director Meeting 9/26/12- staff report and minutes
9. Planning Director Meeting 9/26/12- neighbor letters and emails
10. Planning Director Meeting 9/26/12- photos of subject property submitted by applicant
11. Appeal from Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and Patrick Woolliever dated October 10, 2012

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ATTACHMENT 1

PLANNING COMMISSION RESOLUTION P-23-12
RESOLUTION FOR APPROVAL
PDP-034-12A

Deny the Appeal and Uphold the Planning Director's Approval of PDP-034-12, a Coastal Development Permit for the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

WHEREAS, an application for Coastal Development Permit for the installation of a hog wire fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010), in a PUD (Planned Development) Zoning District was approved at a duly notice public hearing of the Planning Director on September 26, 2012; and

WHEREAS, a timely appeal of the Planning Director's decision was filed on October 10, 2012; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the appeal on November 13, 2012; and

WHEREAS, the Planning Commission considered the grounds on which the appeal was filed, the record of the Planning Director's decision, and all written and oral testimony presented for its consideration; and

NOW, THEREFORE, BE IT RESOLVED that, the Planning Commission hereby finds that the Planning Director's approval of PDP-034-012 is consistent with all applicable policies set forth in the City of Half Moon Bay's Local Coastal Program and the coastal access policies of the Coastal Act and denies the appeal and AFFIRMS the Planning Director's decision for approval of the Coastal Development Permit for application PDP-034-12.

PASSED AND ADOPTED by the City of Half Moon Bay Planning Commission at a duly noticed public hearing held on November 13, 2012 by the following vote:

AYES, Rosenblatt, Deman, Roman, Jonsson, and Conroy
ABSENT,
ABSTAIN,

ATTEST:

APPROVED: 5-0

Pat Webb, Interim Planning Director

Tom Roman, Chair

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EXHIBIT A

FINDINGS AND EVIDENCE
Planning Commission Resolution P-23-12
PDP-034-12

Denial of the Appeal and Upholding the Planning Director's Approval of PDP-034-12 for a Coastal Development Permit for the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

Coastal Development Permit – Findings for Approval

The required Coastal Development Permit for this project may be approved or conditionally approved only after the approving authority has made the following findings per Municipal Code Section 18.20.070:

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

   Evidence: The proposed project is located along the southwest property boundary, beginning near the terminus of Silver Avenue, south toward the terminus of Highland Avenue, thence east along the property line. The fence proposed is commonly referred to as a field fence and would be consistent with other boundary fences in the City. It would be a visually open pattern that would not impact views of the property. The project does not interfere with public's access to the coastal trail, beach or sea. The proposed project does not pose any significant threat to coastal resources or inconsistencies with the policies of the City's Land Use Plan (LUP).

   Coastal Act 30240(b) and Policy 3-3 (b): *Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

   Compliance: The fence skirts an edge grove of eucalyptus trees that occurs along an intermittent drainage (identified as Drainage 2 in the Biological Report). Vegetation on the Ailanto property side of the fence is dominated by eucalyptus trees with little understory vegetation and nonnative annual grasses and forbs along the edge of the adjacent road. No significant native vegetation is present. While the fence will be within 100 feet of the drainage, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground storm water system at the edge of the property. Based upon the biologist's observations and studies over the years, no significant coastal resources are present or would be affected by the construction or presence of the fence. The biologist did not identify any raptor nesting in the immediate area of the fence and drainage has little to no value for endangered species such as the California red-legged frog or San Francisco garter snake

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as habitat or as a movement corridor.

Policy 3-5(a): *Require all applicants to prepare a biologic report by a qualified professional selected jointly by the applicant and the City to be submitted prior to development review. The report will determine if significant impacts on the sensitive habitats may occur. The report shall consider both any identified sensitive habitats and areas adjacent. Recommended uses and intensities within the habitat area shall be dependent on such resources, and shall be sited and designed to prevent impacts which would significantly degrade areas adjacent to the habitats. The City and the applicant shall jointly develop an appropriate program to evaluate the adequacy of any mitigation measures imposed.*

Compliance: A biological report was prepared for this site in 1999 and was approved as part of the CDP for the residential development project. There have also been biologists that have conducted surveys for the raptor nesting surveys in 2010, and assessment and management recommendations for the eucalyptus stands habitat in 2011, as well as an ESHA update for the CDP in 2008. These documents, along with a biologist analysis of the proposed fence were submitted for circulation to the US Fish and Wildlife Service, California Coastal Commission, Department of Fish and Game, Army Corps of Engineers, and Regional Water Quality Control Board, as well as the San Mateo County Planning and Building Division on July 30, 2012. There were no comments or suggested mitigations received during the 45-day review period.

Coastal Act 30244: *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Compliance: The construction of fencing is not anticipated to require any grading or cause disturbance to the site, with the minor exception of the footings for the posts and bracing sections. Most posts will be hand dug, but depending on the soil conditions either a trailer or vehicle (Jeep) mounted, powered auger may be needed excavate the holes in order to prepare for the placement of the post footings. However, staff is recommending a condition to require that the project cease operations and a study be performed on any artifacts that are found during construction of the fence.

Coastal Act 30250: *New residential, commercial or industrial development except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Compliance: This project is for approval of security fencing. It is located in a PUD zoning district and is surrounded by existing residential development and the high school. The fencing will not have significant adverse effects, either individually or cumulatively, on coastal resources.

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2. **Growth Management System** – The development is consistent with the annual population limitation system established in the Land Use Plan and Zoning Ordinance.

   Evidence: The proposed project is for the construction of security fencing on a currently vacant site and does not propose any new residential units under this application; therefore, it is not subject to the City's growth management system.

3. **Zoning Provisions** – The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the Zoning Ordinance.

   Evidence: The project is consistent with the land use limitations and property development standards of the PUD Zoning District. With approval of the Coastal Development Permit, the project will comply with all Coastal Resource Conservation Standards. While the fence will be within 100 feet of the drainage channel, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground storm water system at the edge of the property. Based on the biologist analysis, no significant coastal resources are present or would be affected by the construction or presence of the new fencing.

4. **Adequate Services** – The proposed development will be provided with adequate services and infrastructure in a manner that is consistent with the Local Coastal Program.

   Evidence: The project proposes the installation of security fencing on a vacant, site in the PUD zone. The fence would provide security and deter the use of the property as a short cut to Half Moon Bay High School. No services or infrastructure are necessary for this project.

5. **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 is not located between the sea and the first public road parallel to the sea. The proposed fencing would not restrict or otherwise adversely affect public coastal access or public coastal recreational opportunities because it involves construction of security fencing on a currently vacant site.

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Environmental Review – Finding

CEQA – The project will not have a significant effect on the environment.

Evidence: The project has been determined to be Categorically Exemption under CEQA Section 15303, Class 3 (e), which exempts accessory (appurtenant) structures including garage, carports, patios, swimming pools and fences.

EXHIBIT B

CONDITIONS OF APPROVAL
Planning Commission P-23-12
PDP-034-12

Deny the Appeal and Uphold the Planning Director's Approval of PDP-034-12, a Coastal Development Permit for the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

Authorization: Approval of this permit authorizes a Coastal Development Permit to allow the Installation of a Hog Wire/Field Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010).

The following Conditions apply to this project:

1. CONFORMANCE WITH APPROVED PLANS. Development shall be in substantial conformance with the approved plans (Attachment 2), City date stamped of July 2, 2012 except for any changes that may be required by these conditions of approval. The Planning Director shall review and approve any deviation from the approved plans. In the event that the Planning Director determines that any proposed changes warrant further review and approval, the applicant shall submit the revised plans for consideration at a public hearing before the Planning Director._____ (Planning)

2. TREE PROTECTION. Applicant shall avoid any adverse affect to the existing trees on site resulting from trucks and equipment access. If the route of travel is to occur around or between trees, then a licensed arborist shall provide a written statement to the City which includes recommendations and/or mitigations to prevent damage to trees and roots. _____(Planning/Building)

3. STORMWATER MANAGEMENT / EROSION CONTROL. During Construction the applicant shall minimize the transport and discharge of storm water from the project site by incorporation of the following measures into the construction site practices:

   a. Identify all storm drains, drainage swales and creeks located near the construction site and make sure all subcontractors are aware of their locations to prevent pollutants from entering them. Use silt fence barrier, straw bale barrier, sand bags, brush or rock filter or other appropriate measures, as necessary to minimize the quantity of sediment laden runoff from the site.

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b. Stabilize any areas that have been stripped of vegetation, and maintain erosion control measures between October 15 and April 15. _____

c. Ensure that erosion control by re-vegetation is performed just prior to the rainy season unless on site irrigation is provided. Select seed to minimize fertilizer and water use. Limit watering to the amount and frequency, which can be absorbed on site. _____

d. Avoid stockpiling of soils or materials, when rain is forecast. Cover with a waterproof tarp during periods of rainy weather to control runoff. Monitor the site for minimization of erosion and sediment runoff every 24 hours during and after every storm event. Before it rains, sweep and remove materials from surfaces that drain to storm drains, creeks, or channels. _____

e. Never clean brushes or rinse paint containers into a street, gutter, storm drain, or creek. Recycle, return to supplier or donate unwanted water-based (latex) paint. Dried latex paint may be disposed of in the garbage. Unwanted paint (that is not recycled), thinners, and sludges must be disposed of as hazardous waste. _____

f. Avoid cleaning, fueling, or maintaining vehicles on site, except in an area designated to contain and treat runoff. Clean up leaks, drips, and other spills immediately so they do not contact stormwater. Never wash down pavement or surfaces where materials have spilled. Use dry cleanup methods whenever possible. _____

g. Avoid mixing excess amounts of fresh concrete or cement mortar. Whenever possible, return contents of mixer barrel to the yard for recycling. Dispose of small amounts of excess concrete, grout, and mortar in the trash. ____

h. Practice source reduction. Reduce waste by only ordering the amount you need to finish the job. Recycle leftover materials whenever possible. Materials such as concrete, asphalt, scrap metal, solvents, degreasers, cleared vegetation, paper, rock, and vehicle maintenance materials such as used oil, antifreeze, and batteries are recyclable. _____

i. Inspect portable toilets for leaks. Do not place on or near storm drain outlets. Be sure the leasing company adequately maintains, promptly repairs, and replaces units as needed. _____ (Building)

4. HOURS OF CONSTRUCTION. The hours of construction shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 10:00 a.m. to 6:00 p.m. Sundays and Holidays. _____ (Building)

5. CONSTRUCTION TRAILERS (IF APPLICABLE). Temporary construction trailers are permitted as accessory uses in conjunction with the development of this site, subject to the following conditions:

a. The construction trailer shall be used as a temporary construction office only.
b. Neither sanitation facilities nor plumbed water is permitted within the trailer.
c. No overnight inhabitance of the construction trailer is permitted.

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d. No construction trailers are permitted on site prior to building permit issuance.
e. The construction trailer shall be removed 90 days from issuance of the certificate of occupancy. Use Permit approval is required for construction trailers beyond 90 days. _____ (Building/Planning)

6. LOT GRADING, MATERIALS, EQUIPMENT AND VEHICLE STORAGE. Any earth movement on or off the site in excess of 50 cubic yards shall require the submittal of a grading plan for review and approval by the Public Works Department. Lot Grading includes, but is not limited to, any leveling, scraping, clearing, or removal of lot surface area. Materials, Equipment, and Vehicles include, but are not limited to:

a. All masonry, wood, and steel construction materials

b. All construction-related equipment and storage containers.

c. All construction-related vehicles including temporary trailers _____ (Building)

7. HAZARDOUS MATERIALS. Any materials deemed hazardous by the San Mateo County Department of Health that are uncovered or discovered during the course of work under this permit shall be disposed in accordance with regulations of the San Mateo County of Health. _____ (Building/County Health)

8. COMPLETION OF FIRE DISTRICT REQUIREMENTS. All requirements of the Coastside Fire Protection District shall be met _____(Fire)

9. ENCROACHMENT PERMIT. An Encroachment Permit shall be required prior to any installation of utilities and any other required work within the public right-of-ways. _____ (Public Works)

10. COMPLETION OF UTILITIES. Any public utilities requiring relocation as a result of the construction of the building(s) or improvements under this permit shall be relocated at the owner's expense. _____ (Building)

11. UNDERGROUND UTILITIES. All utilities for energy and communications shall be installed underground. _____ (Building)

12. ENCROACHMENTS NOT AUTHORIZED. The property owner shall ensure that landscaping or fencing does not encroach into the right-of-way or any public easements, except for any street trees authorized by this permit.

13. LANDSCAPING (WHEN DEEMED REQUIRED). Landscape plans and details in compliance with the City's Water Conservation in Landscaping Ordinance (Chapter 13.04 of the Municipal Code) shall be submitted for review. Plans shall specify that at least 80% of the plants in non-turf landscape areas are native plants, low-water using plants, or no-water using plants (unless the applicant elects to perform a water budget). An irrigation plan shall be included that ensures irrigation system efficiency of 70% or more, moisture sensor and/or rain sensor shutoffs, and no sprayheads in landscape areas that are 8 ft. wide or less. _____ (Planning)

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14. CCWD. Coastside County Water District's Indoor Water Use Efficiency regulations require a separate irrigation meter on all projects with 5,000 square feet or more of irrigated landscape. A separate ¾" irrigation meter is required.

15. EFFECTIVE DATE.
   A. The Coastal Development Permit shall take effect after final local action or 10 working days after receipt of the Notice of Final Action by the Coastal Commission for projects that are located in the Coastal Appeal Areas. The applicant/owners shall submit a signed copy of these conditions of approval to the Planning Department before they can obtain a grading permit. _____
   B. For a period of 120 days following the effective date of the Coastal Development Permit, the applicant/owner shall not construct the segment of the fence located at the terminus of Highland Avenue, near the City right-of-way at the eastern property line of 683 Highland Avenue. However, following the effective date of the Coastal Development Permit, fence construction may proceed on the northern portion of the fence, beginning at the terminus of Silver Avenue.

16. ACCURACY OF APPLICATION MATERIALS. The applicant shall be responsible for the completeness and accuracy of all forms and material submitted for this application. Any errors or discrepancies found therein may be grounds for the revocation or modification of this permit and/or any other City approvals. ____

17. EXPIRATION. The Coastal Development Permit shall expire on the latest expiration date applicable to any other discretionary or ministerial permit or approval required for the development, including any extension granted for other permits or approvals. Should the development not require City permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire one year from its date of approval if the development has not begun during that time.

18. HOLD HARMLESS. The applicant agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against an and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, any review by the California Coastal Commission conducted under the California Coastal Act Public Resources Code Section 30000 et seq., or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The

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applicant's duty to defend the City shall not apply in those instances when the applicant has asserted the Claims, although the applicant shall still have a duty to indemnify, protect and hold harmless the City.

19. PERMIT RUNS WITH THE LAND. The Coastal Development Permit runs with the land and the rights and obligations thereunder, including the responsibility to comply with conditions of approval, shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned.

OWNER'S/PERMITTEE'S CERTIFICATION:
I have read and understand and hereby accept and agree to implement the foregoing conditions of approval of the Coastal Development Permit.

APPLICANT:

_____ _____
(Signature) (Date)

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MINUTES OF THE
REGULAR MEETING
OF THE PLANNING COMMISSION
OF THE CITY OF HALF MOON BAY

Tuesday, November 13, 2012
7:00 PM

Ted Adcock Senior/Community Center
535 Kelly Avenue ~ Half Moon Bay

www.hmbcity.com

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Planning Commissioners: Patric Bo Jonsson, Les Deman, Thomas Conroy, Vice Chair Phil Rosenblatt and Chair Tom Roman

Staff: Pat Webb, Interim Planning Director
Caio Arellano, Deputy City Attorney
Catherine Barber, Senior Planner
Sigrid White, Recording Secretary

I. PLEDGE OF ALLEGIANCE AND ROLL CALL: **7:00 PM**

II. APPROVAL OF MINUTES:

- Planning Commission Minutes of October 23, 2012

Motion by Rosenblatt/Conroy to approve the Planning Commission Minutes of October 23, 2012. **Motion carried** by unanimous, affirmative voice vote

III. APPROVAL OF THE AGENDA:

Motion by Deman/Rosenblatt to move public hearing item number four to the front of the agenda. **Motion carried** by unanimous, affirmative voice vote

IV. PLANNING DIRECTOR REPORT:

1. Planning Director's Report and Agenda Forecast

   This item was deferred to the end of the meeting when Interim Planning Director Webb presented her report and agenda forecast.

2. Progress Toward a Permanent Planning Organizational Structure

   There was no report.

V. ORAL COMMUNICATION:

Chair Roman opened Oral Communications.

There were no speakers.

Chair Roman closed Oral Communication.

VI. PUBLIC HEARING ITEM

Item #1 New Commercial Building
City File: PDP-019-12
Location: 200 San Mateo Road
APN: 056-230-260
Applicant: Ronald Stefanick of Dover Crest, LLC for Keet Nerhan
Description: Review of a Coastal Development Permit, Site & Design Permit and Variance to Building Height for the construction of a two-story commercial building.
Planner: Tonya Ward – 650-726-8270

Motion by Rosenblatt/Conroy to continue the item to the Planning Commission meeting of November 27, 2012. **Motion carried** by unanimous, affirmative voiced vote.

Item #2
City File: PDP-044-12
Locations: Half Moon Bay High School &
Cunha Intermediate School
1 Lewis Foster Drive
600 Church Street
APN: 056-310-140/150-High School
056-182-040/050-Intermediate School
Applicant: Jeff Silver of Solarcity Corporation for Cabrillo Unified School District
Description: Coastal Development Permit for the Installation of Solar Panel Shade Structures in the Parking Lots of Cunha Intermediate School and Half Moon Bay High School; Tree Removal Permit for the Removal of Ten (10) Trees at

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Half Moon Bay High School and One (1) at Cunha Intermediate School Associated with the Installation of the Solar Panels Shade Structures.

Motion by Rosenblatt/Conroy to continue the item to the Planning Commission meeting of November 27, 2012. **Motion carried** by unanimous, affirmative voiced vote.

Item #3	
City File:	PDP-034-12
Location:	Pacific Ridge/Ailanto Property-southwest perimeter, along terminus of Silver and Highland Avenues
APN:	056-350-010
Applicant:	Ailanto Properties, Inc.
Description:	An Appeal of Planning Director decision to Approve a Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel With the right-of-way) south toward the terminus of Highland Avenue, and Then it would follow the property line east; total fence length Approximately 825-feet, overall height 6-feet.

Chair Roman reported an ex parte communication with John Ward on election night with the subject being the history of the project itself and the current fencing proposal. Chair Roman stated he also emailed Mr. Ward that he had asked staff questions which were going to be answered by Mr. Ward at the Planning Commission meeting of this evening.

Commissioner Conroy reported an ex parte communication with John Ward on November 9th with the subject being the history of the project as well as the current fencing proposal.

Senior Planner Barber presented the staff report.

Chair Roman opened the public hearing. The following individuals spoke:

Patrick Woollever
600 Highland

Amy Woollever
600 Highland

Mark Rosoff
683 Highland Avenue

Theresa McWhirt
Kenneth Kennedy
696 Silver Avenue

Monica Rosoff
683 Highland Avenue

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John Ward
Jason Fong
Applicant's Representatives

Michael Allen
599 Highland Avenue

Robert Applegate
624 Highland

Pat O'Brien
608 Silver

Pamela Fisher
659 Highland Avenue

Monica Rosoff
683 Highland

Mark Rosoff
683 Highland

John Ward
Applicant's Representative

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Chair Roman closed the public hearing.

Motion by Deman/Conroy:

Staff recommends that the Commission deny the appeal and uphold the Planning Director's approval of PDP-034-12, a Coastal Development Permit to allow the installation of a Hog Wire Fence along the southwest property boundary of APN 056-350-010 ("Allanto Property") with the acceptance of a 120 day agreement by John Ward that the trail will be open for at least 120 days from the issuance of the construction permit as an additional condition to allow the appellants to work out an agreement when the decision becomes final.

Motion carried by unanimous, affirmative voice vote.

Item #4	
City File:	PDP-052-12
Location:	Westbound San Mateo Road/Highway 92
APN:	056-230-250
Applicant:	City of Half Moon Bay (with permission of property owner, KN Properties)
Description:	Sign Permit for a Replacement of a Wayfinding Sign (Welcome to Half Moon Bay).

Senior Planner Barber presented the staff report.

Chair Roman opened the public hearing.

Alan Alfano
430 Burning Tree Court

Chair Roman closed the public hearing.

Motion by Rosenblatt/Deman:

Approve PDP-052-12, an application for a Sign Permit for Replacement of the "Welcome to Half Moon Bay" Wayfinding Sign located along Westbound San Mateo Road/Highway 92 (APN 056-230-250) (KN Properties), based upon the Findings and Evidence contained in Exhibit A of the Draft Resolution, and subject to the Conditions of Approval contained in Exhibit B supplemented by reference to Half Moon Bay Municipal Code sections relating to the removal of graffiti and the maintenance of signs.

Motion carried by unanimous, affirmative voice vote.

VII. DISCUSSION ITEM:

- Commissioner Reports

There were no reports given.

VIII. ADJOURNMENT:

Motion carried to adjourn the Planning Commission meeting of November 13, 2012 at 10:30 PM.
Motion carried by unanimous, affirmative voice vote.

APPROVED:

Tom Roman, Chair

ATTEST:

Sigrid White, Recording Secretary

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ATTACHMENT - 13

522 Highland Ave
Half Moon Bay
California, 94019

November 9, 2012

Chairman Tom Roman
Half Moon Bay City Planning Commission
501 Main Street
Half Moon Bay
California, 94019

Dear Chairman Roman,

Re: Application by Ailanto Properties Inc., City File PDP-034A-12 to be heard November 13, 2012

As residents of Highland Ave., in the subdivision commonly known as Highland Park, we urge the Planning Commission to overturn the decision of the Planning Director to allow the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue south through the terminus of Highland Avenue unless the fence were to be constructed in a way to allow the public free access from Highland Avenue to the High School property.

The existing path is utilized by students and residents of the neighborhood to walk to the High School. This is a benefit to students and also to the residents. The path expands the area where residents can walk, in a park like environment, continuing on to the High School, access to the Tennis courts and the dirt road behind the High School. The area that the path occupies is not suitable for building on and is currently a benefit to the public.

Furthermore, if the Planning Commission has authority to do so as a condition of granting a development permit to Ailanto Property, we request that the Commission consider requiring that the land owner grant an easement at the top of Highland Ave. that would continue to allow access to the High School from Highland Ave. We believe that granting of such an easement would not result in a loss of property value to the land owner.

Thank you for considering our input.

Robert Williams

Allene Zanger

Allene Zanger

CITY OF HALF MOON BAY
NOV 13 2012
RECEIVED

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cc via e-mail
Mayor Alan Alifano, alana@hmbcity.com
Interim Planning Director Pat Webb, patw@hmbcity.com

Draft Only

JOHN M. WARD AND ASSOCIATES

A Consulting Group

792 Willborough Place
Burlingame, CA 94010
(650) 342-0683
(650) 342-0977
john@jmwassociates.com

November 13, 2012

Dear Chairman and Planning Commissioners,

My firm represents Allanto Properties, owner of Pacific Ridge, and applicant for a Coastal Development Permit to secure and protect the property from further liability due to illegal trespassing. We are requesting that you take action this evening to deny the appeal and to uphold the Interim Planning Director's approval of the CDP rendered on September 28.

As to the efforts of appellants to preserve the current access across Allanto's property, we were expecting to see some form of a concept plan in writing, but none has been provided to date. Here are the hurdles that will have to be overcome by the appellants in terms of achieving their objectives.

1. As to the offer of dedication of Parcel D (to City) it is unlimited as to time. It created an "interest" (legal term) in the City as of the time the first phase final subdivision map was filed. The City has yet to accept the offer. If an easement for this trail was to be proposed, it would interfere with the right of the City, thus, the neighbors would have to get the City's approval, along with a CDP. Assuming they got those, they would likely have to shoulder all of the costs of surveying the proposed easement, preparing the appropriate legal documents, and filing them with the County Clerk. The easement option would only work if the City or some other reliable entity were to accept all of Parcel D.

2. There are three preconditions we have set in terms of any possible agreement with the appellants. Any agreement will have to remove any future responsibility, liability or cost to Allanto. Hence, the easement approach would not work if Allanto were to have to maintain Parcel D. Further, once the subdivision is completed and homes on Pacific Ridge are constructed, a homeowners association will have responsibility for maintaining all common areas, including the open space parcels. Three fourths of the 114-acre property is to remain in permanent open space, including an extensive public trail system.

3. The School District could accept a donation of Parcel D if the City were to agree. If the School District would only want to secure an easement it would require City's approval assuming City decides to accept the offer of dedication for the entire parcel.

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4. A CDP will be required for any reconstructed trail and a question remains as to what entity would take responsibility for processing the request and assuming approval would absorb the costs of construction along with long-term maintenance responsibilities.

5. While the appellants are primarily interested in preserving use of trail for the neighborhood and not for folks living outside the area, including visiting teams, Pop Warner football players and other groups that now use this short cut, how would access be controlled and policed so as to restrict? Assuming a public entity were to take control, how would it be able to restrict public access? With parking and traffic being issues of serious concern to neighbors who want to see the pathway closed, how would the appellants approach their fellow neighbors in terms of reaching a compromise so as to restrict access described above? Ailanto would not be interested in an agreement that does not achieve some form of neighborhood consensus. Further, in that regard Ailanto is not prepared to facilitate any negotiations that may be required.

6. Under any possible agreement, Ailanto will insist that the northerly trail access beginning at the Silver/Highland terminus be closed.

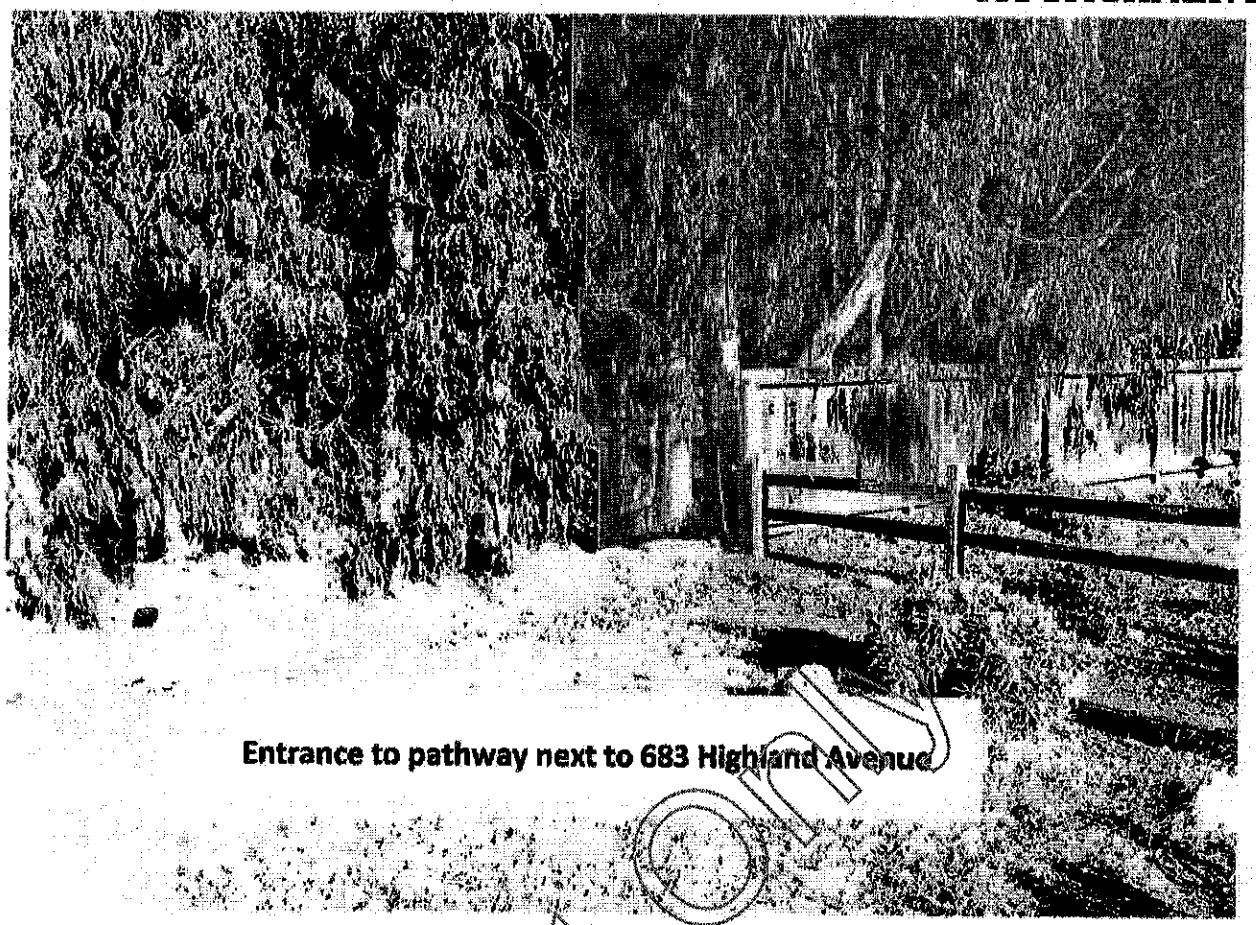
7. A written memorandum of understanding or other acceptable legal instrument among the parties, spelling out answers to questions just posed, will be required.

Finally, Ailanto is willing to grant the appellants 120 days from issuance of a construction permit for fencing of the property to consummate an agreement with all parties. While starting fence construction, we would leave open access to the trail starting at edge of 683 Highland Avenue for the time period referenced.

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Sincerely yours,

John M. Ward
Principal



Entrance to pathway next to 683 Highland Avenue

Draft Only

PHOTO EXHIBIT

Planning Commission Hearing – November 13, 2012

Prepared by Ailanto Properties for PDP – 034 - 12

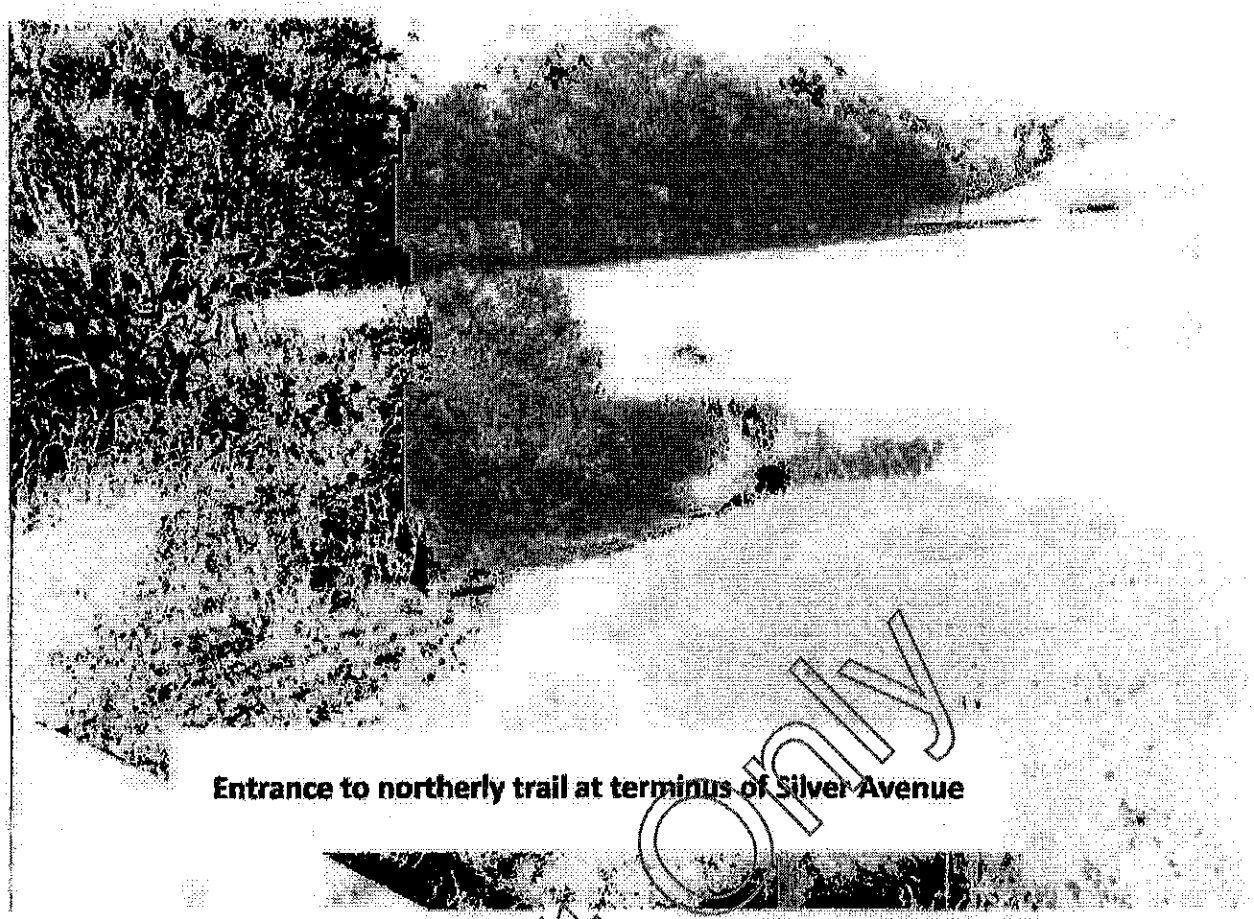
Entrance to pathway off Highland Avenue

Entrance to pathway off Highland Avenue

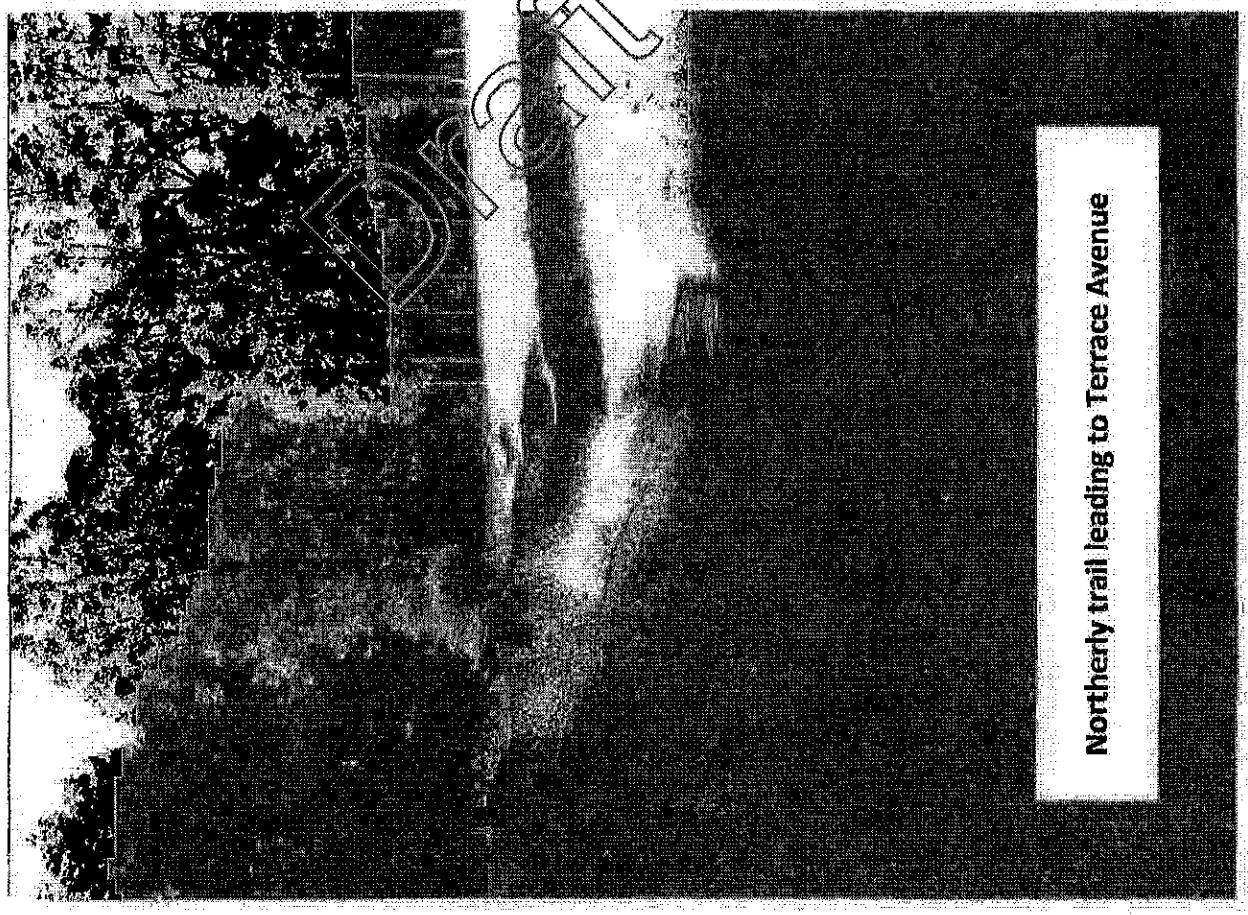
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Pathway across uneven asphalt concrete closer to entrance

Pathway across uneven asphalt concrete closer to athletic facilities



Entrance to northerly trail at terminus of Silver Avenue



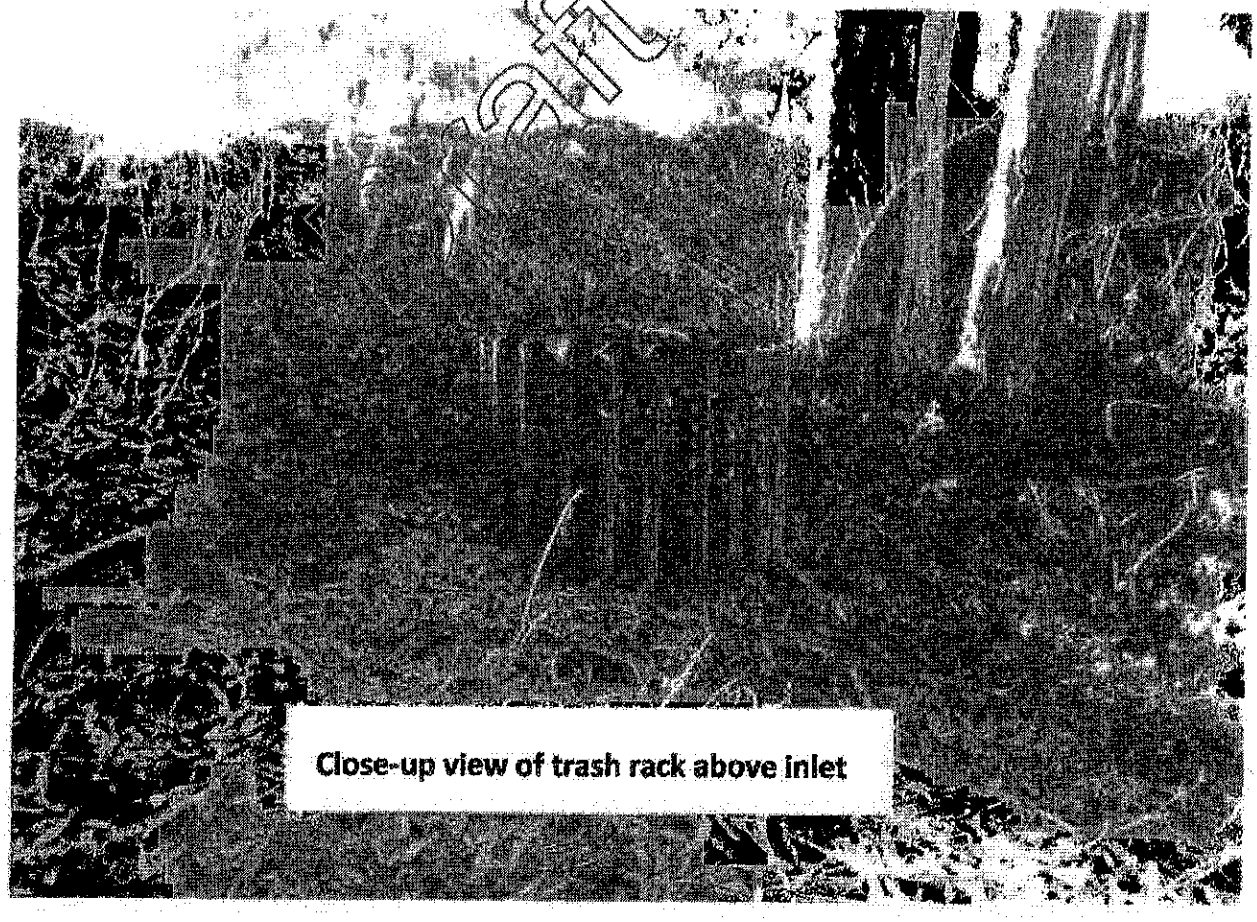
Northerly trail leading to Terrace Avenue

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Trash rack above inlet (corrugated metal pipe)

Draft Only



Close-up view of trash rack above inlet



Tree "fort" built in drainage channel - since removed

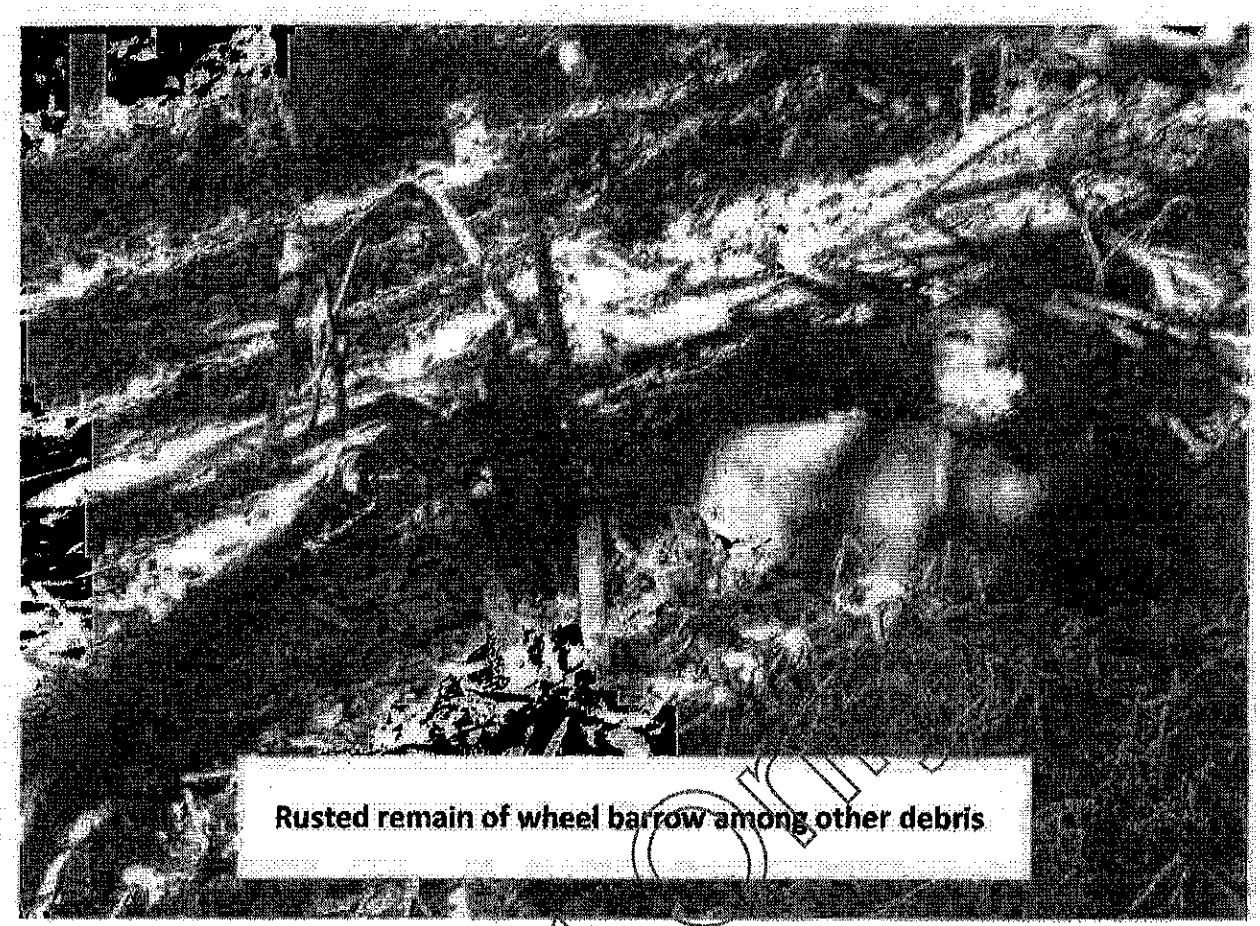


Tree "fort" built in drainage channel -since removed

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Drainage channel view taken from Highland Avenue

Drainage channel view toward east



Rusted remain of wheel barrow among other debris

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Drainage swale (southern portion)

Drainage swale (southern portion)

Draft Only

ATTACHMENT - 14

ATTACHMENT 14

CITY CLERK - HMB
2012 NOV 29 AM 9:59

CITY OF HALF MOON BAY

APPEAL FORM

Appeal of Action by:
(Check One)

- ☐ **Architectural Review Committee** (7 Working Days After Date of Action)
- ☐ **Planning Director** (10 Working Days After Date of Action)
- ☒ **Planning Commission** (10 Working Days After Date of Action)

Project Number and Location: PDP 034-12 Highland Fence

Date of Action: 11/13/12 **Date Appeal Period Ends:** 11/29/12

Name of Appellant: Monica & Mark Roloff

Address: 683 Highland Ave. Half Moon Bay, CA 94019
Street Number, City, State, Zip

Phone Numbers: 650-712-8836
☐☐

Please Attach a Separate Statement of Appeal That Describes in Detail the Grounds for the Appeal and the Relief Being Sought

Signature of Appellant: Monica Roloff Mark Roloff

****

STAFF USE ONLY

Appealable to Coastal Commission: ☐ Yes ☐ No

Subject to City Appeal Fee: ☐ Yes ☐ No

City Fee Collected: $350.00

Received by: Sigrid White **Date:** November 29, 2012

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CITY OF HALF MOON BAY

APPEAL FORM

Appeal of Action by:
(Check One)

- ☐ **Architectural Review Committee** (7 Working Days After Date of Action)
- ☐ **Planning Director** (10 Working Days After Date of Action)
- ☒ **Planning Commission** (10 Working Days After Date of Action)

Project Number and Location: PDP-034-12 Highland Fence

Date of Action: 11/13/2012 **Date Appeal Period Ends:** 11/29/12

Name of Appellant: Teresa Mawhirt | Kenneth Kennedy

Address: 6960 Silver Ave., Half Moon Bay, CA 94019
Street Number, City, State, Zip

Phone Numbers: (650-303-6306, 650-302-3580
☐☐

Please Attach a Separate Statement of Appeal That Describes in Detail the Grounds for the Appeal and the Relief Being Sought

Signature of Appellant: [signature]

****

STAFF USE ONLY

Appealable to Coastal Commission: ☐ Yes ☐ No

Subject to City Appeal Fee: ☐ Yes ☐ No

City Fee Collected: _____

Received by: _____ **Date:** _____

Copy Only

CITY OF HALF MOON BAY

APPEAL FORM

Appeal of Action by:
(Check One)

- ☐ **Architectural Review Committee** (7 Working Days After Date of Action)
- ☐ **Planning Director** (10 Working Days After Date of Action)
- ☒ **Planning Commission** (10 Working Days After Date of Action)

Project Number and Location: PDP 034 12

Date of Action: 11/13/2012 **Date Appeal Period Ends:** 11/29/12

Name of Appellant: AMY & PATRICK WOOLIEVER

Address: 600 Highland Ave HMB CA 94019
Street Number, City, State, Zip

Phone Numbers: (650) 726 1123
☐☐

Please Attach a Separate Statement of Appeal That Describes in Detail the Grounds for the Appeal and the Relief Being Sought

Signature of Appellant: Amy Woolie Pam Wool

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****

STAFF USE ONLY

Appealable to Coastal Commission: ☐ Yes ☐ No

Subject to City Appeal Fee: ☐ Yes ☐ No

City Fee Collected: _____

Received by: _____ **Date:** _____

APPEAL TO THE HALF MOON BAY CITY COUNCIL
November 28, 2012

PDP-034-12: Request for a Coastal Development Permit to allow the installation of a Hog Wire Fence in the Highland Park Neighborhood.

September 26, 2012- Approved by Planning Director, Pat Webb.
November 13, 2012- Approved by Planning Commission, in a motion which included the allowance of 120 days for the appellants to work with the City of Half Moon Bay, the Cabrillo Unified School District and Ailanto to maintain the safe pedestrian access from Highland Park to Half Moon Bay High School, town, coastal resources.

Appellants, Marc and Monica Rosoff, Patrick and Amy Wooliever, Ken Kennedy and Teresa McWhirt, as residents of the City of Half Moon Bay as well as the Highland Park neighborhood, request that the Half Moon Bay City Council take action to solve a community issue. The appellants favor investing energy toward a solution rather than further hearings and appeals. Nonetheless, in order to have sufficient time to coordinate the stakeholders and build consensus toward a solution, the appellants request that the City Council deny the CDP based on the legitimate procedural concerns outlined below. Alternately, the City Council should apply the following condition to any approval of the Coastal Development Permit (CDP) submitted by Ailanto Properties to build a fence as proposed along the SW border of the Ailanto property:

- The City of HMB maintains access to HMBHS through the City's acceptance of the donation of land from Ailanto to City of Half Moon Bay to create an improved pathway connecting sections of the following parcels: City of HMB land at the top of Highland Ave then to private property at 683 Highland then to Ailanto property then to the Cabrillo Unified School District.

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See (a) letter (Appendix A) from Ailanto representative, John Ward dated November 13, 2012 which states Ailanto conditions to the donation of land to the City of Half Moon Bay, and (b) detailed drawing for graphic of the proposed pathway. (Appendix B).

The appellants recognize and respect the right of Ailanto to protect their liability as property owners. The appellants seek a reasonable solution with the City of Half Moon Bay which protects Ailanto's liability while maintaining safe pedestrian access for our children to reach school and neighbors to reach town and coastal resources.

Background:
On July 2, 2012, Ailanto Properties, Inc. submitted an application for a CDP to the City of Half Moon Bay to allow the installation of a hog wire/field fence. The fence would be constructed along the southwestern and southern boundary of Pacific Ridge development, beginning at the terminus of Silver Ave, extending south to the terminus of Highland Ave and following the southern property line east. The fence has a planned height of 6 feet and a total length of 825 feet. The fence will block a historic footpath providing long-time access from the neighborhood to Half Moon Bay High School, town and coastal resources.

The primary justification for approval by the Planning Director, as noted in the city staff report: "Liability issues have driven the need for the fencing. This area has been used as a shortcut to Half Moon Bay High School." The historic footpath has been used for many years as an alternate access point to HMBHS without incident.
A public hearing was held at the Planning Director's meeting of September 26, 2012. More than a dozen area residents shared both their support and their objections with the CDP application. The CDP application was approved by Planning Director Pat Webb on September 26, 2012.

The decision was appealed and denied by the Planning Commission in a meeting held on November 13, 2012. Appellants argued that the fence would block a long-time access, increase traffic to the highway 1 corridor and asked the Planning Commission to consider alternative options to ensure continued access.

Appeal:
The appellants request that the City Council accept the offer of donated land from Ailanto, the property owners at 683 Highland Ave and work with the Cabrillo Unified School District to develop an easement to maintain access from the Highland Park neighborhood to HMBHS. The following points are important to consider when establishing the value of this access to the neighborhood and greater Half Moon Bay community.

- Blocking the footpath access eliminates the only pedestrian and bicycle route for our Highland Park neighborhood children and families, to access HMBHS, downtown Half Moon Bay, the Coastal Trail and our beaches.
- The east side of Highway 1 from Terrace Avenue to Main Street is unsafe for pedestrian use. Sections of the pavement outside the traffic lanes have less than 3 feet of space for pedestrians. We are concerned for the safety of our children and all other pedestrians and bicyclists in Highland Park, as they would be forced to walk along Highway 1 to reach a crosswalk. Sadly, pedestrian and bicyclist fatalities along Highway 1 are well documented and the City Council should recognize that the proposed fence places our residents at risk, in particular our high schoolers, who will be forced to walk the highway as early as 6:20 am, when it is still dark outside, to reach class on time.
- Traffic will increase at the already impacted intersections of Terrace/Hwy 1 and Hwy/Main Street during morning and afternoon hours. Many parents will be forced to drive their children to school. Reducing safe and healthy routes to school has a negative impact on the physical health of our community children.
- The Highland Park neighborhood has no recreational space. With the approval of the CDP, we will now be "fenced in" and blocked from the rest of HMB by a fence, houses and Highway 1.
- HMBHS is the designated evacuation facility for Half Moon Bay. If evacuation is required because of a natural disaster (e.g., tsunami, earthquake, fire), or other emergency Highland Park residents would be forced to travel into the evacuation zone (Hwy 1) to reach the safety of higher ground or the designated evacuation facility. Other eastside neighborhoods within the evacuation zone (Frenchman's Creek, Grandview) have better emergency access out of the neighborhood in case of an emergency. Additionally, adding more traffic to Highway 1 would

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make it more difficult to evacuate those most at risk from the ocean west of Highway 1.

- The footpath access in question has been in existence and has been used by the community for at least 30 years. Several longtime HMB residents, now in their 40s and 50s remember using the footpath to get to HMBHS when they were students even before the Highland Park neighborhood was developed, and well before Ailanto acquired the Dykstra ranch property in 1985.
- Ailanto, Cabrillo Unified School District and property owners of 683 Highland Ave are cooperative to finding a solution to maintain access from the neighborhood to HMBHS.

Basis of Appeal/Rationale:
The appellants seek a long-term and reasonable solution for maintaining access through the City/683 Highland/Ailanto property to HMBHS. However, two concerns have surfaced regarding procedures related to the Brown Act and Municipal Code 18.20.060 which are included in this appeal for City Council consideration.

1. The Brown Act requires that all public documents distributed to a majority of members of the legislative body be available for public review.
Government Code 54957.5 carefully spells out the responsibilities of public agencies to provide transparent public notice of documents used to support agenda items. During the public notice process of the November 13, 2012 Planning Commission meeting, two distinct staff reports were generated in response to the appellants' appeal. On November 13, 2012, the appellants discovered that the staff report publicly posted on the Planning Commission website on November 9th was a different version from the staff report mailed to the appellants on November 9, 2012. City staffers had publicly posted the incorrect version of the staff report to the website on November 9th, 2012 but sent the correct version to the Planning Commission members and the appellants.

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While it is recognized that the appellants received official version of the staff report, other members of the public had not. The mixup of the two documents caused great confusion as the versions of the staff report were markedly different. While both versions recommended a denial of the appeal, they provided different rationale and analysis of the argument. Please refer to Appendix C for a document comparison of the two staff reports.

The appellants formally requested a delay in the consideration of the appeal, via e-mail on November 13th, citing confusion in the document disclosure and requested a delay in the consideration of the appeal until the public had the opportunity to review the official staff report and the appellants had the opportunity to review the second staff report. Planning Director Webb informed the appellants that the Planning Commission would have the option of continuing the matter.

At the November 13, 2012 Planning Commission meeting, the appellants informed the planning staff and Commission that the availability of public documents was confusing and inadequate and requested that consideration of the appeal be postponed. The appellants were informed that any discussion of the concern would be held after the presentation of the appeal. The meeting proceeded. The appellants' concern regarding

proper noticing of public documents used to form a decision by the Planning Commission was never revisited by the City Attorney or the Planning Commission.

It is of great concern that city staff failed to ensure equal availability of public documents, a right assured by the Brown Act, and that the noted concern was not considered by the Planning Commission.

2. Municipal Code, 18.20.060 Notice requires conspicuous public notice of a pending hearing.

"At the time an application for coastal development permit is filed (or within 7 days), the applicant must post public notice at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, that an application for a permit for the proposed development has been submitted to the city. The applicant shall use a standardized form provided by the planning and building director and the notice shall contain a general description of the nature of the proposed development."

For the CDP application for the Ailanto fence, a single notice was nailed to a tree on the footpath, behind a fence, past the entrance and not visible without being on Ailanto property. This clearly does not meet the standard of "conspicuous" as one had to actually be trespassing to view the notice.

Additional points raised in the appeal to the Planning Commission were not adequately addressed by Planning Staff:

1. The proposed fence will block access to Half Moon Bay (HMB) for neighborhood children and families and substantially increase traffic on Highway 1, especially between Terrace and North Main Street during peak morning and afternoon traffic times.

The traffic mitigation plan included in the original CDP for the Pacific Ridge Development was approved with the guarantee of millions of dollars in traffic improvements on Hwy 1 and the reduction of the total homes to be built to 63 from the original plan of over 200 homes. The proposed Ailanto fence was not in the original CDP and not in the approved plan for the Pacific Ridge Development, therefore, the careful consideration, traffic studies, and subsequent lawsuits and agreement to establish a reasonable development plan, did not take into account the number of residents using the footpath.

In the first report denying the appeal to the Planning Commission (see Appendix D), the HMB planning staff disregards the traffic impact estimated by the appellants as a "theory" on the basis that there is no supporting evidence from traffic analyses by the Coastal Commission. The traffic impact estimate provided by the appellants was not generated by a consulting firm. It is based on 1) the identification of specific children who currently live in the Highland Park neighborhood, and who currently use the footpath and 2) on morning and evening tallies of children using the footpath to access HMBHS in the morning and leave HMBHS in the afternoon. Closure of the path would cause some diversion of existing traffic through the Highland Park neighborhood to Highway 1. However, the main source of incremental traffic on Highway 1 would be the

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conversion of pedestrian trips to and from HMBHS to car trips due to the unacceptable risk that children and residents would take walking along this very dangerous stretch of Highway 1.

The appellants' best estimate is that the footpath is used approximately 700 times per week based on the following:

- Highland Park HMBHS Students (walking): 100 trips (10+ students @ 2 trips/day)
- Grandview Terrace HMBHS Students (walking): 100 trips (10+ @ 2 trips/day)
- Other HMBHS Students: 300 trips (30+ students)
- Highland Park Residents for Recreation (to HMBHS, downtown, beaches): 200 trips/week

In the second denial generated by the city planning staff (see Appendix E), the argument was made that the traffic impact of the Ailanto fence was likely to be mitigated by carpooling among Highland Park residents obliged to drive their children to school. While the appellants enthusiastically support carpooling, it is impossible to predict whether carpooling would be a significant mitigating factor. Carpooling does not appear to be a major mitigating factor alleviating the congestion that already exists on Highway 1 and Lewis Foster Drive. It is unlikely that residents of the Highland Park neighborhood will behave any differently than residents of other HMB neighborhoods with regards to the adoption of carpooling.

While the proposed Ailanto fence will not convert every pedestrian trip to a vehicle trip along Highway 1, it is difficult to imagine a scenario where closure of the footpath does not result in more cars using Highway 1. As a basis for comparison, the approved CDP for the Pacific Ridge Development of 63 homes included two traffic estimates, the lower of which estimated 700 weekly car trips would be added to the existing 1200 car trips exiting Terrace to Highway 1. It is in the best interest of the City of Half Moon Bay to mitigate this traffic increase and relieve additional traffic congestion on the Highway 1 artery.

The first denial of the appeal submitted by the HMB Planning Staff (see Appendix D) indicated that Coastal Acts 30210 and 30252 are not applicable to the CDP submitted by Ailanto to build the fence. The staff report states "The term "access", as used in 30210, refers to access to the sea and/or coastline, and not a convenient shortcut to a school yard from a residential neighborhood." This trivializes the appellants' concerns by depicting a serious safety concern as merely an issue of convenience. Let us be very clear: The footpath is *the only safe pedestrian access* that the Highland Park neighborhood has to the Coastal Trail and local city streets, and thus it is *the only safe access route* for Highland Park residents to the beaches and to the sea. Recently approved improvements to trail and road improvements highlighted in the planning staff report do not address the access issue brought forth in this appeal, as none of these improvements would be accessible to Highland Park residents should the footpath be closed.

The second denial document generated by the HMB Planning Staff (see Appendix E) notes that "Beach access from the Highland Park neighborhood is currently not direct or

what most would consider easy access." It is evident from the use of the trail by Highland Park residents that most do not have any issue accessing our coastal recreation resources via the footpath. Whether this access is direct or considered "easy" should be a secondary consideration to the fact that it is the only safe pedestrian option available to Highland Park residents, and thus the City of Half Moon Bay should take the necessary steps to ensure that it is maintained.

Coastal Act 30210 states that "...recreational opportunities shall be provided for all the people consistent with public safety needs and the needs to protect public rights, rights of private property owners, and natural resource areas from overuse." 30210 specifically calls out the requirement that recreational opportunities be provided *for all the people*, and that they be delivered *consistent with public safety needs*. Closure of the footpath would mean that the residents of Highland Park neighborhood are denied recreational opportunities previously available to them, and which are available to the vast majority of residents of Half Moon Bay. Forcing the residents of Highland Park to access the coastal trail and HMB city streets and parks by walking along Highway 1 is not consistent with public safety needs. Additionally, Ailanto Properties has already offered to donate land that encompasses the area covered by the footpath. The appeal seeks only to maintain pedestrian access via the footpath, not to prevent Ailanto from building a fence to address its liability concerns. Thus the rights of private property owners are not threatened by this appeal.

The increased vehicle traffic resulting from the proposed Ailanto fence should not be ignored as the traffic impact on Hwy 1 has been well-studied. The city planning staff denial of the appeal to the Planning Commission argued that any increase in traffic caused by the closure of the footpath would not create a conflict between commuter traffic and recreational traffic because any increases in traffic would take place during the weekday morning and evening commute hours. However, this does not take into account the traffic impact that the closure of the footpath would have on weekend traffic. The stretch of highway 1 between highway 92 and Terrace Avenue is highly congested on the weekends. Any and all pedestrian and bicycle trips that Highland Park residents make during the weekends for recreation purposes will be converted to car trips if the path is closed. The negative impact of the proposed Ailanto fence to the public's access to the sea and mitigation of these negative impacts should be required as a condition for the approval of the CDP. This negative impact can be mitigated by maintaining pathway access which appellants recommend as a condition of approval. If the proposed Ailanto fence had been included in the original CDP proposal, additional mitigation plans, such as a planned access point within the development, likely would have been required by the City of Half Moon Bay in accordance with the Local Coastal Plan.

The City Council should be absolutely clear that the blockage of the only reasonably safe pedestrian access to HMBHS, downtown, and the ocean will increase traffic, but also force any pedestrians or bicyclists leaving or accessing Highland Park to use the Terrace/Highway 1 intersection. The fact that children or adults may need to walk a little further to reach school or other destinations is an inconvenience, but traffic/safety is a much larger issue. Our concern for adults and children walking along Highway 1 to reach school or recreation is supported by multiple recent studies. In 2010, the Surface Transportation Policy Partnership "pedestrian danger index" ranked San Mateo County

as one of the 5 most dangerous counties for pedestrians in California (http://www.transact.org/Ca/dangerousbydesign.htm). The San Mateo County Comprehensive Bicycle and Pedestrian Plan (the CCBP), updated in 2012 states:

- 17% of trips to school are made on foot.
- 16% of all trips are made by school-age children on foot.
- 27% of all early morning congestion can be attributed to parents dropping off their children at school (p.2).
- From 2004-2008, bicyclists and pedestrians accounted for 8% and 27% of all traffic fatalities in San Mateo County.
- The intersection of Hwy 1 and Hwy 92 is noted for its high incidence of bicycle collisions (p. vii).
- The HMBHS area is called out in the county maps (Figure E-2 of the CBPP Main Report, http://www.ccag.ca.gov/pdf/plans-reports/SMC%20Bike%20Plan%202011/CBPP_Main%20Report_Sept2011_FINAL.pdf)

as a Pedestrian Focus Area, as an area of county-wide significance which should receive the highest priority for the funding of projects that improve pedestrian access and safe routes to school.

In summary, while a fence is exempted from California Environmental Quality Act under Section 15303, the proposed Ailanto fence, blocking a historic access, will add traffic during peak hours on a congested stretch of Hwy 1, a fact given no consideration in the planning staff report or in the staff denial of the appeal submitted to the Planning Commission. Finally, we implore that the City Council consider that by accepting the donation of Ailanto property and establishing an easement to maintain the pathway, we will avoid putting our children and all pedestrians and bicyclists in harm's way.

2. Reducing or Eliminating Pedestrian or Bike Access to Recreation:

Installation of a fence, blocking access to safe pedestrian and bike travel to Half Moon Bay will substantially limit access to recreation areas including but not limited to the Coastal Trail, downtown, beaches, HMBHS athletic facilities.

The Highland Park neighborhood has no parks or recreational areas and all lots are currently developed leaving no room for future park or recreational facilities. The Local Coastal Plan recognizes that school playgrounds meet the unmet recreation needs in Half Moon Bay, "Existing parks are chiefly used for passive recreation, with school playgrounds and,.. currently serving active recreation demand" (LCP, Chapter 2, page 28). In the original Highland Park development plan, easements were included on parcel maps and never developed and instead released by the City of Half Moon Bay. The access to the HMBHS and to the Coastal Trail are critical recreation resources for this neighborhood Construction of the proposed Ailanto fence will eliminate this access to recreational spaces that Highland Park residents currently enjoy. Such action will also serve to reduce property values of the families in the Highland Park development, because access to recreational resources by foot or bicycle will be eliminated. We would like to note that the potential future installation of a traffic light at the intersection of Terrace and Highway 1 will not mitigate the negative

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impact that the proposed Ailanto fence would have on the Highland Park neighborhood based on the elimination of direct access to existing recreational facilities such as the HMBHS fields.

Public access to and along the coast to maximize public recreational opportunities in the coastal zone is clearly delineated in the LCP. Section 2.2c of the LCP Land Use Plan mandates that the City maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners. Also noted in the LCP Land Use Plan, Policy 1-4 stipulates that prior to the issuance of any development permit, the city shall make the finding that the development meets the standards set forth in all applicable Land Use Plan policies.

It is necessary for the City, the property owner, and the community to work together to find a solution that addresses the concerns of Ailanto Properties, and that also allows the proposed fence CDP to conform with the following Coastal Act 30210.
In addition, the appellants request that the City Council consider that the approval of the proposed Ailanto fence does not support goal #3 of the General Circulation Plan of Half Moon Bay, which is to encourage alternative modes of transportation, such as bicycling, walking, and public transit to reduce single occupancy vehicle traffic, minimize environmental impacts, and improve personal health and recreational enjoyment. According to Policy #9 of the General Circulation Plan, new residential and commercial development must be planned and designed to accommodate, enhance and provide facilities for adopted bicycle, pedestrian and public transit circulation plans. A fence is considered development under the LCP.

3. Community Health

Keeping the footpath from Highland Ave. to HMBHS contributes to the efforts of the City of Half Moon Bay to foster a pedestrian- and bicycle-friendly, healthy, environmentally responsible community.

Improving existing the access route to HMBHS is beneficial to the Half Moon Bay community overall by promoting a healthy lifestyle, environmental responsibility and economic competitiveness. Walk San Diego, a community-based California non-profit, reports that during the housing crash, homes in communities deemed walkable maintained almost 5% more of their value than non-walkable communities with similar neighborhood demographics ("Walkable Communities Lose Less Value", Wall Street Journal, Nov. 8, 2010). By contrast, common sense dictates that houses located in a neighborhood that is fenced in by a 6-foot high hog-wire fence will be much less likely to be top picks in a struggling real estate market.

A walkable city also promotes a healthy community. The 2012 San Mateo Comprehensive Bicycle and Pedestrian Plan (the CCBP) summarizes the issue (p. 3): "As the percentage of children walking to school has dropped precipitously in a generation, rates of obesity and chronic disease (namely diabetes) have skyrocketed. Following a similar trend, less than half of all U.S. adults now achieve healthy levels of physical activity according to the Centers for Disease Control and

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Prevention. While the causes and issues involved are complex, there is a growing consensus that poor access to walkable neighborhoods is a prime contributor to this public health epidemic."

Health data is gathered each year for Cabrillo Unified School District. In addition to tests of physical strength and agility, students are weighed and measured. The chart below shows the fitness of our local children is also declining over time:

Percentage of Cabrillo Unified 9th graders in Healthy Fitness Zone *

2007	2009	2011
82.7%	77.5%	61.1%

* Body Mass Index (BMI). Data collected by the California Department of Education http://www.cde.ca.gov/ta/tg/pf/pftresults.asp

We as a community should be doing everything we can to help our children and community develop healthy lifestyles. We are committed to working collaboratively with Ailanto Properties, city officials, the school district and the residents of Highland Park to balance the needs of the community with property owner's rights.

Appellants request that the City Council deny the CDP or approve it with the conditions outlined in this appeal, so that our community has an opportunity to engage in dialogue and cooperation to agree on a plan that will address and balance private property owner concerns with the safety, access and recreation needs of the community.

The appellants are supportive of the property rights of Ailanto and recognize their liability concerns. We hear and respect the neighborhood concerns regarding traffic and litter and have taken an active role in mitigating the effect of speeding and debris. Our children play ball in the streets, ride bikes in the neighborhood and are most at risk of speeding cars and any unsafe trash or litter. Consequently, we work continually to improve the safety of our neighborhood by stopping or slowing drivers that go too fast and explaining our concerns to people outside the neighborhood, and collecting trash. Since the hearing that took place on September 26th, the appellants have diligently sought to determine what proportion of Highland Park families support keeping the footpath open. Polling of homes on Silver and Highland Ave. reveal that the majority of families support maintaining this access.

In closing, community dialogue is important to make our neighborhood a safer, better place for all of our residents. The appellants ask the City Council members to participate in the creation of a solution that is a positive outcome for the residents of Highland Park,

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the HMBHS students who currently rely on the path, and for Ailanto Properties. The City Council has the ability to make it possible for the interested parties to forge a solution that improves access in our community, reduces car trips and traffic, and increases safety. The appellants want to work with those parties toward a solution to keep our children safe, uphold the rights and provisions of the Coastal Act providing access to our beautiful coast, recreation areas and town while respecting the Ailanto's property rights and the concerns of fence supporters. The appellants request that the City Council take into consideration the needs and concerns brought forward by the community and summarized in this appeal regarding the negative impact of the proposed fence, and deny the approval of the CDP to allow these discussions to take place. Approving the CDP as it has been proposed is a missed opportunity for the community, a culmination of poor planning decisions over the years, which leave our subdivisions isolated and reliant on vehicular travel in a region of Half Moon Bay which can sorely afford one more car on the road. Approval of this CDP without conditions to maintain access by creating an easement, has a substantial negative effect both on the Highland Park neighborhood residents and Half Moon Bay residents and visitors traveling our local arterial highways.

A speaker at the recent hearing, citing the rights of the property owner Ailanto, suggested that if the access was so important, those in favor of the fence should give up *their* property to allow community access. If a few feet of property improves the health and sustainability of our community, keeps pedestrians off the highway and potentially saves the life of a neighborhood child...I think even a neighborhood "divided" can agree that it is a small price to pay.

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Appendix A: Letter from John Ward, representing Ailanto Properties, to the Planning Commission dated November 13, 2012.

Appendix B: Proposed Path specifications

Appendix C: Comparison of the two versions of the Planning Commission staff reports.

Appendix D: First Staff report denial of the appeal dated September 26, 2012

Appendix E: Second staff report denial of the appeal dated November 13, 2012

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APPENDIX A

JOHN M. WARD AND ASSOCIATES
A Consulting Group

792 Willborough Place
Burlingame, CA 94010
(650) 342-0683
(650) 342-0977
john@jmwassociates.com

November 13, 2012

Dear Chairman and Planning Commissioners,

My firm represents Ailanto Properties, owner of Pacific Ridge, and applicant for a Coastal Development Permit to secure and protect the property from further liability due to illegal trespassing. We are requesting that you take action this evening to deny the appeal and to uphold the Interim Planning Director's approval of the Coastal Development Permit (CDP) rendered on September 26, 2012.

As to the efforts of appellants to preserve the current access across Ailanto's property, we were expecting to see some form of a concept plan in writing, but none has been provided to date. Here are the hurdles that will have to be overcome by the appellants in terms of achieving their objectives.

1. As to Ailanto's offer of dedication of Parcel D (to City) it is unlimited as to time. It created an "interest" (legal term) in the City as of the time the first phase final subdivision map was filed. The City has yet to accept the offer. If an easement for this trail was to be proposed, it would interfere with the right of the City, thus, the neighbors would have to get the City's approval, along with a CDP. Assuming they got those, they would likely have to shoulder all of the costs of surveying the proposed easement, preparing the appropriate legal documents, and filing them with the County Clerk. The easement option would only work if the City or some other reliable entity were to accept all of Parcel D.

2. There are three preconditions we have set in terms of any possible agreement with the appellants. Any agreement will have to remove any future responsibility, liability or cost to Ailanto. Hence, the easement approach would not work if Ailanto were to have to maintain Parcel D. Further, once the subdivision is completed and homes on Pacific Ridge are constructed, a homeowners association will have responsibility for maintaining all common areas, including the open space parcels. Three fourths of the 114-acre property is to remain in permanent open space, including an extensive public trail system, with three interconnected segments totaling 4,500 linear feet, plus a parking area with five spaces at the main entrance.

3. The School District could accept a donation of Parcel D if the City were to agree. If the School District would only want to secure an easement it would require City's approval assuming City decides to accept the offer of dedication for the entire parcel. Alternatively, a new parcel could be created through a minor subdivision of Parcel D so

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as to provide for continued access to school property. Such access would have to be separated (fenced) from the rest of Parcel D if City or other entity is unwilling to accept the offer of dedication for the entire parcel. A CDP would be required for the subdivision.

4. A CDP would be required for any reconstructed trail and a question remains as to what entity would take responsibility for processing the request and assuming approval would absorb the costs of construction along with long-term maintenance responsibilities.

5. While the appellants are primarily interested in preserving use of trail for the neighborhood and not for folks living outside the area, including visiting teams, Pop Warner football players and other groups that now use this short cut, how would access be controlled and policed so as to restrict? Assuming a public entity were to take control, how would it be able to restrict public access? With parking and traffic being issues of serious concern to neighbors who want to see the pathway closed, how would the appellants approach their fellow neighbors in terms of reaching a compromise so as to restrict access described above? Ailanto would not be interested in an agreement that does not achieve some form of neighborhood consensus. Further, in that regard Ailanto is not prepared to facilitate any negotiations that may be required.

6. Under any possible agreement, Ailanto will insist that the northerly trail access beginning at the Silver/Highland terminus be closed.

7. A written memorandum of understanding or other acceptable legal instrument among the parties, spelling out answers to questions just posed, will be required.

Finally, Ailanto is willing to grant the appellants 120 days from issuance of a construction permit for fencing of the property to consummate an agreement with all parties. While starting fence construction, Ailanto would agree not close off access to the trail starting at edge of 683 Highland Avenue for the time period referenced.

Sincerely yours,

John M. Ward
Principal

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APPENDIX B

4 AVE.
75'
(42)
O
N38°39'
110'
City of HMB
Dirt area to connect to trail and be improved as needed for ADA Compliance
(41)
N
25'
50'
(26)
O
75'
(27)
R
130'
75'
Rosoffs
Donate approximately 40 sf
• 20 sf = (20' x 4') / 2
Allanto "Parcel D"
Donates approximately 400 sf
• 360 sf = 90' x 4'
• 40 sf = (20' x 4') / 2
Approx. 90' x 4'
100% Allanto
Approx. 20' x 4'
50% Allanto/50% Rosoff
HMB High School
No land required

APPENDIX C

BUSINESS OF THE PLANNING COMMISSION
OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For the meeting of: November 13, 2012

TO: Planning Commission

FROM: Catherine Barber, Contract Planner

TITLE: PDP-034-12 – ~~An~~ Appeal of ~~Zoning Director decision to Approve a~~ Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, ~~thence~~then following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

RECOMMENDATION:

~~Deny~~Staff recommends that the Commission deny the appeal and uphold the Planning Director's approval of PDP-034-12, a Coastal Development Permit to allow the installation of a Hog Wire Fence along the southwest property boundary, ~~beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010) subject to the Findings (Exhibit A) and Conditions (Exhibit B) contained in the attached resolution.~~ of APN 056-350-010 ("Ailanto Property").

COASTAL DEVELOPMENT PERMIT APPEALS PROCEDURE

The City of Half Moon Bay Zoning Code, which is part of the City's certified Local Coastal Program ("LCP"), provides that a decision by the Planning Director's decision on a local Coastal Development Permit ("CDP") may be appealed to the Planning Commission. The grounds for an appeal of a local coastal development permit shall be limited to an allegation that the development does not conform to the standards set forth in the City's certified LCP or the coastal access policies of the Coastal Act.

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PROCEDURAL BACKGROUND

On July 2, 2012, Ailanto Properties, Inc., submitted an application for a ~~Coastal Development Permit~~CDP to allow the installation of a hog wire/field fence along the southwest boundary of APN# 056-350-010, beginning near the terminus of Silver Avenue south toward the terminus of Highland Avenue, ~~thence~~then following the property line east. The subject property is located on the east side of Highway 1 just north of the Half Moon Bay High School, immediately east of Terrace, Silver and Highlands Avenues. The site is zoned PUD (Planned Unit Development) with a General Plan designation of Planned Development District.

~~Half Moon Bay Zoning Code section 18.38.035 requires that a biological report be prepared for proposed development that is located within 100 feet of a sensitive habitat area. There have been several biological reports prepared for Pacific Ridge/Ailanto Property over the years for wetlands and riparian areas. The most recent wetland and riparian habitat mapping/setback zones were prepared by LSA Associates, dated 2008.~~

~~In accordance with section 18.38.035(c) of the zoning code, the previous biological reports (Attachment #7), along with a letter from LSA biologist Steve Foreman, dated July 27, 2012, stating that the proposed fence would not have impacts on coastal resources based upon his assessment of the fence installation, as well as his review and preparation of previous biological studies, was sent to the California Department of Fish and Game, the Army Corps of Engineers, the Regional Water Quality Control Board and the California Coastal Commission for review. The zoning code allows each agency 45 days from the date the agency received the report to provide the City with comments on the quality of the report and any suggested mitigation measures deemed appropriate. The biological reports were sent out to the above noted agencies on July 20, 2012, as well as to the San Mateo County Planning and Building Division. No comments or suggested mitigations were received during review period. The proposed fence would be located within 100 feet of a coastal resource and is therefore appealable to the California Coastal Commission.~~

~~On September 25, 2012 a Planning Director's meeting was held that included the review of the Coastal Development Permit for the installation of the fence at the Ailanto Pacific Ridge property. The meeting was publicly noticed per zoning code section 18.20.060, the Planning Director considered all written and oral testimony presented for consideration and made the required findings. The Planning Director approved the project at this hearing citing that the fence was needed for security and liability issues for the property owner. The Planning Director acknowledged the concerns expressed by members of the community, specifically the adjacent Highland Park neighborhood, but noted that the requested CDP was being approved for safety reasons and security issues. The Planning Director noted that the City was undertaking an update to the Circulation Element and invited members of the public to participate in the workshops for this project. She also noted that there were currently plans in process that include improvements to Highway 1 for both pedestrians/bicycles and vehicular traffic.~~

On ~~October 10~~September 26, 2012 ~~an appeal was filed on the~~at a duly noticed Planning Director's ~~approval of a Coastal Development Permit (CDP) to allow~~meeting, the Planning Director approved the ~~installation of a hog wire fence along the southwest~~ CDP application based primarily on the applicant's stated concerns about security and liability issues for the property ~~boundary of the Ailanto Pacific Ridge property. The appeal was filed by,~~

Residents Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and

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Comment [WPS1]: Same paragraph above says LSA letter was dated 7 days later, 7/27/12

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Patrick Woollever. ~~Their request and reasons for appeal are attached for the Commission's review (Attachment 8).~~ (collectively "Appellants") appealed the Planning Director's approval of the CDP on October 10, 2012.

~~**ANALYSIS**~~

PROJECT BACKGROUND AND CDP APPROVAL

The ~~project proposes the installation of a hog wire/field fence along the southwest property boundary, beginning near the terminus~~Ailanto Property consists of two large, undeveloped parcels situated directly east of ~~Silver~~the Terrace Avenue ~~(parallel with the right of way) south toward the terminus of~~ /Highland ~~Avenue, thence following the property line east~~Park subdivisions and north of Half Moon Bay High School. The ~~total fence length will be approximately 825 feet with an overall height 6 feet, as shown on the plan (Attachment 2). The following entitlement~~Ailanto Property is ~~required for~~well-known as the site of the proposed ~~fence installation:~~

- ~~A Coastal Development Permit (CDP) is required for projects that meet the definition of development, which is defined in Section 18.20.020(C) to mean, "On land, in or under water, the placement or erection of any solid material or structure..." The hog wire fence meets the definition of development and, therefore, a CDP is required.~~

~~The parcel associated with the proposed project (Assessor's Parcel Number # 056-350-010) is owned by Ailanto Properties Inc. The site is known as the Ailanto~~ "Pacific Ridge ~~properties. The history of the site dates back to 1985 and has been a topic of discussion in Half Moon Bay for many years regarding proposed residential development for up to 216 homes at one point in time."~~ subdivision. The property was ~~ultimately approved for development of 63 homes~~ also subject of protracted litigation involving the property owner, the City of Half Moon Bay, and the California Coastal Commission over various issues, culminating in the issuance of a CDP by the California Coastal Commission ~~(CCC) in 2008. This application is for security fencing only and is not tied to the residential development~~on October 15, 2008 for construction of 63 homes, a neighborhood park, open space, and numerous infrastructure improvements, including funding for improvements to the intersection of Terrace Avenue and Hwy 1 and the vicinity ("Pacific Ridge CDP").

As mentioned in the staff report for the CDP, the instant project is "not tied to the [Pacific Ridge CDP], and does not include construction of anything other than a boundary fence for security purposes. There are no modifications to the approved development or additional construction elements being considered with this application." Staff reiterates that point here, and also notes that construction of a perimeter fence is not inconsistent with the any of the special conditions imposed by the Coastal Commission in the Pacific Ridge CDP.

~~The proposed fence would be a total of six (6) feet in height with posts footing would extend approximately three (3) feet below grade. This style of fencing is also commonly referred to as a field fence. The wire pattern fencing~~

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~~would be 2-inch wide by 4-inch long rectangles for a height of 54 inches, with two 3/16-inch stainless steel cables horizontally above the 54-inch hog wire fencing. The fence style is very similar to other wire fences that are in place on properties within the City. The~~The approved fence would extend approximately 420 feet along the western boundary, parallel to the street, from Silver Avenue to Highland Avenue and would then shift (90-degrees) and extend up the hill from Highland Avenue along the southern property boundary for approximately 405 feet. The fence would be approximately (6) feet in height with posts; footing would extend approximately three (3) feet below grade, as shown on the plan (Attachment 2). The wire pattern fencing, commonly referred to as a field fence, would be 2-inch wide by 4-inch long rectangles for a height of 54-inches, with two 3/16 inch stainless steel cables horizontally above the hog wire. This fence style is very similar to other wire fences in place on properties within the City. Many of the posts would be dug by hand, but depending on location a mobile Jeep mounted auger may be used for post digging ~~as well~~. Minor tree trimming may also be required in certain locations to allow adequate space for the fence construction.

Since the scope of the instant CDP was limited to the construction of a perimeter fence, and because the fence would not interfere or otherwise violate the special conditions imposed by the Coastal Commission on the Pacific Ridge CDP, staff focused its analysis on potential impacts to visual resources and coastal resources.

With regard to visual resources, staff concluded that the fence would not impact any scenic corridors or visual resources based on the facts project site is not within a designated visual resource area and the fence would be constructed with hog wire fencing material no taller than six feet in height.

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With regard to coastal resources, the Zoning Code requires that for projects located within 100 feet of a sensitive habitat area, the project applicant must submit a biological report on coastal resources (wild strawberry, sensitive habitat area, riparian areas, and wetlands) located on or within 200 feet of the project site, and that the report be circulated to the appropriate environmental and regulatory agencies. There have been several biological reports prepared for Allanto Property over the years for wetlands and riparian areas in connection with the Pacific Ridge CDP. The most recent wetland and riparian habitat study was prepared by LSA Associates in 2008. The 2008 study, all previous biological reports (Attachments 3-7), and a letter from LSA biologist Steve Foreman, dated July 27, 2012, stating that the fence would not have impacts on coastal resources based upon his assessment of the fence installation, as well as his review and preparation of previous biological studies, were sent to the California Department of Fish and Game, the Army Corps of Engineers, the Regional Water Quality Control Board and the California Coastal Commission for review. No comments or suggested mitigations were received during review period.

At the public hearing on the CDP, several members of the Highland Park subdivision offered testimony both in support of and against the fence. The Planning Director acknowledged the concerns expressed by members of the community, specifically the adjacent Highland Park neighborhood, but noted that the requested CDP was being approved for safety reasons and security issues. The Planning Director noted that the City was undertaking an update to the Circulation Element and invited members of the public to participate in the workshops for this project. She also noted that there were currently plans in process that include improvements to Highway 1 for both pedestrians/bicycles and vehicular traffic.

APPELLANTS' CONTENTIONS

The appeal contends the CDP application was improperly approved based on various perceived problems and concerns, including: (1) increased traffic on Highway 1; (2) reduction/elimination of pedestrian/bike access to recreation; (3) inadequate notice of the Planning Director Hearing; (4) community health; and (5) loss of use of a long-time footpath across the Allanto Property.

As stated above, grounds for appeal of a CDP are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act. In this case, only items numbered (2) and (5) above allege nonconformance with specific policies of the City's LCP or coastal access policies of the Coastal Act. However, the below analysis attempts to address all potentially applicable LCP and Coastal policies associated with the Appellants' concerns.

ANALYSIS

~~Liability issues have driven the need for the fencing. This area has been used as a short cut to Half Moon Bay High School. There has also been trespassing onto the property and in order to deter this behavior, the applicant is proposing installation of fencing along the most direct access points to the property.~~

~~**Coastal Development Permit.** A Coastal Development Permit (CDP) is required for any project that meets the definition of Development in Section 18.20.020(C) of the Zoning Code unless it is~~

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explicitly exempt. Construction of a perimeter fence is considered "Development," a CDP is required for this project.

Section 18.20.050(C) of the Zoning Code provides procedures for the review of CDP's. Because this project requires no discretionary permits other than a CDP, the Planning Director is authorized to review and deny, conditionally approve, or approve the CDP. The Planning Director is required to make all of the findings necessary for a Coastal Development Permit per Section 18.20.070 of the Zoning Code. The Planning Director held a public hearing on September 26, 2012 and approved the requested CDP for the fence installation at the Allanto-Pacific Ridge property.

Compliance with Local Coastal Program (LCP) Policies. The City's Local Coastal Program does not provide specific standards or guidelines for accessory structures such as the proposed fencing. The proposed project will not interfere with the City's valuable scenic corridor and visual resources per Chapter 7 of the LCP, specifically policies 7-11 and 7-12. The Visual Protection policies of Chapter 7 direct new development to be located where it will not pose visual impacts from primary access routes from Highway 1 to the beach, to protect coastal vistas from Highway 1 to the coastal hills and to the ocean, and to protect coastal vistas from the beaches to coastal bluff tops and to the coastal hills. The proposed project is limited to ground level (not greater than 6 feet in height) improvements that have no effect to public vistas or to primary coastal access routes.

The fence will skirt the edge of a grove of eucalyptus trees that occurs along an intermittent drainage (identified as Drainage 2 in the Biological Report). Vegetation on the Allanto property side of the fence is dominated by eucalyptus trees with little understory vegetation and nonnative annual grasses and forbs along the edge of the adjacent road. No significant native vegetation is present.

While the fence will be within 100 feet of the drainage channel, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground storm water system at the edge of the property. Based on the biologist observations and studies over the years, no significant coastal resources are present or would be affected by the construction or presence of the fence. The biologists that have worked on this project have not identified any raptor nesting in the immediate area of the fence and the drainage has little to no value for endangered species such as the California red-legged frog or San Francisco garter snake as habitat or as a movement corridor. The fence will not be placed within sensitive habitat (coastal resource).

California Environmental Quality Act (CEQA). Planning staff reviewed the CEQA exemptions and has prepared a Categorical Exemption for this project under CEQA Section 15303, Class 3 (e) (Attachment 4), which exempts accessory (appurtenant) structures including garage, carports, patios, swimming pools and fences. The Categorical Exemption will be filed with the County of San Mateo in accordance with necessary procedures for such filings. No adoption of findings or certification is required by the Responsible Agency under CEQA for a Categorical Exemption.

DISCUSSION

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~~The appellants' reason for appeal is dated October 12, 2012 and is found as Attachment 8. The appeal details the concerns of the neighbors in depth. Staff has provided an overview of the main points contained in the appeal.~~

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1. Increased traffic on Highway 1.

~~The proposed~~Appellants contend the approved fence will block access to Half Moon Bay High School for neighborhood children and families and substantially increase traffic on Highway 1 especially between Terrace and North Main Street during peak morning and afternoon traffic times. Appellants do not reference any specific LCP policies on this point. Appellants assert that the

~~**Reducing or eliminating pedestrian or bike access to recreation.**~~

~~Installation of a fence, blocking access to safe pedestrian and bike travel to Half Moon Bay will substantially limit access to recreation areas including but not limited to the Coastal Trail, downtown, beaches, Half Moon Bay High School athletic facilities.~~

~~**3. Inadequate notice of impacted property owners (photos included at end).**~~

~~The proposed Allanto fence CDP notification failed to meet several requirements of the Municipal Code for public notice.~~

~~**4.3. Community health.**~~

~~Keeping the footpath from Highland Avenue to Half Moon Bay High School contributes to the efforts of the City of Half Moon Bay to foster a pedestrian and bicycle friendly, healthy environmentally responsible community.~~

~~**5.3. Long time access blocked.**~~

~~The appeal provides a detailed analysis and several points of concern raised by residents. Specifically called out are following Coastal Act Policies with regard to access.~~

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approved fence does not conform with sections 30210 and 30252 of the Coastal Act. However, a closer reading of these provisions reveals that neither is applicable to the approved fence project, and therefore the fence does not conflict with these policies.

Section 30210, provides:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

~~The access policies of Section 30210 of the Coastal Act provide that:~~

~~In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety, and the need to protect public rights, rights of private property owners, and natural resource areas from over use.~~

~~Section 30211: 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.~~

~~Section 30212: Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.~~

~~Staff notes that implementation of the Coastal Act is discussed in Section 30001.5(c) which states that one of the basic goals of the state for the coastal zone is to:~~

~~Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.~~

~~In addition, Section 30214 addresses the implementation of public access policies; legislative intent as follows:~~

~~(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.~~

~~The appeal also references the City's Circulation Element, Goal 3 which encourages alternative modes of transportation. The appeal specifically notes supporting policy #9.~~

~~New residential and commercial development will be planned and designed to fully accommodate, enhance, and provide facilities for adopted bicycle, pedestrian and public transit circulation plans.~~

~~In addition policy #10 states:~~

~~The City shall actively pursue~~The term "access", as used in 30210, refers to access to the sea

~~PDP-034-11A~~

~~Planning Commission Agenda Report, November 13, 2012~~ 9

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APPENDIX E

BUSINESS OF THE PLANNING COMMISSION
OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For the meeting of: November 13, 2012

TO: Planning Commission

FROM: Catherine Barber, Contract Planner

TITLE: **PDP-034-12 – Appeal of Coastal Development Permit to allow the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, then following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)**

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RECOMMENDATION:

Staff recommends that the Commission deny the appeal and uphold the Planning Director's approval of PDP-034-12, a Coastal Development Permit to allow the installation of a Hog Wire Fence along the southwest property boundary of APN 056-350-010 ("Ailanto Property").

COASTAL DEVELOPMENT PERMIT APPEALS PROCEDURE

The City of Half Moon Bay Zoning Code, which is part of the City's certified Local Coastal Program ("LCP"), provides that a decision by the Planning Director's decision on a local Coastal Development Permit ("CDP") may be appealed to the Planning Commission. The grounds for an appeal of a local coastal development permit shall be limited to an allegation that the development does not conform to the standards set forth in the City's certified LCP or the coastal access policies of the Coastal Act.

PROCEDURAL BACKGROUND

On July 2, 2012, Ailanto Properties, Inc., submitted an application for a CDP to allow the installation of a hog wire/field fence along the southwest boundary of APN# 056-350-010, beginning near the terminus of Silver Avenue south toward the terminus of Highland Avenue, then following the property line east. The subject property is located on the east side of Highway 1 just north of the Half Moon Bay High School, immediately east of Terrace, Silver and Highlands Avenues. The site is zoned PUD (Planned Unit Development) with a General Plan designation of Planned Development District.

On September 26, 2012 at a duly noticed Planning Director's meeting, the Planning Director approved the CDP application based primarily on the applicant's stated concerns about security and liability issues for the property.

Residents Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and Patrick Wooliever (collectively "Appellants") appealed the Planning Director's approval of the CDP on October 10, 2012.

PROJECT BACKGROUND AND CDP APPROVAL

The Allanto Property consists of two large, undeveloped parcels situated directly east of the Terrace Avenue/Highland Park subdivisions and north of Half Moon Bay High School. The Allanto Property is well-known as the site of the proposed "Pacific Ridge" subdivision. The property was also subject of protracted litigation involving the property owner, the City of Half Moon Bay, and the California Coastal Commission over various issues, culminating in the issuance of a CDP by the California Coastal Commission on October 15, 2008 for construction of 63 homes, a neighborhood park, open space, and numerous infrastructure improvements, including funding for improvements to the intersection of Terrace Avenue and Hwy 1 and the vicinity ("Pacific Ridge CDP").

As mentioned in the staff report for the CDP, the instant project is "not tied to the [Pacific Ridge CDP], and does not include construction of anything other than a boundary fence for security purposes. There are no modifications to the approved development or additional construction elements being considered with this application." Staff reiterates that point here, and also notes that construction of a perimeter fence is not inconsistent with the any of the special conditions imposed by the Coastal Commission in the Pacific Ridge CDP.

The approved fence would extend approximately 420 feet along the western boundary, parallel to the street, from Silver Avenue to Highland Avenue and would then shift (90-degrees) and extend up the hill from Highland Avenue along the southern property boundary for approximately 405 feet. The fence would be approximately (6) feet in height with posts; footing would extend approximately three (3) feet below grade, as shown on the plan (Attachment 2). The wire pattern fencing, commonly referred to as a field fence, would be 2-inch wide by 4-inch long rectangles for a height of 54-inches, with two 3/16 inch stainless steel cables horizontally above the hog wire. This fence style is very similar to other wire fences in place on properties within the City. Many of the posts would be dug by hand, but depending on location a mobile Jeep mounted auger may be used for post digging. Minor tree trimming may also be required in certain locations to allow adequate space for the fence construction.

Since the scope of the instant CDP was limited to the construction of a perimeter fence, and because the fence would not interfere or otherwise violate the special conditions imposed by the Coastal Commission on the Pacific Ridge CDP, staff focused its analysis on potential impacts to visual resources and coastal resources.

With regard to visual resources, staff concluded that the fence would not impact any scenic corridors or visual resources based on the facts project site is not within a designated visual resource area and the fence would be constructed with hog wire fencing material no taller than six feet in height.

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With regard to coastal resources, the Zoning Code requires that for projects located within 100 feet of a sensitive habitat area, the project applicant must submit a biological report on coastal resources (wild strawberry, sensitive habitat area, riparian areas, and wetlands) located on or within 200 feet of the project site, and that the report be circulated to the appropriate environmental and regulatory agencies. There have been several biological reports prepared for Ailanto Property over the years for wetlands and riparian areas in connection with the Pacific Ridge CDP. The most recent wetland and riparian habitat study was prepared by LSA Associates in 2008. The 2008 study, all previous biological reports (Attachments 3-7), and a letter from LSA biologist Steve Foreman, dated July 27, 2012, stating that the fence would not have impacts on coastal resources based upon his assessment of the fence installation, as well as his review and preparation of previous biological studies, were sent to the California Department of Fish and Game, the Army Corps of Engineers, the Regional Water Quality Control Board and the California Coastal Commission for review. No comments or suggested mitigations were received during review period.

At the public hearing on the CDP, several members of the Highland Park subdivision offered testimony both in support of and against the fence. The Planning Director acknowledged the concerns expressed by members of the community, specifically the adjacent Highland Park neighborhood, but noted that the requested CDP was being approved for safety reasons and security issues. The Planning Director noted that the City was undertaking an update to the Circulation Element and invited members of the public to participate in the workshops for this project. She also noted that there were currently plans in process that include improvements to Highway 1 for both pedestrians/bicycles and vehicular traffic.

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APPELLANTS' CONTENTIONS

The appeal contends the CDP application was improperly approved based on various perceived problems and concerns, including: (1) increased traffic on Highway 1; (2) reduction/elimination of pedestrian/bike access to recreation; (3) inadequate notice of the Planning Director Hearing; (4) community health; and (5) loss of use of a long-time footpath across the Ailanto Property.

As stated above, grounds for appeal of a CDP are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act. In this case, only items numbered (2) and (5) above allege nonconformance with specific policies of the City's LCP or coastal access policies of the Coastal Act. However, the below analysis attempts to address all potentially applicable LCP and Coastal policies associated with the Appellants' concerns.

ANALYSIS

1. **Increased traffic on Highway 1.**

Appellants contend the approved fence will block access to Half Moon Bay High School for neighborhood children and families and substantially increase traffic on Highway 1 especially between Terrace and North Main Street during peak morning and afternoon traffic times. Appellants do not reference any specific LCP policies on this point. Appellants assert that the

approved fence does not conform with sections 30210 and 30252 of the Coastal Act. However, a closer reading of these provisions reveals that neither is applicable to the approved fence project, and therefore the fence does not conflict with these policies.

Section 30210 provides:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

The term "access", as used in 30210, refers to access to the sea and/or coastline, and not to a convenient shortcut to a schoolyard from a residential neighborhood. Staff also notes this section expressly acknowledges the need to protect the rights of private property owners as well as public access. As stated in the Findings and Evidence, the approved fence is not located between the sea and first public road parallel to the sea, and therefore it would not impair the ability of the public to access the sea or coastline in Half Moon Bay.

Section 30252 provides:

> *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

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The phrase "new development," as used in Section 30252 and throughout Chapter 3, Article 6 of the Coastal Act, is appropriately construed in the context of the section 30250, the first section in Article 6. Section 30250 contemplates access policies for "new *residential, commercial, or industrial* development..." The approved project—a perimeter fence around a portion of an undeveloped lot—does not fall into the category of residential, commercial, or industrial development and therefore the project is not subject to the public access requirements for new development under Section 30252.

Notwithstanding Appellants' misplaced reliance on Sections 30210 and 30252, staff notes the LCP contains a number of Transportation Policies, three of which address traffic issues on Highway 1:

LCP Policy 10-25
The City will support the use of Level of Service C as the desired level of service on Highways 1 and 92, except during the peak two-hour commuting period and the ten-day average peak recreation hour when Level of Service E will be acceptable.

LCP Policy 10-26
The City will support improvements to Highway 1 and 92 outside the City, including phased increases in capacity. First priority being safety improvements to Highway 92; second priority, construction of Devil's Slide bypass.

LCP Policy 10-27
The City will recommend to CalTrans installation of improvements on Highway 1 to improve safety and recreational traffic flow and minimize local and visitor traffic conflicts, including signs and left-turn bays at beach access routes. Request CalTrans undertake the widening of Highway 1 to four lanes within the City.

The clear focus of these policies is the alleviation of conflicts between commuter traffic and recreational traffic. The traffic impacts—if any—resulting from the instant project would not conflict with these policies. For the instant project, any potential traffic increase would not substantially interfere with recreational traffic, given that school start times are either 6:40 a.m. (0 period) or 7:45 a.m. and dismissal time is at 2:56 p.m., which do not directly coincide with recreational traffic peaks.

However, Appellants' primary argument on this point is that the approved fence would result in an increase in vehicle traffic from Highland Park onto Highway 1 because the "vast majority" of an estimated 700 weekly pedestrian trips across the Allanto Property to Half Moon Bay High School would convert into vehicle trips. Furthermore, Appellants argue the future improvements to Highway 1 would be inadequate because the traffic mitigation analysis conducted in connection with the Pacific Ridge CDP did not account for pedestrian traffic between Highland Park and Half Moon Bay High School. Appellants do not offer any support for this contention, however, and nothing in the traffic analyses by the Coastal Commission or the applicant supports this theory—for example, by assuming some the traffic impacts that would result from build out of the Pacific Ridge subdivision would be mitigated by diverting high school traffic through an existing footpath. *

2. Reducing or eliminating pedestrian or bike access to recreation.

Appellants also contend that installation of the fence would block access to safe pedestrian and bike travel in Half Moon Bay and will substantially limit access to recreation areas including but not limited to the Coastal Trail, downtown, beaches, and Half Moon Bay High School athletic facilities. Appellants concerns in this regard appear to stem from the absence of parks facilities in their neighborhood, and the loss of an easement previously used to access Half Moon Bay High School. Appellants cite Coastal Act sections 30210, 30211, 30252.6, and 30212, as well as the General Circulation Plan. For the same reasons discussed above, these Coastal Act sections are inapplicable to the approved fence project.

Furthermore, the Circulation Element of the General Plan is not part of the City's LCP, and is therefore not a proper grounds for a CDP appeal. Staff does note, however, that the Planning Commission recently approved both trail and road improvements for Highway 1 that are consistent with the above noted policies set forth in the Circulation Element.

3. Inadequate notice of impacted property owners (photos included at end).

Appellants further contend that the noticing required for the hearing on the CDP notification failed to comply with several requirements of the Municipal Code for public notice.

As a preliminary matter, the Municipal Code section (17.22.045) cited by Appellants pertains to the hearing requirements for a tentative map under the City's subdivision ordinance, and does not apply to a public hearing on a CDP application. The noticing requirements for a CDP are set forth in Municipal Code section 18.20.060, and the City provided adequate notice as required by that section.

4. Community health.

Appellants also contend that keeping the footpath across the Ailanto Property to Half Moon Bay High School contributes to the efforts of the City of Half Moon Bay to foster a pedestrian- and bicycle-friendly, healthy, environmentally responsible community. This claim does not present a clear relationship to any LCP or Coastal Act policy. Accordingly, this argument is not a proper grounds for a CDP appeal and should not be considered by the Planning Commission.

5. Long time access blocked.

Appellants' final contention is that as a result of longtime public use of the Ailanto Property to access Half Moon Bay High School, potential prescriptive rights may have vested in the footpath. Appellants cite "the general policies of the LCP Land Use Plan" as requiring the City "to require public dedications or prescriptive easements to ensure compliance with Coastal Commission policies." Although Appellants do not specifically mention any LCP or Coastal Act policies, staff presumes that Appellants are referring to the public access policies cited several times in the notice of appeal, i.e. Coastal Act section 30210, 30211, and 30212. As discussed above, these policies are inapplicable to the Ailanto Property, which is not situated between the sea and the first public road parallel to the sea.

Furthermore, the claim of potential prescriptive rights across the Ailanto Property is foreclosed by Section 1009 of the California Civil Code, which expressly abrogates the common law doctrine of prescriptive rights or implied dedication as a basis for establishing a public right of access across private property.

CONCLUSION

For the reasons discussed above, the Planning Commission should find that the record of the proceeding adequately supports the Planning Director's approval of PDP-034-12, a Coastal

Draft Only

Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary of APN 056-350-010 ("Allanto Property") and deny the appeal.

ATTACHMENTS:

1. Draft Resolution.
2. Plan with proposed fence locations and dimensions.
3. S. Foreman, LSA Associates, Inc. letter July 27, 2012
4. 1999 Biological Report
5. ESHA Update 2008
6. Raptor Nesting Surveys 2010
7. Eucalyptus Stands Habitat Assessment and Management Recommendations 2011
8. Planning Director Meeting 9/26/12- staff report and minutes
9. Planning Director Meeting 9/26/12- neighbor letters and emails
10. Planning Director Meeting 9/26/12- photos of subject property submitted by applicant
11. Appeal from Marc and Monica Rosoff, Teresa McWhirt and Kenneth Kennedy, and Amy and Patrick Woollever dated October 10, 2012

Draft Only

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION P-
RESOLUTION FOR APPROVAL
PDP-034-12A

Deny the Appeal and Uphold the Planning Director's Approval of PDP-034-12, a Coastal Development Permit for the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

WHEREAS, an application for Coastal Development Permit for the Installation of a hog wire fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010), in a PUD (Planned Development) Zoning District, was approved at a duly notice public hearing of the Planning Director on September 26, 2012; and

WHEREAS, a timely appeal of the Planning Director's decision was filed on October 10, 2012; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the appeal on November 13, 2012; and

WHEREAS, the Planning Commission considered the grounds on which the appeal was filed, the record of the Planning Director's decision, and all written and oral testimony presented for its consideration; and

NOW, THEREFORE, BE IT RESOLVED that, the Planning Commission hereby finds that the Planning Director's approval of PDP-034-012 is consistent with all applicable policies set forth in the City of Half Moon Bay's Local Coastal Program and the coastal access policies of the Coastal Act and denies the appeal and AFFIRMS the Planning Director's decision for approval of the Coastal Development Permit for application PDP-034-12.

PASSED AND ADOPTED by the City of Half Moon Bay Planning Commission at a duly noticed public hearing held on November 13, 2012 by the following vote:

AYES,
ABSENT,
ABSTAIN,

ATTEST:

APPROVED:

Pat Webb, Interim Planning Director

Tom Roman, Chair

Draft Only

APPENDIX D

ATTACHMENT 8

BUSINESS OF THE PLANNING DIRECTOR
OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For the meeting of: September 26, 2012

PDP-034-12 – Request for a Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

Draft Only

RECOMMENDATION

Approve PDP-034-12, a Coastal Development Permit to allow the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010) subject to the Findings (Exhibit A) and Conditions (Exhibit B) contained in the attached resolution.

BACKGROUND

On July 2, 2012, Ailanto Properties, Inc., submitted an application for a Coastal Development Permit to allow the installation of a hog wire/field fence along the southwest boundary of APN# 056-350-010, beginning near the terminus of Silver Avenue south toward the terminus of Highland Avenue, thence following the property line east. The subject property is located on the east side of Highway 1 just north of the Half Moon Bay High School, immediately east of Terrace, Silver and Highlands Avenues. The site is zoned PUD (Planned Unit Development) with a General Plan designation of Planned Development District.

Half Moon Bay Zoning Code section 18.38.035 requires that a biological report be prepared for proposed development that is located within 100 feet of a sensitive habitat area. There have been several biological reports prepared for Pacific Ridge/Ailanto Property over the years for wetlands and riparian areas. The most recent wetland and riparian habitat mapping/setback zones were prepared by LSA Associates, dated 2008.

In accordance with section 18.38.035(c) of the zoning code, the previous biological reports (Attachments 3-7), along with a letter from LSA biologist Steve Foreman, dated July 27, 2012,

9-206

stating that the proposed fence would not have impacts on coastal resources based upon his assessment of the fence installation, as well as his review and preparation of previous biological studies, was sent to the California Department of Fish and Game, the Army Corps of Engineers, the Regional Water Quality Control Board and the California Coastal Commission for review. The zoning code allows each agency 45 days from the date the agency received the report to provide the City with comments on the quality of the report and any suggested mitigation measures deemed appropriate. The biological reports were sent out to the above noted agencies on July 20, 2012, as well as to the San Mateo County Planning and Building Division. No comments or suggested mitigations were received during review period.

The proposed fence would be located within 100-feet of a coastal resource and is therefore appealable to the California Coastal Commission.

ANALYSIS

The project proposes the installation of a hog wire/field fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east. The total fence length will be approximately 825-feet with an overall height 6-feet, as shown on the plan (Attachment 2). Planning Director approval is required for the following entitlements:

- A Coastal Development Permit (CDP) is required for projects that meet the definition of development, which is defined in Section 18.20.020(C) to mean, "On land, in or under water, the placement or erection of any solid material or structure..." The hog wire fence meets the definition of development and, therefore, a CDP is required.

The parcel associated with the proposed project (Assessor's Parcel Numbers # 056-350 010) is owned by Ailanto Properties Inc. The site is known as the Ailanto/Pacific Ridge properties. The history of the site dates back to 1985 and has been a topic of discussion in Half Moon Bay for many years regarding proposed residential development for up to 216 homes at one point in time. The property was ultimately approved for development of 63 homes by the California Coastal Commission (CCC) in 2008. This application is for security fencing only and is not tied to the residential development and does not include construction of anything other than a boundary fence for security purposes. There are no modifications to the approved development or additional construction elements being considered with this application.

The proposed fence would be a total of six (6) feet in height with posts; footing would extend approximately three (3) feet below grade. This style of fencing is also commonly referred to as a field fence. The wire pattern fencing would be 2-inch wide by 4-inch long rectangles for a height of 54-inches, with two 3/16 inch stainless steel cables horizontally above the 54-inch hog wire fencing. The fence style is very similar to other wire fences that are in place on properties within the City. The fence would extend approximately 420 feet along the western boundary, parallel to the street, from Silver Avenue to Highland Avenue and would then shift (90-degrees) and extend

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up the hill from Highland Avenue along the southern property boundary for approximately 405 feet. Many of the posts would be dug by hand, but depending on location a mobile Jeep mounted auger may be used for post digging as well. Minor tree trimming may also be required in certain locations to allow adequate space for the fence construction.

Liability issues have driven the need for the fencing. This area has been used as a short cut to Half Moon Bay High School. There has also been trespassing onto the property and in order to deter this behavior, the applicant is proposing installation of fencing along the most direct access points to the property.

Coastal Development Permit. A Coastal Development Permit (CDP) is required for any project that meets the definition of Development in Section 18.20.020(C) of the Zoning Code unless it is explicitly exempt. Construction of a perimeter fence is considered "Development," a CDP is required for this project.

Section 18.20.050(C) of the Zoning Code provides procedures for the review of CDPs. Because this project requires no discretionary permits other than a CDP, the Planning Director is authorized to review and deny, conditionally approve, or approve the CDP. The Planning Director is required to make all of the findings necessary for a Coastal Development Permit per Section 18.20.070 of the Zoning Code.

Compliance with Local Coastal Program (LCP) Policies. The City's Local Coastal Program does not provide specific standards or guidelines for accessory structures such as the proposed fencing. The proposed project will not interfere with the City's valuable scenic corridor and visual resources per Chapter 7 of the LCP, specifically policies 7-11 and 7-12. The Visual Protection policies of Chapter 7 direct new development to be located where it will not pose visual impacts from primary access routes from Highway 1 to the beach, to protect coastal vistas from Highway 1 to the coastal hills and to the ocean, and to protect coastal vistas from the beaches to coastal bluff-tops and to the coastal hills. The proposed project is limited to ground level (not greater than 6-feet in height) improvements that have no effect to public vistas or to primary coastal access routes.

The fence will skirt the edge of a grove of eucalyptus trees that occurs along an intermittent drainage (identified as Drainage 2 in the Biological Report). Vegetation on the Allanto property side of the fence is dominated by eucalyptus trees with little understory vegetation and nonnative annual grasses and forbs along the edge of the adjacent road. No significant native vegetation is present.

While the fence will be within 100 feet of the drainage channel, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground storm water system at the edge of the property. Based on the biologist observations and studies over the years, no significant coastal resources are present or would be affected by the construction or presence of the fence. The

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biologists that have worked on this project have not identified any raptor nesting in the immediate area of the fence and the drainage has little to no value for endangered species such as the California red-legged frog or San Francisco garter snake as habitat or as a movement corridor. The fence will not be placed within sensitive habitat (coastal resource).

California Environmental Quality Act (CEQA). Planning staff reviewed the CEQA exemptions and has prepared a Categorical Exemption for this project under CEQA Section 15303, Class 3 (e) (Attachment 4), which exempts accessory (appurtenant) structures including garage, carports, patios, swimming pools and fences. The Categorical Exemption will be filed with the County of San Mateo in accordance with necessary procedures for such filings. No adoption of findings or certification is required by the Responsible Agency under CEQA for a Categorical Exemption.

CONCLUSION

With the recommended conditions of approval and findings of evidence, the proposed fence installation would meet all of the applicable development standards and does not pose a threat to any of the coastal resources. Staff recommends approval of the project and has prepared the recommended findings and conditions of approval (Exhibit A and B). The Planning Director will need to determine if the project concurs with the analyses set forth in the findings and whether the conditions are appropriate and adequate for approval.

Draft Copy

ATTACHMENTS:

1. Draft Resolution with Findings and Evidence, Exhibit A and Conditions of Approval, Exhibit B.
2. Plan with proposed fence locations and dimensions.
3. S. Foreman, LSA Associates, Inc. letter July 27, 2012
4. 1999 Biological Report
5. ESHA Update 2008
6. Raptor Nesting Surveys 2010
7. Eucalyptus Stands Habitat Assessment and Management Recommendations 2011

PLANNING DIRECTOR RESOLUTION PDR-
RESOLUTION FOR APPROVAL
PDP-034-12

Coastal Development Permit for the Installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

WHEREAS, an application was submitted requesting approval of a Coastal Development Permit for the installation of a hog wire fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010), in a PUD (Planned Development) Zoning District; and

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

WHEREAS, the Planning Director conducted a duly noticed public hearing on September 26, 2012, at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

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

WHEREAS, the Planning Director has determined that the requested Coastal Development Permit for fencing is categorically exempt from CEQA under Section 15303, Class 3(e) (Attachment 4), which exempts accessory (appurtenant) structures including garage, carports, patios, swimming pools and fences; and

WHEREAS, the Planning Director has made the required findings for approval of the project, set forth in Exhibit A to this resolution;

NOW, THEREFORE, BE IT RESOLVED that, based upon the Findings in Exhibit A and subject to the Conditions of Approval contained in Exhibit B, the Planning Director approves the application (PDP-034-12).

PASSED AND ADOPTED by the City of Half Moon Bay Planning Director at a duly noticed public hearing held on September 26, 2012, by the following vote:

APPROVED: ATTEST:

Pat Webb, Interim Planning Director

Caroline Weigandt, Recording Secretary

Draft ONLY

EXHIBIT A

FINDINGS AND EVIDENCE
Planning Director Resolution PDR-
PDP-034-12

Request for a Coastal Development Permit for the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue (parallel with the right-of-way) south toward the terminus of Highland Avenue, thence following the property line east; total fence length approximately 825-feet, overall height 6-feet (APN# 056-350-010)

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Coastal Development Permit – Findings for Approval

The required Coastal Development Permit for this project may be approved or conditionally approved only after the approving authority has made the following findings per Municipal Code Section 18.20.070:

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

   Evidence: The proposed project is located along the southwest property boundary, beginning near the terminus of Silver Avenue, south toward the terminus of Highland Avenue, thence east along the property line. The fence proposed is commonly referred to as a field fence and would be consistent with other boundary fences in the City. It would be a visually open pattern that would not impact views of the property. The project does not interfere with public's access to the coastal trail, beach or sea. The proposed project does not pose any significant threat to coastal resources or inconsistencies with the policies of the City's Land Use Plan (LUP).

   Coastal Act 30240(b) and Policy 3-3 (b): *Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

   Compliance: The fence skirts an edge grove of eucalyptus trees that occurs along an intermittent drainage (identified as Drainage 2 in the Biological Report). Vegetation on the Ailanto property side of the fence is dominated by eucalyptus trees with little understory vegetation and nonnative annual grasses and forbs along the edge of the adjacent road. No significant native vegetation is present. While the fence will be within 100 feet of the drainage, the fence in this area is located outside of the riparian corridor on top of a fill slope created by fill for the adjacent residential development. Drainage 2 terminates into an underground storm water system at the edge of the property. Based upon the biologist's observations and studies over the years, no significant coastal resources are present or would

Highland Footpath to HMBHS

- Walking path to HMBHS for students.
- Pedestrian access to downtown HMB, beaches and recreation.
- Reduces peak traffic on Hwy 1.
- Preserves emergency access to and from HMBHS.



RECEIVED
JAN 07 2013
CALIFORNIA
COASTAL COMMISSION

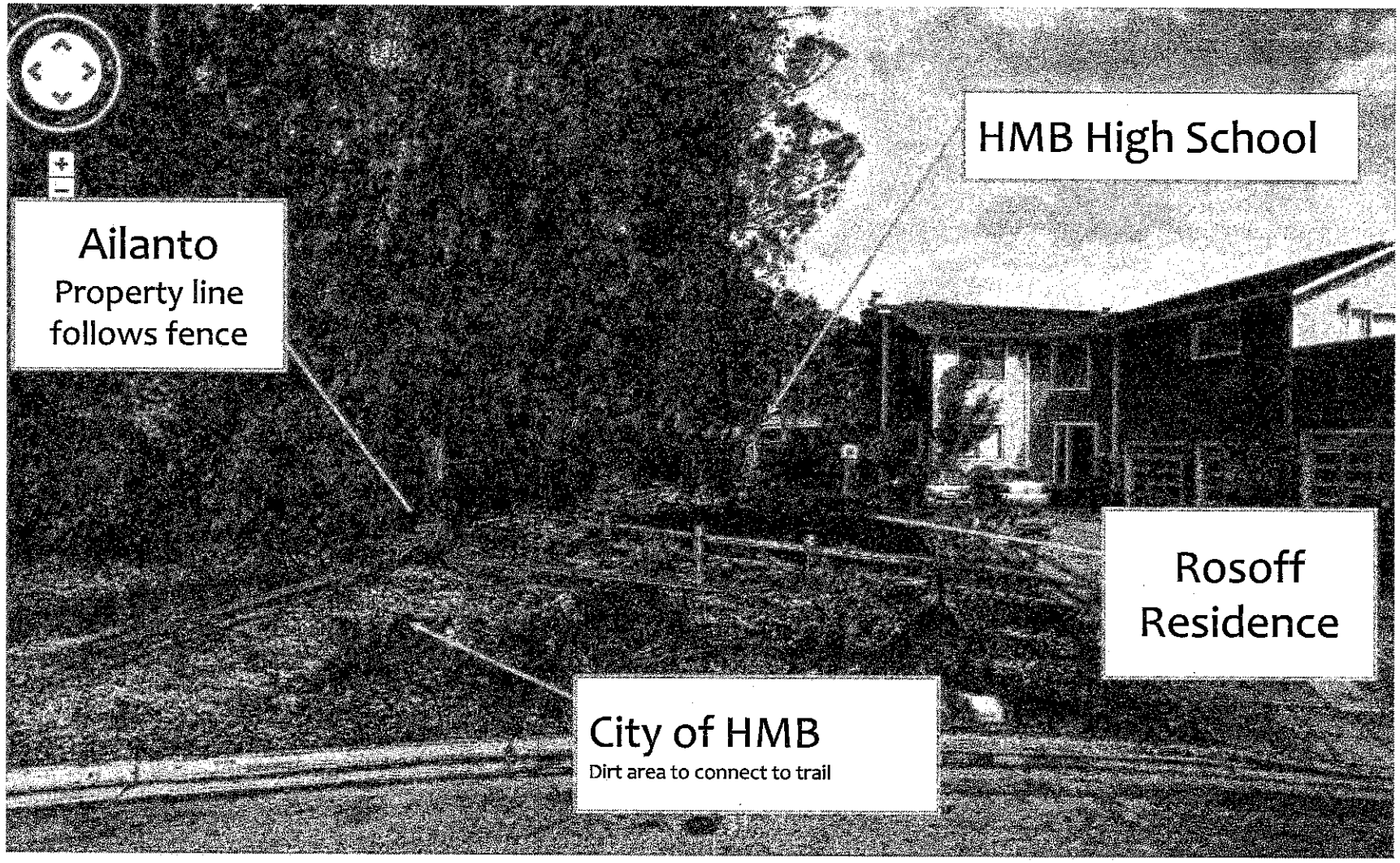
Our efforts are NOT about…

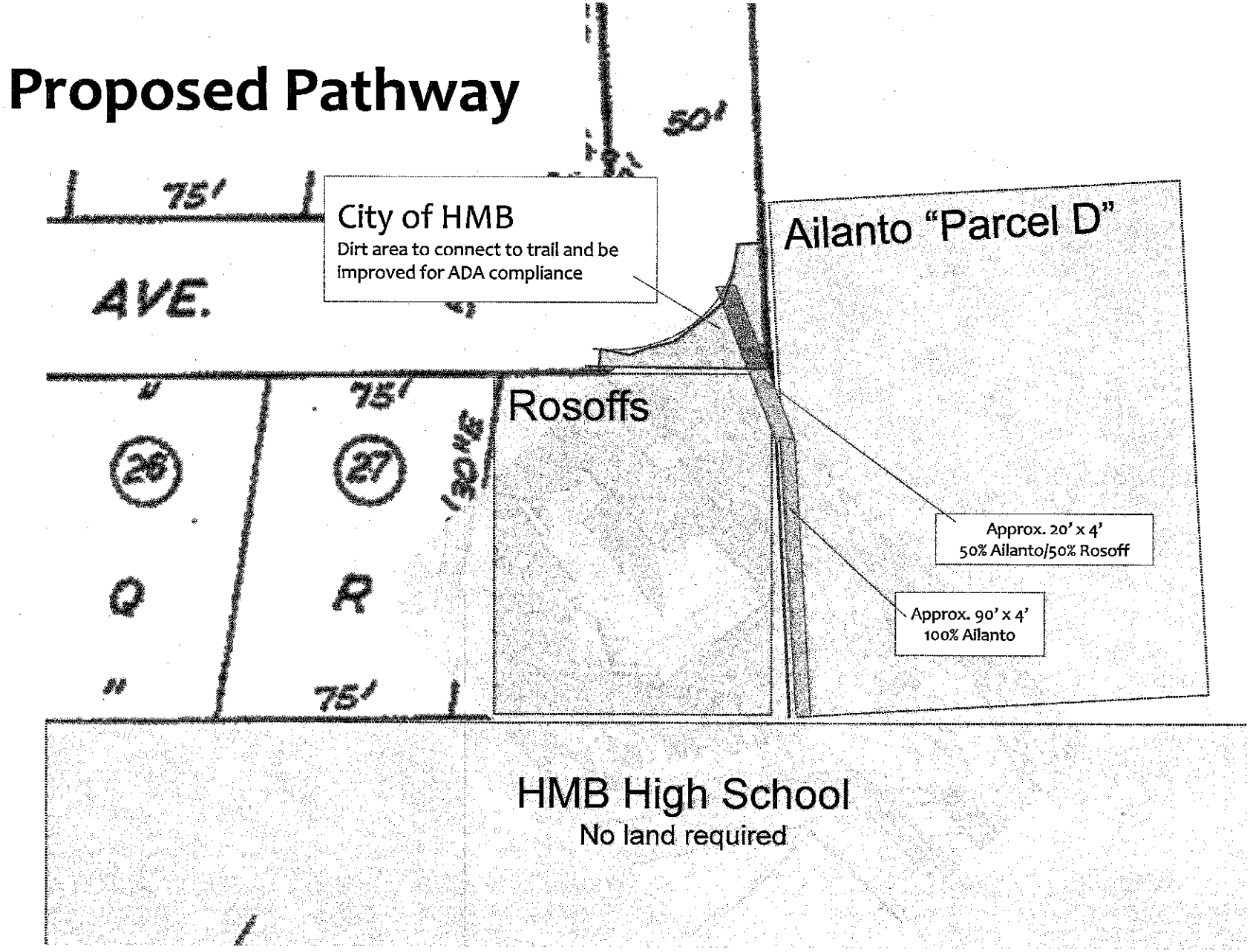
- Property Rights – We support Ailanto's efforts to protect their liability.
- Pacific Ridge – The development has been approved and should not be impacted by this effort.

What We Are Asking from the City

- Accept and execute property donations from Ailanto and Rosoffs
- Review and approve pathway design
- Sponsor pathway CDP

Currently: Students and residents walk by the Rosoff property and onto Ailanto's property between the trees and the Rosoff fence to reach the HMBHS property.




Proposed Pathway
50'
75'
City of HMB
Dirt area to connect to trail and be improved for ADA compliance
AVE.
Ailanto "Parcel D"
75'
Rosoffs
26
27
Q
R
75'
Approx. 20' x 4'
50% Ailanto/50% Rosoff
Approx. 90' x 4'
100% Ailanto
HMB High School
No land required

Six Stakeholders Required

- ❑ #1 - Ailanto Properties
- ❑ #2 - Cabrillo USD & HMB High School
- ❑ #3 - SMC Sheriff
- ❑ #4 - Highland Residents
- ❑ #5 - Rosoff Family
- ❑ #6 - City of HMB

Stakeholder #1

☑ Ailanto Properties

Offering to donate land required to build the pathway:

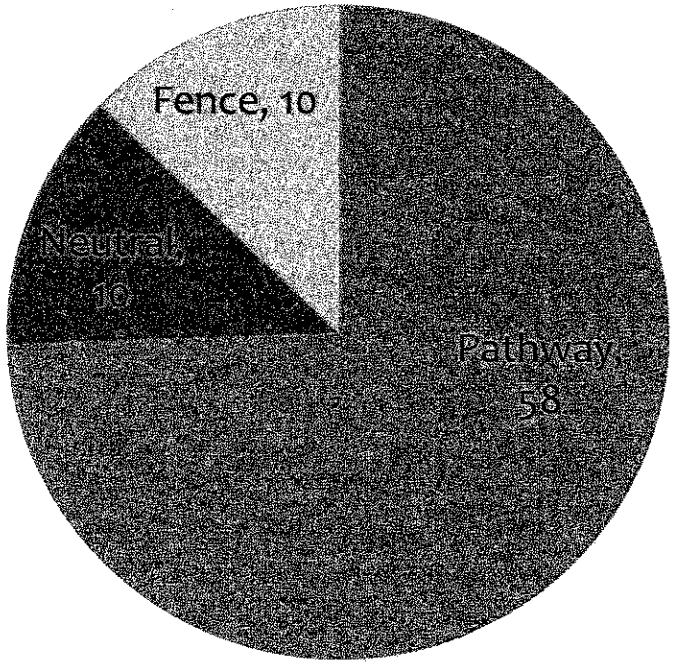
- Requires subdivision of Pacific Ridge "Parcel D"
- Cannot affect Pacific Ridge permit

Stakeholder #2

- ☑ Cabrillo USD & HMB High School
- Neutral third party
- *"Supports a resolution that provides a safe pedestrian pathway linking the Highland neighborhood and the high school."*
- Believes City should own and maintain
- Will partner if needed

Stakeholder #3

☑ Highland/Silver Ave. Residents



- 83% of "Precincts Reporting"
- More than 7 in 8 households want pathway

Stakeholder #4

- ☑ SMC Sheriff
- Last 6 months have increased patrol in response to complaints and made stops
- No parking violations (5 to 7 students park vehicles at the top of Highland during school hours)
- Continuing efforts

Stakeholder #5

- ☑ Rosoff Family
- Most affected stakeholder
- Willing to donate corner of property for pathway

Stakeholder #6

- City of HMB

- Accept and execute property donations from Ailanto and Rosoffs
- Review and approve pathway design
- Sponsor pathway CDP

What's Required?

1. Remove concrete slag & several trees
2. Move section of fence at Rosoff residence
3. Minor grading
4. Install wheelchair ramp at Highland terminus
5. Install 4-foot wide paved pathway
6. Install handrail adjacent ditch if needed

➢ Less than $25,000 for construction

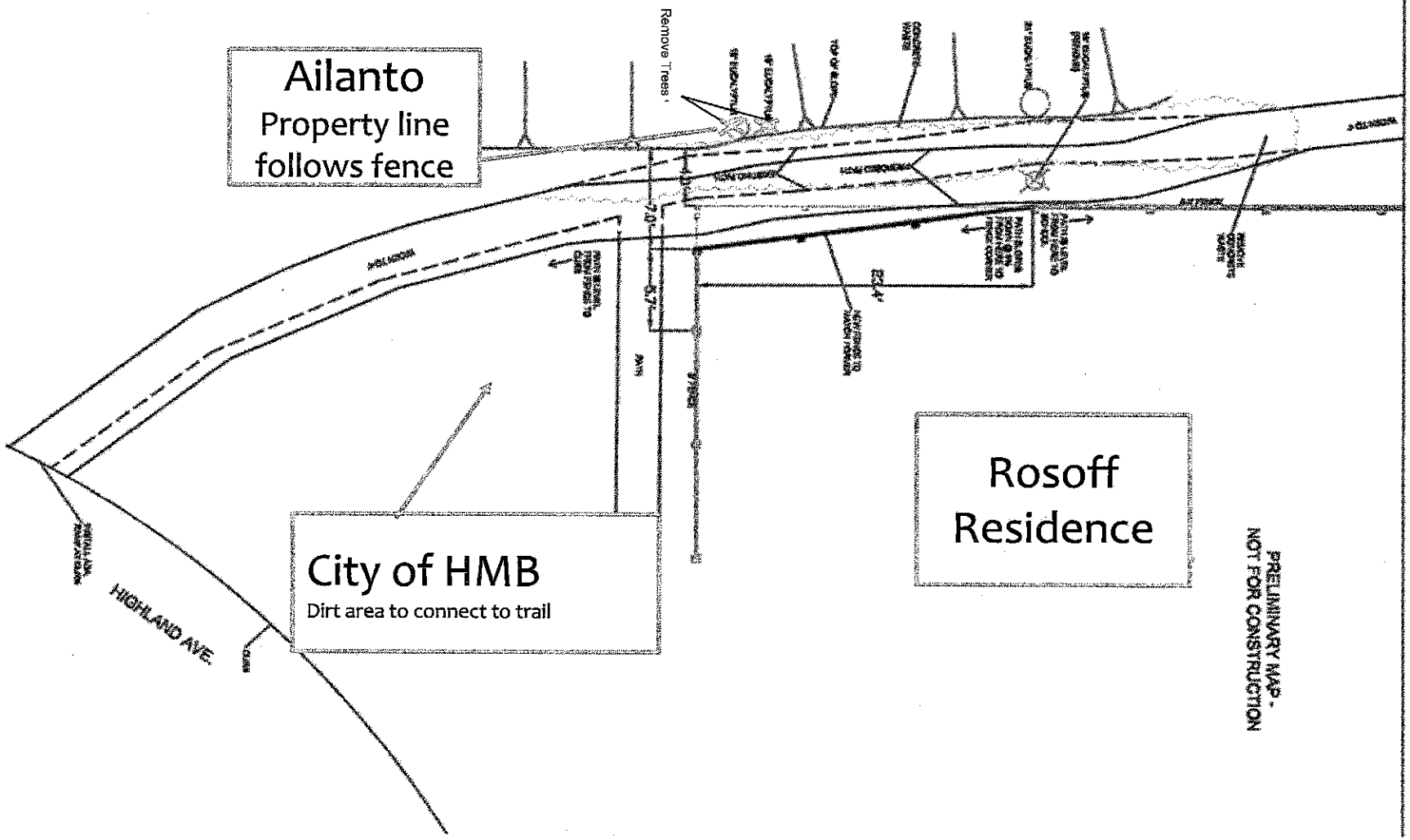
Preliminary Construction Cost Estimate*

HMB Grading & Paving, Andreini Bros

Task	Cost
Remove concrete and trees	<$1,750
Move/and Replace Rosoff Fences	<$750
Install wheelchair ramp at Highland	<$2,000
Construct pathway (grade, pave)	<$20,000
Install handrail as needed	<$500
Total	**<$25,000**

* Initial attempts at obtaining financing are positive

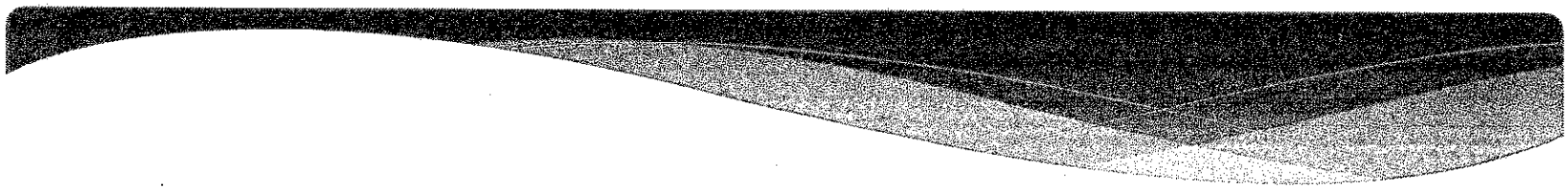
Engineering



HMB Circulation Plan of General Plan

Element: "Encourage alternative modes of transportation"

"The city will encourage the use of alternative modes of transportation such as walking, biking and public transit to reduce single occupancy vehicular traffic, minimize environmental impact and improve personal health and recreational enjoyment."



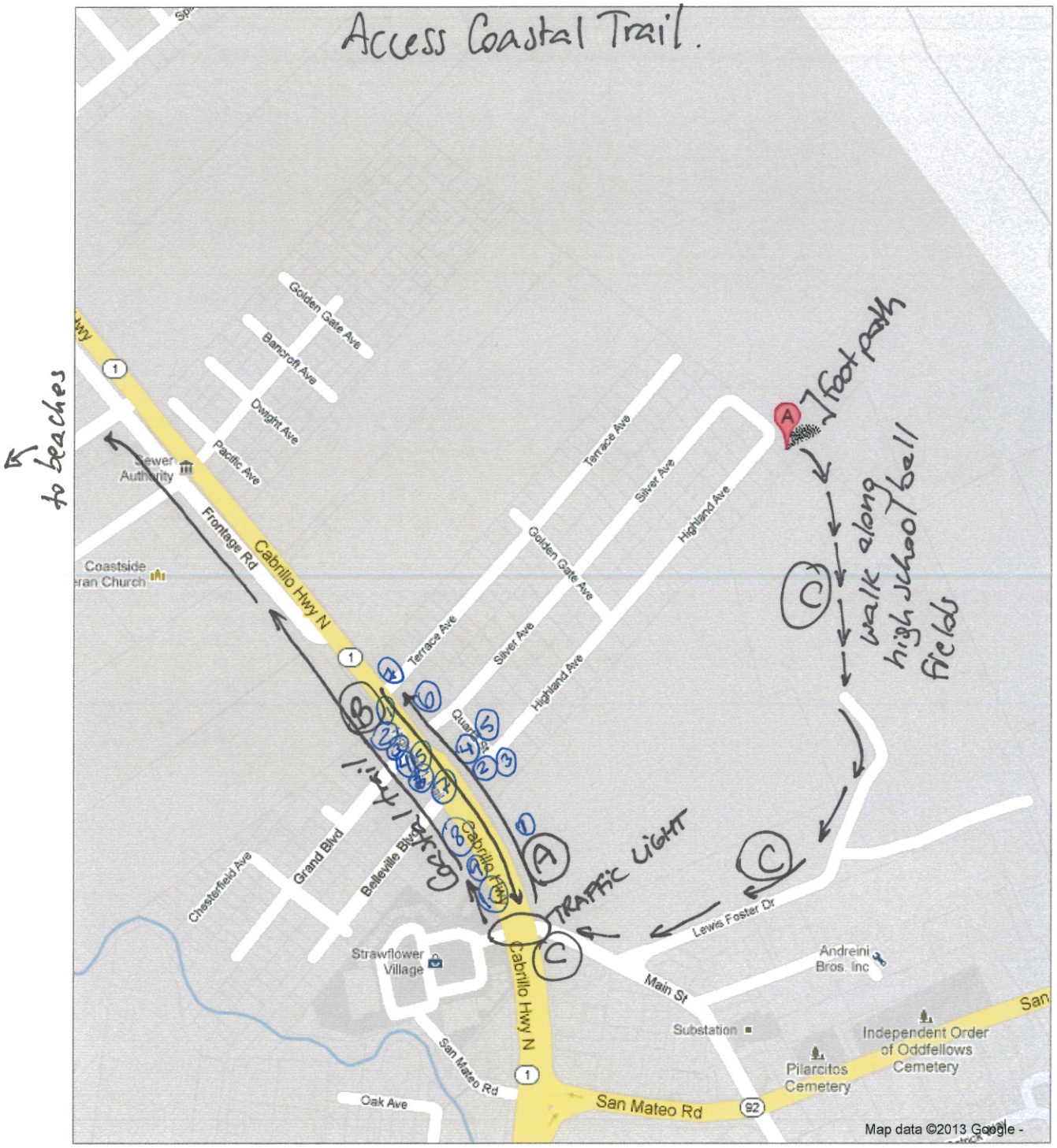
Benefits to City of HMB and Residents?

- Retain access to schools and recreation
- More non-vehicle travel
- Less traffic on Highway 1 especially at peak
- Safer healthier citizens
- Cooperative solution

The City of HMB can make it all come together.

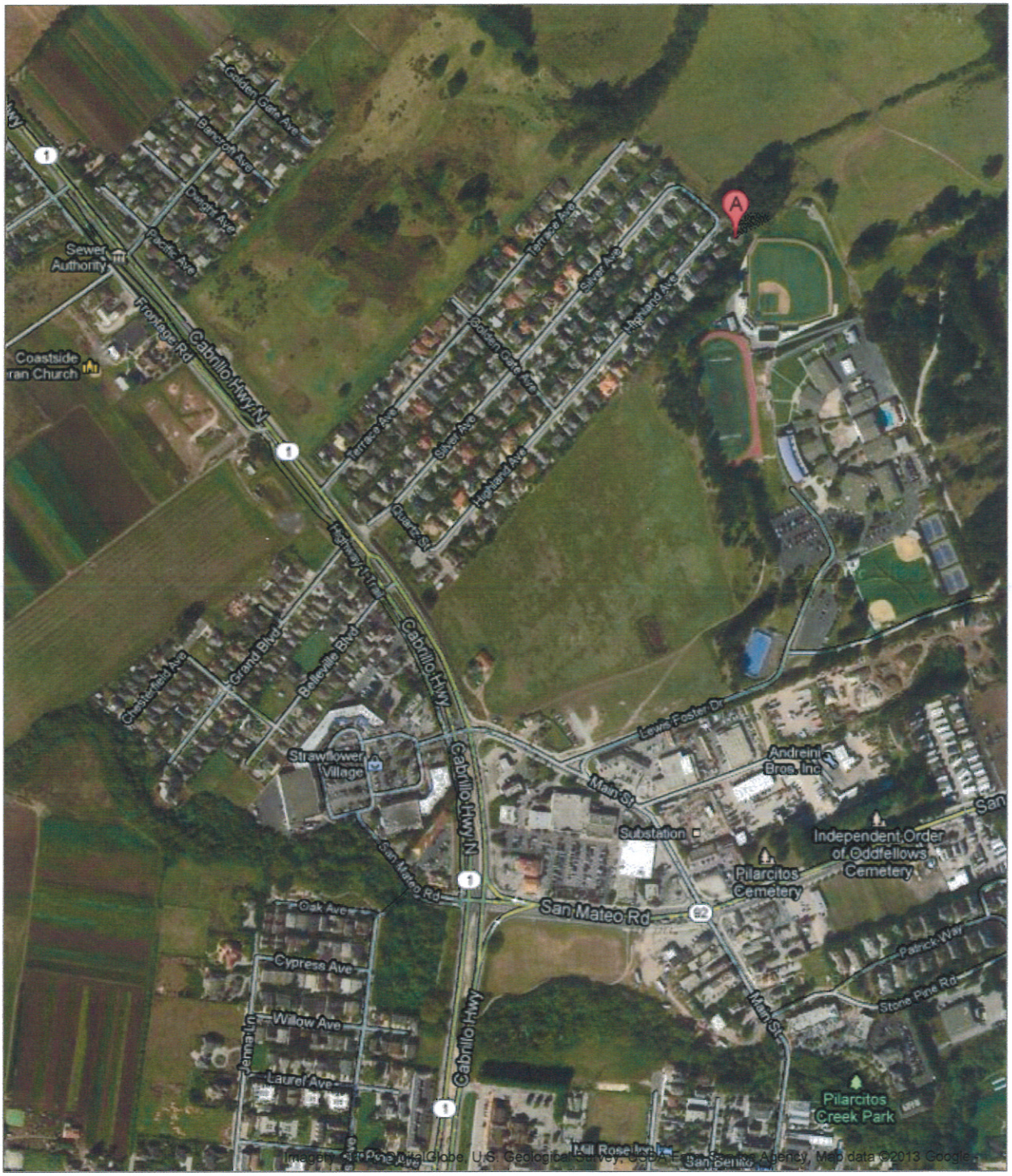
A= Walking North Along Hwy 1
B= " South " "
C= Current Pedestrian & Bicycle Route to Access Coastal Trail.

To see all the details that are visible on the screen, use the Print link next to the map.



To see all the details that are visible on the screen, use the Print link next to the map.

Google



#1



* Walking along Hwy 1 heading North
  - this would be way back home from high school in pm should path be closed for neighborhood kids -

* A1 location on map.

* These pictures were taken on 3/29/13 @ 10:30 am to avoid rush hour traffic for safety reasons.

#2



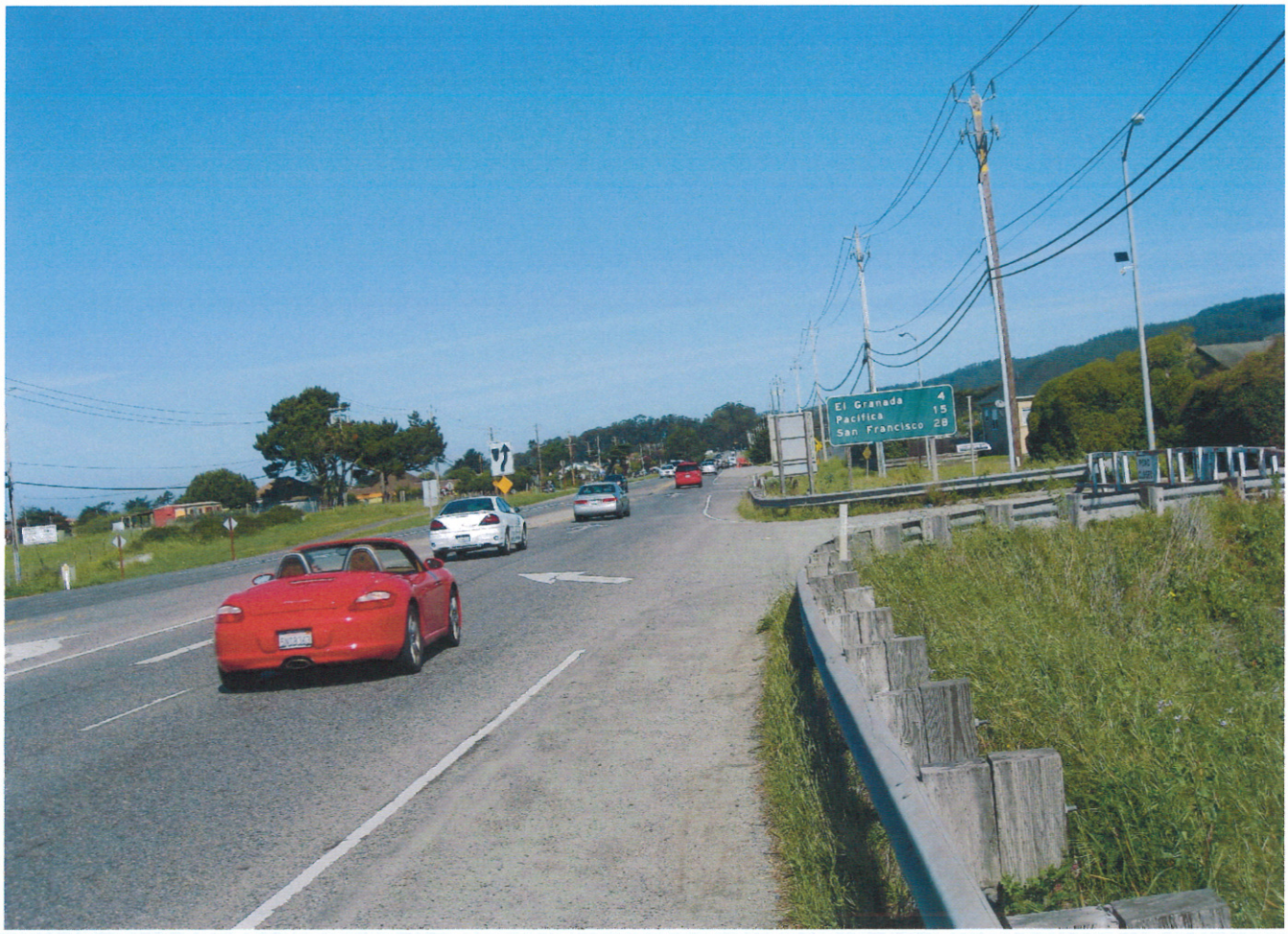
A 2 - location on map

2 lanes of Hwy 1 merge into 1 lane.

less than 3 feet of shoulder

Constant heavy traffic.

#3



A3 location on map.

#4



A-4 Location on map.

#5



A-5 Location on map

Cars often drive on shoulder to turn onto Terrace ave.

#6



A-6 location on map.

#7



A-7 Location on map.

#8



B-1 Entrance of Terrace Av. onto Hwy 1.

Walking South on Hwy 1

Photos taken @ 10:30 am 3/29/13.

#9



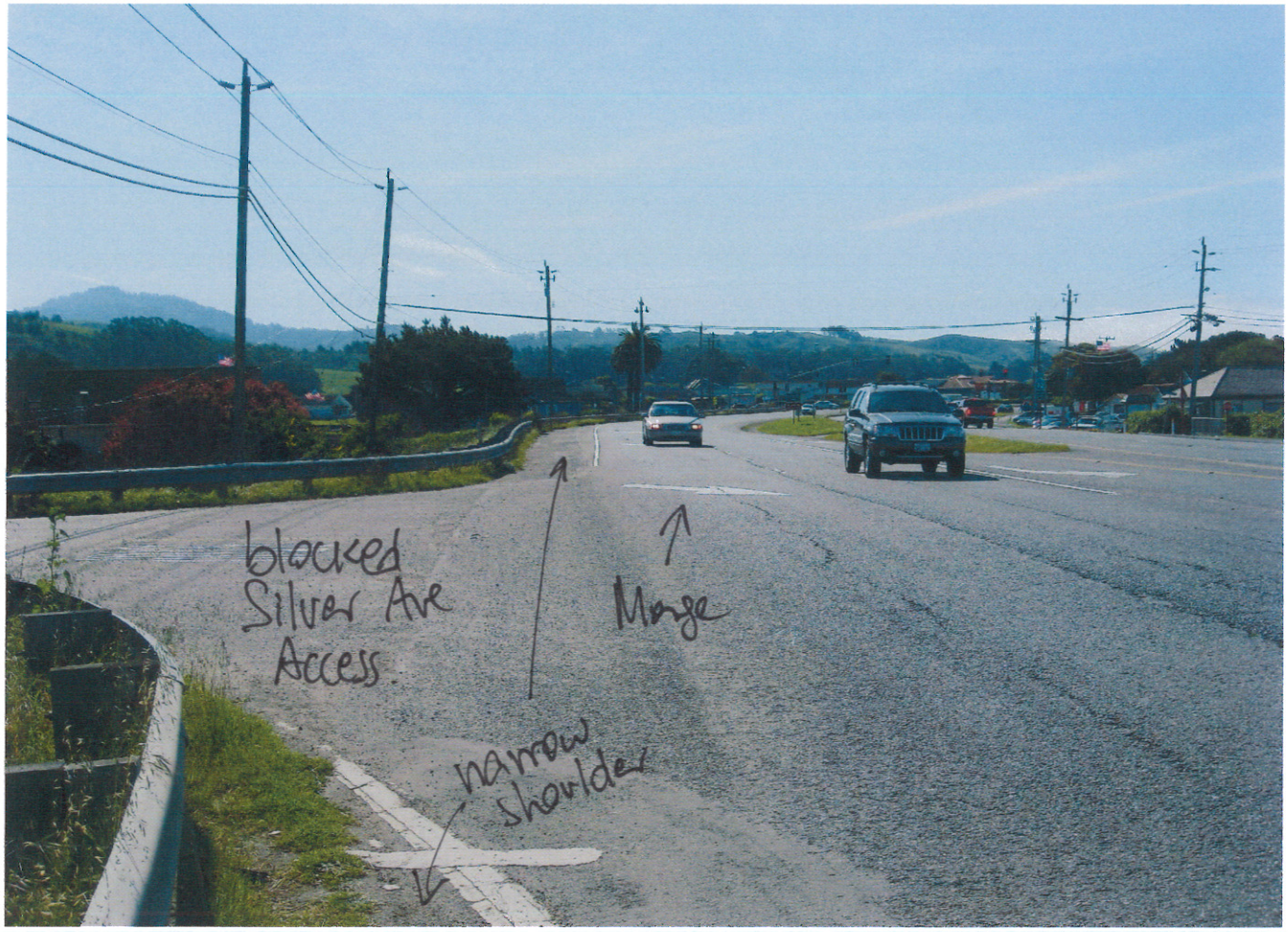
B-2 location on map

#10



B-3 location on map

#11



B-4 location on map

#12



B-5 Location on map.

⊛ Very difficult area of Hwy to cross without a light. Very dangerous.

#13



B-6 Location on map.

Cars Merge into 1 lane @ high speeds.

#14



B-7 location on map.

#15



B-8 location on the map.

Very close proximity of vehicles for pedestrians & bicyclists.

#16



B-8 location on map.

(A) = Crosswalk to access downtown & Coastal trail.

Note proximity of large trucks.

Note that Highway barrier is bent from recent accident where car crashed into barrier.

#17



B-9 location on map.

Note very busy intersection, even during non-rush hour (10:30 am). Bumper-to-bumper traffic during rush hour & on weekends.

#18



B-10 location on map.

HMBHS Petition Summary

Signatures Supporting Appeal to Keep Foot Path Open

Collected March 26-28

Summary

- 66 Signatures collected (excludes duplicates)
- 46 walkers to trail, 20 driven to trail
- Foot Traffic from East-side "island" neighborhoods: 23
  - Highland Park (<1 mile walk): 17 regulars
    - *Expected to increase to 22 regulars in Fall 2013; see slide 4*
  - Grandview, Spindrift (<2 mile walk): 5
- Foot Traffic from West-side HMB neighborhoods: 6
  - <1 mile – 1.5 mile walk
- Foot Traffic From the North: 14
  - Miramar (<3 miles, via bus or Coastal Trail): 1
  - El Granada (4 miles, via bus or Coastal Trail): 6
  - Moss Beach, Montara (6.5-7.5 miles, likely via bus): 7
- Foot Traffic From the South: 1

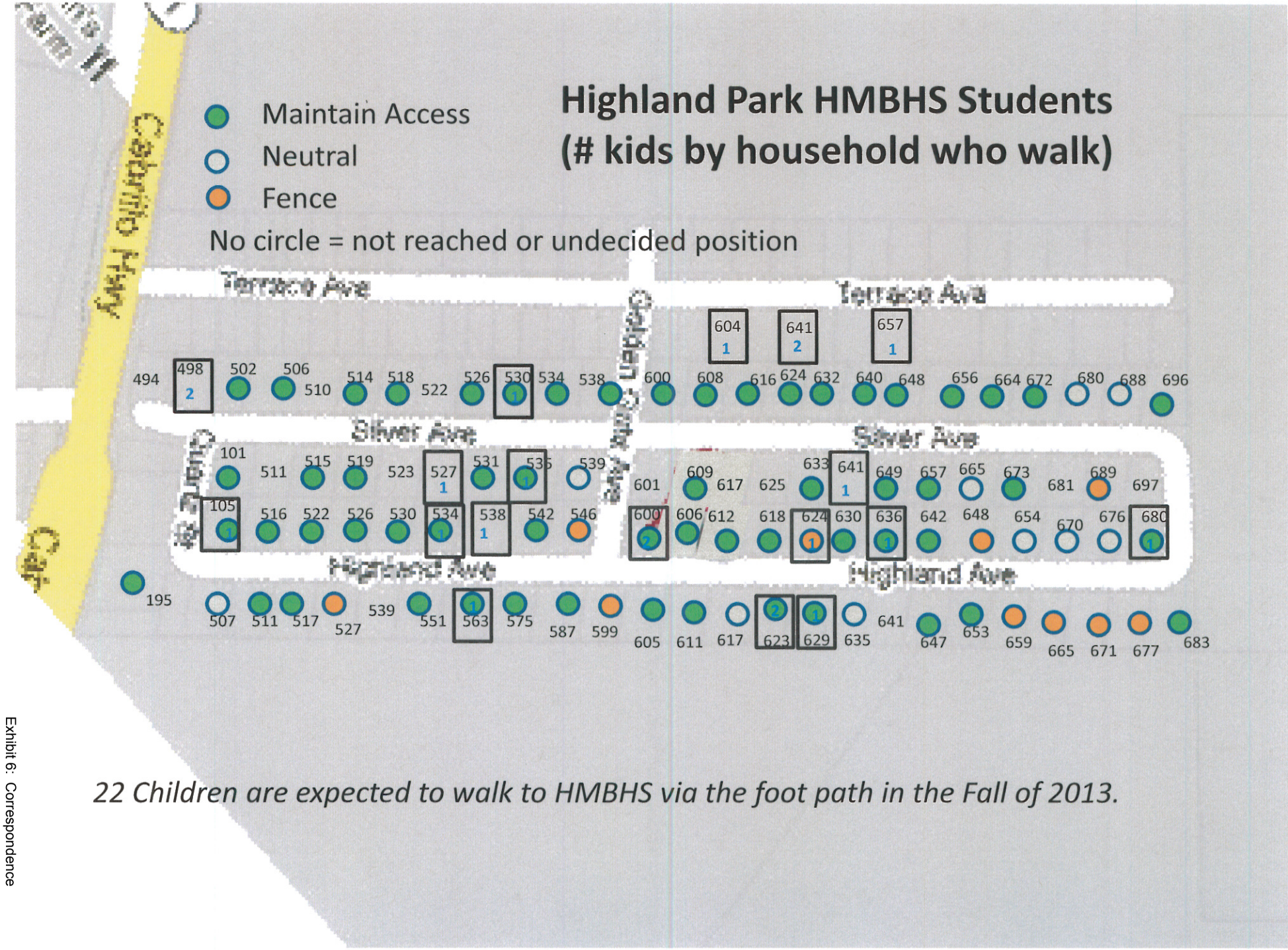
From North: El Granada, Moss Beach, Montara



Walked to Trail

Driven to Trail

From South: Downtwn & Hwy1



22 Children are expected to walk to HMBHS via the foot path in the Fall of 2013.

3/26/13 3-4:30pm

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: Marycruz Delgado 1. Marycruz Delgado (Signature) X I walked to the path	Residence Address ONLY: [redacted] st Moss Beach (City) Destination: HMBHS Other
Print Name: Nick Lucchesi 2. (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other
Print Name: Eulalio Mateo 3. Eulalio Mateo (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Half Moon Bay (City) Destination: HMBHS Other
Print Name: Jackson Woolever 4. (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other
Print Name: David Gonster 5. David Gonster (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other
Print Name: Stephen Yoo 6. Stephen Yoo (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other
Print Name: Justin Garcia 7. Justin Garcia (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other
Print Name: Mallory Hamilton 8. Mallory H (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] street (City) Destination: HMBHS Other

Confidential

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: Sophia Pintarelli 9. Sophia Pintarelli (Signature) I walked to the path	Residence Address ONLY: [redacted] El Granada (City) Destination: HMBHS Other
Print Name: Justin Sutton 10. Justin Sutton (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Half Moon Bay (City) Destination: HMBHS Other
Print Name: Nick Calvin 11. (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Half Moon Bay (City) Destination: HMBHS Other
Print Name: Dennis Pintarelli 12. (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB CA 94019 (City) Destination: HMBHS Other
Print Name: Diego Acosta 13. Diego Acosta (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other
Print Name: June Rupert 14. June Rupert (Signature) X I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other TOWN
Print Name: Carmen Zafra 15. Carmen Zafra (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other
Print Name: Liza Connell 16. Liza Connell (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other

Confidential

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

DECLARATION OF SIGNATURE GATHERER

I, MONICA ROSOFF, declare that I obtained the signatures to the petition to keep the Highland Pathway to Half Moon Bay High School open. I saw all the signatures being written; each of the signatures was made in my presence, and to the best of my information and belief, each is the genuine signature of the person whose name it purports to be. I collected the signatures between 3 pm, 2013 and 4:30 pm, 2013 at the following location: 683 Highland Dr. I live in the City of Half Moon Bay. My current residence address is 683 Highland Dr, Half Moon Bay, CA 94019.
(Signature Gatherer: fill in full street address, including city, state and zip code.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on: 3/26/13, 2013 at HMB, California.

Monica A Rosoff
(Signature of Signature Gatherer)
(First Name, Middle Initial, Last Name)

MONICA ROSOFF
(Printed Name, as Signed)

466368.2

3/27/13 6:15-7:10am

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: Miguel Reyes-Avila 1. Miguel Reyes-Avila (Signature) ____ I walked to the path	Residence Address ONLY: [redacted] Hmb (City) Destination: ~~HMBHS~~ Other_____
Print Name: Oscar Velasquez 2. Oscar Velasquez (Signature) ____ I walked to the path	Residence Address ONLY: [redacted] Half moon bay (City) Destination: HMBHS Other_____
Print Name: Jessa Rico 3. Yulissa (Signature) ____ I walked to the path	Residence Address ONLY: [redacted] El Granada (City) Destination: HMBHS Other HMBHS
Print Name: _____ 4. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 5. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 6. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 7. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 8. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____

Confidential

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

DECLARATION OF SIGNATURE GATHERER

I, MONICA ROSOFF, declare that I obtained the signatures to the petition to keep the Highland Pathway to Half Moon Bay High School open. I saw all the signatures being written; each of the signatures was made in my presence, and to the best of my information and belief, each is the genuine signature of the person whose name it purports to be. I collected the signatures between 6:15 am, 2013 and 7:10 am, 2013 at the following location: 683 HIGHLAND. I live in the City of Half Moon Bay. My current residence address is 683 HIGHLAND AVE, HALF MOON BAY, CA 94019.
(Signature Gatherer: fill in full street address, including city, state and zip code.)

@ top of head

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on: 3/27, 2013 at HMB, California.

MonicaARosoff
(Signature of Signature Gatherer)
(First Name, Middle Initial, Last Name)

MONICA A. ROSOFF
(Printed Name, as Signed)

466368.2

3/27/13 7:10-7:50 am

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: Jacqueline Valdovinos 1. Jacqueline Valdovinos (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: (HMBHS) Other ✓
Print Name: Jackson Woolever 2. Jackson Woolever (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: (HMBHS) Other
Print Name: Dante Zafra 3. Dante Zafra (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: (HMBHS) Other
Print Name: Magdalena Arreola 4. Magdalena Arreola (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Destination: (HMBHS) Other HMB (City)
Print Name: Ana Cristal Arreola 5. Ana Cristal Arreola (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Destination: (HMBHS) Other HMB (City)
Print Name: [redacted] Luis Posada 6. Luis Posada (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] Destination: (HMBHS) Other HMB (City)
Print Name: Julian Torres 7. Julian Torres (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] HMB Destination: (HMBHS) Other (City)
Print Name: Veronica Antonelli 8. Antonelli (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] No. Half Moon Bay (City) Destination: (HMBHS) Other

Confidential

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: Laura Gutierrez 9. Laura Gutierrez (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] avenue, HMB (City) Destination: HMBHS Other
Print Name: John D. Hebb 10. John D Hebb (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other
Print Name: Joe Kulda 11. Joseph Kulda (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other
Print Name: Isabella Valencia 12. Isabella Valencia (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other
Print Name: Justin Sutter 13. Justin Sutter (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other
Print Name: Carmen Zafra 14. Carmen Zafra (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other
Print Name: Elyse Abramson 15. Elyse Abramson (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other
Print Name: Ian Barton 16. Ian Barton (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] El Granada (City) Destination: HMBHS Other

Confidential

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: Margaret Delgado 17. Margaret Delgado (Signature) X I walked to the path	Residence Address ONLY: [redacted] Lt Moss Beach (City) Destination: (HMBHS) Other
Print Name: David Gonster 18. David Gonster (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: (HMBHS) Other
Print Name: Mike Rupert 19. Mike Rupert (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: (HMBHS) Other
Print Name: Tanner Smith 20. Tanner Smith (Signature) X I walked to the path	Residence Address ONLY: [redacted] (City) Destination: (HMBHS) Other
Print Name: Hector Segura 21. Hector Segura (Signature) X I walked to the path	Residence Address ONLY: [redacted] (City) Destination: (HMBHS) Other
Print Name: Cecilia Peñaloza 22. Cecilia Peñaloza (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: (HMBHS) Other
Print Name: Logan Marshall 23. Logan Marshall (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: (HMBHS) Other
Print Name: Justin Winslow 24. Justin Winslow (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: (HMBHS) Other

+ 9 OTHER HMBHS STUDENTS WHO WERE LATE TO SCHOOL AND DIDN'T SIGN

Confidential

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

DECLARATION OF SIGNATURE GATHERER

I, PATRICK WOOLEVER, declare that I obtained the signatures to the petition to keep the Highland Pathway to Half Moon Bay High School open. I saw all the signatures being written; each of the signatures was made in my presence, and to the best of my information and belief, each is the genuine signature of the person whose name it purports to be. I collected the signatures between 7:10 AM 3/27 2013 and 7:50 AM, 2013 at the following location: 683 HIGHLAND. I live in the City of Half Moon Bay. My current residence address is 600 HIGHLAND, HALF MOON BAY, CA 94019.

(Signature Gatherer: fill in full street address, including city, state and zip code.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on: 3/27, 2013 at _____, California.

Patrick Woolever
(Signature of Signature Gatherer)
(First Name, Middle Initial, Last Name)

PATRICK WOOLEVER
(Printed Name, as Signed)

466368.2

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

WED 2:45-

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

		M	T	W	T	F
Print Name: [illegible] 1. [illegible] (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Destination: HMBHS Other (City) Montara					
Print Name: Oscar Velasquez 2. Oscar Velasquez (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Half moon Bay (City) Destination: HMBHS Other	✓	✓	✓	✓	✓
Print Name: Julian Torres 3. Julian Torres (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other	✓	✓	✓	✓	✓
Print Name: Cecilia Peñaloza 4. Cecilia Peñaloza (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other	✓	✓	✓	✓	✓
Print Name: Tobias Leonardos 5. Tobias Leonardos (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other		✓	✓	✓	✓
Print Name: Araceli Villalobos 6. [illegible] (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other					
Print Name: Marina Garcia 7. [illegible] (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other	✓	✓	✓	✓	
Print Name: Marisol Avila Lopez 8. Marisol Avila Lopez (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other					

Confidential

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: Jackie Valdovinos 9. [signature] (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other every day	AVE EVERY DAY
Print Name: Stephanie Gerson MD 10. [signature] (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Half Moon Bay (City) Destination: HMBHS Other [redacted]	Every Day
Print Name: Jackson Woolever 11. [signature] (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other	Every day
Print Name: David Ganster 12. [signature] (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other	Every Day
Print Name: Katie Rupert 13. [signature] (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other	Every day
Print Name: Sarah Applegate 14. [signature] (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: HMBHS Other	Every Day
Print Name: Natalie Gudinez 15. [signature] (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other	Every day
Print Name: Justin Sutton 16. [signature] (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other	every day

Confidential

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: Logan Marshall 17. Logan Marshall (Signature) X I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other	Everyday
Print Name: Micaela White 18. Micaela White (Signature) X I walked to the path	Residence Address ONLY: [redacted] (City) Destination: HMBHS Other	Everyday
Print Name: 19. (Signature) ___ I walked to the path	Residence Address ONLY: (City) Destination: HMBHS Other	
Print Name: 20. (Signature) ___ I walked to the path	Residence Address ONLY: (City) Destination: HMBHS Other	
Print Name: 21. (Signature) ___ I walked to the path	Residence Address ONLY: (City) Destination: HMBHS Other	
Print Name: 22. (Signature) ___ I walked to the path	Residence Address ONLY: (City) Destination: HMBHS Other	
Print Name: 23. (Signature) ___ I walked to the path	Residence Address ONLY: (City) Destination: HMBHS Other	
Print Name: 24. (Signature) ___ I walked to the path	Residence Address ONLY: (City) Destination: HMBHS Other	

Confidential

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

DECLARATION OF SIGNATURE GATHERER

I, PATRICK WOOLEVER, declare that I obtained the signatures to the petition to keep the Highland Pathway to Half Moon Bay High School open. I saw all the signatures being written; each of the signatures was made in my presence, and to the best of my information and belief, each is the genuine signature of the person whose name it purports to be. I collected the signatures between 2:45, 2013 and 3:25, 2013 at the following location: HIGHLAND. I live in the City of Half Moon Bay. My current residence address is 600 HIGHLAND, HALF MOON BAY, CA 94019.
(Signature Gatherer: fill in full street address, including city, state and zip code.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on: MARCH 27, 2013 at HALF MOON BAY, California.

Patrick F. Woolever
(Signature of Signature Gatherer)
(First Name, Middle Initial, Last Name)

PATRICK F. WOOLEVER
(Printed Name, as Signed)

466368.2

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: [redacted] Ryan Segervall 1. Ryan Segervall (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Destination: HMBHS Other (City) HMB High School
Print Name: Devon Smith 2. Devon Smith (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Half Moon Bay (City) Destination: (HMBHS) Other
Print Name: Lynne Carlton 3. LKCarlton (Signature) ___ I walked to the path	Residence Address ONLY: [redacted] HM [redacted] (City) Destination: (HMBHS) Other Baseball
Print Name: Michael Mountain 4. Michael Mountain (Signature) X I walked to the path	Residence Address ONLY: [redacted] El Granada (City) Destination: HMBHS Other
Print Name: Dianne Penner 5. Dianne Penner (Signature) ✓ I walked to the path	Residence Address ONLY: (City) Destination: (HMBHS) Other
Print Name: Kevin Perez 6. Kevin Perez (Signature) ___ I walked to the path	Residence Address ONLY [redacted] Half Moon Bay (City) Destination: (HMBHS) Other
Print Name: Stephanie Perez 7. Stephanie Perez (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] Half Moon Bay (City) Destination: (HMBHS) Other
Print Name: David Gansten 8. David Gansten (Signature) ✓ I walked to the path	Residence Address ONLY: [redacted] HMB (City) Destination: (HMBHS) Other

already signed

Confidential

Summary of Coastal Access Comments from Letters

By Monica Rosoff for Stephanie Rexing on 3/29/13

Summary of Letters Provided to Coastal Commission:

- All 16 families emphasize that they use the foot path to access open space and the facilities at HMBHS
- All families state that closure of the footpath will eliminate any safe way for pedestrians and bicyclists to access the high school, downtown HMB, the Coastal Trail and local beaches.
- 10 of the 16 families affirm their use of the footpath to access the Coastal Trail and beaches on foot or bicycle.
- 6 of the 10 families state that multiple individuals in their families use the foot path to access the Coastal Trail at least once per week, and, in many cases, multiple times per week.

Summary of Coastal Trail and Beach Access by Highland Park Families:

Family	How Many Family Members	Description of Coastal Access	When?
Dupree	3	"ride our bicycles...and then enjoy a ride along the Coastal Trail..." "frequently during the week, Matthew and I will bicycle through the high school and on into the south part of HMB or the Coastal Trail"	1x/week Frequently weekdays
Kennedy-McWhirt	4	"we use the path to access the coastal trail to ride bikes and go to the beaches" "Should the path be closed...the only way we could access the coastal trail and beaches would be to either cross Hwy 1 by bike or walk. This is quite dangerous..."	1-2x/week
Blais	4	"(closing the path)...it would also eliminate our only access to open space and the only pedestrian route to downtown HMB and the Coastal Trail"	Yes, but frequency not stated
Garcia	4	"To reiterate, this path is our only access to HMBHS and the Coastal Trail by foot or by bicycle. Installing a fence an blocking access would also eliminate our only access to open space and the only pedestrian route to downtown HMB and the Coastal Trail."	Yes, but frequency not stated
Howard	2 + Extended	"Should the foot path be closed, we would be making car trips, most likely to the beach	Frequency not stated

	family in summers	for our walks and to let the Grandson run and play. (There is not any close, safe way to access the beach from our area by foot especially	
King	2	Access open space and sports facilities at HMBHS	n/a
Olivero	5	Access open space and sports facilities at HMBHS	n/a
Rosoff	4	Run to Coastal Trail and Beaches Bike to school via coastal trail Family bike ride and run	3x/week 1x/week 1x/week
Zanger-Williams	2	Access open space and sports facilities at HMBHS	n/a
Rogren	2	Access open space and sports facilities at HMBHS	n/a
Connell	4	"...it provides the only safe, walkable pathway from the neighborhood to the rest of the town."	2x/week ride a bike into town...or anywhere on the coast
Giacotto	4	"provides the only pedestrian route to downtown HMB and the Coastal Trail." "Our family uses the footpath...to safely access the Coastal Trail."	Yes but frequency not stated
Keaney/O'Brien	5	"Our family uses the footpath...to access downtown and the coastal trail when on foot." "...pedestrian access to downtown HMB, to the coast, and to the many foot and bike trails south of town is one of the main reasons we live where we do."	1x/weekend
Rupert	4	Access open space and sports facilities at HMBHS	n/a
Sullivan	2 (and 2 college aged kids)	We use (the path) to access downtown HMB or the Coastal Trail, since it is the only safe way to walk or ride a bike to those destinations while avoiding congested and dangerous Hwy 1." "Coastal access would require us to stay on Hwy 1 all the way through town until turning right on Kely Avenue or other access corridor. If the path was closed, the extra effort and safety considerations would cause us to reduce many of our current trips to the high school, downtown and the coastal trail.	Yes but frequency not stated
Wooliever	5	The pathway is important to our families	

		because it provides safe pedestrian and biking access to the coastal beaches and trails..."	
		"Louis, 14, uses coastal trail to travel to friends homes in El Granada or to go to the beach."	2x/week
		"Owen, 9, travel to town and coastal trail"	4x/week
		"Amy and Patrick, errands in town, travel Coastal Trail"	2x/week
		"The Coastal Trail is the bicycle highway for our family to access the Smith Field baseball fields, the beach, and friends in neighboring El Granada."	

Monica Rosoff

From: Monica Rosoff
Sent: Friday, March 29, 2013 3:51 PM
To: 'Rexing, Stephanie@Coastal'
Cc: Fran M. Layton; 'amyw@lhpusd.com'; 'pwooliever@yahoo.com'; 'teresamcwhirt@gmail.com'; 'Ken_Kennedy@gap.com'; 'marclrosoff@coastside.net'
Subject: RE: Community Letters and Input Regarding Appeal A-2-HMB-13-001
Attachments: Letter to Coastal Commission (Wooliever).pdf; 121212_Signatures_(Highland).pdf; Letter to Coastal Commission (Connell).pdf; Letter to Coastal Commission (Giacotto).pdf; Letter to Coastal Commission (Keaney).pdf; Letter to Coastal Commission (O'Brien).pdf; Letter to Coastal Commission (Rupert).pdf; Letter to Coastal Commission (Sullivan).pdf; Shoulder of Hwy 1 to walk if path is closed.pdf; Summary of Coastal Access Comments from Letters.docx

Dear Stephanie,

Please find attached the additional letters from neighbors supporting our appeal, the signatures we collected from our Highland Ave. neighbors in support of keeping the path open (collected in preparation for the December City Council meeting), and a series of photos that show the shoulder that pedestrians and bicyclists would have to walk/ride should the path be closed to access anything—the coastal trail and beaches, downtown, the high school, etc. I also took some time to try to summarize the coastal access issue comments from all of the letters.

In addition to what I send here, we have collected petition signatures from the high school students. We have decided to provide you with those when we meet in person on April 8th.

Please do not hesitate to contact me if you have any questions, in particular if there is anything we can provide you with at our in person meeting. We look forward to meeting you.

Best regards,

Monica

RECEIVED
APR 0 2 2013
CALIFORNIA
COASTAL COMMISSION

****
Monica Rosoff, Ph.D.
Director, Alliance Management - Gilead Sciences
office (650) 522-4876 - bb (650) 223-9152
monica.rosoff@gilead.com

From: Rexing, Stephanie@Coastal [mailto:Stephanie.Rexing@coastal.ca.gov]
Sent: Friday, March 29, 2013 11:29 AM
To: Monica Rosoff
Cc: Fran M. Layton; 'amyw@lhpusd.com'; 'pwooliever@yahoo.com'; 'teresamcwhirt@gmail.com'; 'Ken_Kennedy@gap.com'; 'marclrosoff@coastside.net'
Subject: RE: Community Letters and Input Regarding Appeal A-2-HMB-13-001

Monica,
That time works for me. I'll look forward to it. Thanks,

~Stephanie

From: Monica Rosoff [mailto:Monica.Rosoff@gilead.com]
Sent: Friday, March 29, 2013 10:30 AM
To: Rexing, Stephanie@Coastal
Cc: Fran M. Layton; 'amyw@lhpusd.com'; 'pwooliever@yahoo.com'; 'teresamcwhirt@gmail.com';

'Ken_Kennedy@gap.com'; 'marcIrosoff@coastside.net'
Subject: RE: Community Letters and Input Regarding Appeal A-2-HMB-13-001

Dear Stephanie,

We would like to propose that we meet you on Monday, April 8th, at 4pm, at 683 Highland Ave. in Half Moon Bay (my home, which is immediately adjacent to the trail). Fran indicated that the beginning or the end of the day would be best for your visit from a timing perspective.

We would like to show you how we currently access the coastal trail, beaches, and open space, and also show you what the impact of closing the path will be both for pedestrians/cyclists and motorists should the path be fenced off. I will be sending you a 2nd packet of information later today. I want you to know that we are very appreciative of your time, and believe that your visit and our opportunity to meet with you in person will be invaluable.

Please let me know if the proposed date and time work for you. A little earlier or a little later that same day would also be feasible for us.

Best regards,

Monica

****

Monica Rosoff, Ph.D.
Director, Alliance Management - Gilead Sciences
office (650) 522-4876 - bb (650) 223-9152
monica.rosoff@gilead.com

From: Rexing, Stephanie@Coastal [mailto:Stephanie.Rexing@coastal.ca.gov]
Sent: Thursday, March 28, 2013 3:54 PM
To: Monica Rosoff
Subject: RE: Community Letters and Input Regarding Appeal A-2-HMB-13-001

Hi Monica,
I just called Fran to discuss setting up a meeting for us either on April 5th or 8th to discuss issues. I'm sure she will be calling you to regarding this. Just wanted to let you know,
Thanks!

~Stephanie

From: Monica Rosoff [mailto:Monica.Rosoff@gilead.com]
Sent: Monday, March 25, 2013 1:44 PM
To: Rexing, Stephanie@Coastal
Subject: RE: Community Letters and Input Regarding Appeal A-2-HMB-13-001

Dear Ms. Rexing,

Thank you very much for confirming that you received and read the letters and information we sent you. I expect to send you more letters, the Highland Ave. signatures, and data regarding the individuals using the path which we are collecting this week. We will do our best to provide information that is as relevant as possible for your assessment.

I believe that meeting or holding a conference call with you would be extremely productive and helpful; I look forward to hearing from you regarding whether this can be arranged.

Best regards,

Monica

****

Monica Rosoff, Ph.D.
Director, Alliance Management - Gilead Sciences
office (650) 522-4876 - bb (650) 223-9152
monica.rosoff@gilead.com

From: Rexing, Stephanie@Coastal [mailto:Stephanie.Rexing@coastal.ca.gov]
Sent: Monday, March 25, 2013 12:42 PM
To: Monica Rosoff
Subject: RE: Community Letters and Input Regarding Appeal A-2-HMB-13-001

Monica,

Thanks so much for all the information you passed along. Any more letters and/or analysis that you collect that will inform this process are much appreciated. I have spoken with Fran Layton and she let me know that you guys may be performing some additional analyses of the distinct types of categories of use and numbers along the path. I had let Fran know that the Commission's analysis will be most informed by the number of vehicle trips added to Highway 1 traffic that would otherwise NOT occur because of the presence of the open path.

I have read your letters and they will become part of our record for the appeal. There may be an opportunity to schedule a meeting and/or conference call on this matter. Let me get back to you on that. Thanks again and let me know if you have other questions or concerns.

Stephanie R. Rexing

Coastal Planner

California Coastal Commission

831.427.4865 (Santa Cruz)

415.597.5894 (San Francisco)

From: Monica Rosoff [mailto:Monica.Rosoff@gilead.com]
Sent: Friday, March 22, 2013 2:55 PM
To: Rexing, Stephanie@Coastal
Subject: FW: Community Letters and Input Regarding Appeal A-2-HMB-13-001
Importance: High

Dear Ms. Rexing,

Please see my message below-the first email failed.

Thank you for your consideration,

Monica

****

Monica Rosoff, Ph.D.
Director, Alliance Management - Gilead Sciences

office (650) 522-4876 - bb (650) 223-9152
monica.rosoff@gilead.com

From: Monica Rosoff
Sent: Friday, March 22, 2013 2:48 PM
To: "stephanie.rexing@coastal.ca.gov'
Cc: 'Fran M. Layton'; 'Amy Wooliever (Google Drive)'; 'P Wooliever'; Ken Kennedy; 'Teresa McWhirt'; Marc Rosoff; monicaarosoff; Monica Rosoff
Subject: Community Letters and Input Regarding Appeal A-2-HMB-13-001

Dear Ms. Rexing,

Please find attached a series of letters that we have been collecting on behalf of our neighbors in support of keeping the historic footpath open in the HMB Highland Park neighborhood. We have included a couple of letters of our own as well. The common themes you will find in the letters are:

1) concern for the safety of our neighborhood children should they be forced to walk along the narrow shoulder of Highway 1,
2) the predicted conversion of pedestrian trips into car trips,
3) the elimination of access to recreational resources and to the coastal trail via the path, and
4) closing off our access to our emergency shelter, which is the HMB high school
5) the path has been there and has been happily used by Highland Park families for several decades

In addition to the letters, I have also included a series of photographs of the street parking near the path entrance (I live in the house immediately adjacent to the path, so I took photos before heading off to work) to identify neighbor cars vs. student or visitor cars. Overall, there are typically not more than 2-5 student cars parked near the path on any given school day morning. Occasionally there are more cars, but in these cases there tends to be other types of visitors to the neighborhood, e.g. contractors or others providing services.

Finally, I included a map of the poll that we conducted house-by-house to determine the level of support from our neighbors to keep the path open. We carried out this poll in preparation for the Half Moon Bay City Council meeting which took place in December 2012. I have included the signatures collected for the Silver Ave. residents.

Ms. Rexing, we are continuing to collect letters and information, and would really like the opportunity to meet with you if at all possible, to ensure that we answer any questions you might have for us. We were not aware of the site visit that took place in February, which was an unfortunate missed opportunity.

I will be sending you a fedex packet with the print outs of the attached materials, and a second "batch" of information next week. We are making every effort to collect the information that you would find helpful, as guided by Fran Layton, with whom you have spoken. Please do not hesitate to let me or Fran know if you have any follow up questions. You can reach me anytime at (650) 544-8835 cell or (650) 712-8836 home.

Thank you for your careful consideration of this very important issue.

Best regards,

Monica Rosoff
683 Highland Ave.
HMB

****

Monica Rosoff, Ph.D.
Director, Alliance Management - Gilead Sciences
office (650) 522-4876 - bb (650) 223-9152

monica.rosoff@gilead.com

March 17th, 2013

Stephanie Rexing

Coastal Commission

North Coast Central District Office

45 Fremont, Suite 2000

San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Julie Rupert. I write to ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because I do not want my two children walking to school on the east side of Highway 1, we would like continued access to the high school facilities after hours and I think that it is an important access for our Half Moon Bay tsunami emergency evacuation plan.

Our family has lived in the Highland Park neighborhood since 2004. We have two children Mike (17yrs) and Katie (15yrs). We chose this location because our children would be going to Half Moon Bay High School and they could walk to school.

Our family uses the footpath in the following ways:

- 5 days a week my children walk to school at 7:30am and return home after school at 3:00pm. They also come home for lunch several times a week.
- 6 days a week my children walk to the high school go to practice for volleyball, basketball and baseball. These sports continue in some for all year round. Time for practice will vary throughout the year and for each sport.
- I like to walk on the track in the afternoon on school days or on the weekends.
- My husband, Jeff, uses the path to access the baseball field to help my son with extra baseball practice.
- My husband and I use the path to attend baseball, basketball, volleyball, and football games. This is one to three times a week in the afternoon to evening.
- We also volunteer at school events, attend back to school night, meetings, musical, and graduation using the path to gain access to the school.
- During Pumpkin Festival we have numerous volunteer shifts and gain access to town through the path.

Should the foot path be closed, we would be forced to drive the kids to school. We recently purchased a car for my son to drive. He however continues to walk to school because of the traffic associated with driving. My daughter who is not able to drive would need rides to and from school and all of her activities at school. My husband and I are both working and we are concerned that our daughter may be forced to walk on highway 1 to get home from school. The kids also could no longer come home for lunch.

We would also have to drive to all of the events that we attend at the high school often taking two cars possibly more because of different arrival times due to commitments at the events. We as a family would have to increase our driving trips to the high school about 20 times a week. Many of these trips would coincide with rush hour traffic or weekend traffic back up in town. Access to town or the coastal trail would always have to be by driving.

I have not had any problems with parking at or near my home. We live down the hill from the path. Some neighbors have complained about speeding in the neighborhood and are blaming the teenagers but from my observations most of the speeding is being done by residents who are not students. Closing the path will not change this problem. If anything it will increase traffic in the neighborhood. With the path closed I believe that the traffic in the neighborhood as a whole will increase due to the number of children who will have to be driven to school and the fact that there will no longer be safe access to town by walking.

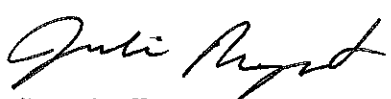
My concerns with closing the foot path are my kids walking on the narrow shoulder of highway 1. I am also concerned about the increased traffic in the neighborhood and a greater difficulty getting out of the neighborhood with more traffic. There is some garbage along the path but I often will stop and pick it up. I think we can do more to educate those who use about keeping it clean.

I am concerned with not having safe walking access from our neighborhood to the facilities at the high school, to town and the coastal trail.

The other main concern I have is that Half Moon Bay High school is a tsunami evacuation site. Closing that foot path would be closing off one of the access points to those seeking refuge. The tsunami zone reaches inland to about Golden Gate Ave. which is the cross street in the middle of our neighborhood. Should we have a tsunami or major event here in Half Moon Bay I believe that that access through our neighborhood would be key to getting many people to safety.

Please take our concerns and input into consideration.

Sincerely,



Julie and Jeff Rupert

623 Highland Ave., Half Moon Bay, Ca 94019

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: Ryan Segervall 1. Ryan Segervall (Signature) ✓ I walked to the path	Residence Address ONLY: 641 Silver ave Destination: HMBHS Other (City) HMB HighSchool
Print Name: Devon Smith 2. Devon Smith (Signature) ✓ I walked to the path	Residence Address ONLY: 112 Harbour Drive Half Moon Bay (City) Destination: (HMBHS) Other
Print Name: Lynne Carlton 3. LKCarlton (Signature) ___ I walked to the path	Residence Address ONLY: 112 Harbour Dr. HMB 94019 (City) Destination: (HMBHS) Other Baseball
Print Name: Michael Mountain 4. Michael Mountain (Signature) X I walked to the path	Residence Address ONLY: 836 Ferdinand Ave El Granada (City) Destination: HMBHS Other
Print Name: Shane Penner 5. Shane Penner (Signature) ✓ I walked to the path	Residence Address ONLY: Destination: (HMBHS) Other (City)
Print Name: Kevin Perez 6. Kevin Perez (Signature) ___ I walked to the path	Residence Address ONLY: 910 Golden Gate Half Moon Bay (City) Destination: (HMBHS) Other
Print Name: Stephanie Perez 7. Stephanie Perez (Signature) ✓ I walked to the path	Residence Address ONLY: 657 Terrace Ave Half Moon Bay (City) Destination: (HMBHS) Other
Print Name: David Gonsten 8. David Gonsten (Signature) ✓ I walked to the path	Residence Address ONLY: 604 Terrace Ave. HMB (City) Destination: (HMBHS) Other

Already Signed

Petition to Keep Highland Pathway to Half Moon Bay High School Open
Coastal Commission Appeal No. A-2-13-001

To: The California Coastal Commission

We request that the Commission deny the application of Ailanto Properties, Inc. to construct a Hog Wire Fence closing off the pathway from Silver and Highland Avenues to Half Moon Bay High School (HMBHS). We regularly use this pathway, instead of Highway 1, as it provides safe pedestrian access to HMBHS, the Coastal Trail, and downtown Half Moon Bay.

Print Name: _____ 9. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 10. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 11. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 12. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 13. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 14. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 15. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____
Print Name: _____ 16. _____ (Signature) ____ I walked to the path	Residence Address ONLY: _____ _____ (City) Destination: HMBHS Other_____

2013.03.21

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Patrick O'Brien, and in this letter I am writing to the Coastal Commission to request that it grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because it is the only safe route for pedestrians when they choose to access the amenities of the coast from the east side of Highway 1.

Our family has lived in the Highland Park neighborhood since 1994.

Our family uses the footpath in the following ways:

- To access downtown and the coastal trail when on foot; we use it once on the weekend, i.e. going and coming back. We do this either in the morning or afternoon one day of the weekend, and from May to December the traffic on Highway 1 is a deterrent from walking or bicycling on the hard shoulder.
- To access the high school track for walking and running early on weekday mornings – 6am/7am – when Highway 1 is crowded and especially unsafe for walking or bicycling. My wife and I use the track 4 days a week.
- My kids use it to walk to town when they visit for holidays, and it allows them to travel as they please and not have to take a vehicle with them. It allows them to walk home at night free of concern, rather than walk on the hard shoulder of the highway.

Should the path be closed, we would be forced to find another location for exercising in the mornings. Driving or bicycling on Highway 1 is a real deterrent to exercising at the one time of day that affords us the opportunity to do so. In addition, we would contribute to the traffic congestion by adding another vehicle pulling out across the flow of traffic four days each week, and also on weekends, mainly during the peak driving hours of the morning.

On weekends when friends visit, we often use the High School field to play a casual game of soccer. This allows us to leave all cars at our house, and walk safely to the field, where we can allow kids and others to go safely home, or arrive later, as they please. Often we are not the only people using the playing field in this way, and this is because it is so convenient and safe to access by means of the neighborhood path.

Most weekends our cars stay parked at our house, as we can access bike trails and country roads south of town by using the path to get to town. Parking in our neighborhood is not so greatly affected by the path that we notice significant crowding. In contrast, we notice much greater crowding of cars in the neighborhood for holidays like The Fourth of July, Thanksgiving, The Pumpkin Festival, and on occasions like Super Bowl Sunday, and these occasions have little or nothing to do with the use of the neighborhood path.

Driving practices within our neighborhood are generally good, and people who live here are as apt to drive fast as anyone from outside who visits the neighborhood. In my years living in Highland Park I have stopped a number of speeders, and they have as often been residents as outsiders. I have also found that younger drivers are no worse than older drivers, despite the bad reputation that younger drivers have in the population at large. I have no problem confronting – in a calm and controlled manner – those who speed in the neighborhood. In all the years I have lived here – and I have worked from home for many of those years – I have not witnessed anything close to an accident. I have not heard of a crash in the neighborhood, though there have been many crashes, some of them serious, when people are leaving the neighborhood and accessing Highway 1.

When we use the path in the mornings, or walk the neighbor's dogs during the day, we sometimes see some trash at the top of the neighborhood; we pick it up and deposit it in the trash bins in the High School. It doesn't happen very often.

We realize that access to the High School facilities is a privilege and not a right, and we treat it as such by using them early in the morning, and on weekends when games are not in progress. Similarly, pedestrian access to downtown Half Moon Bay, to the coast, and to the many foot and bike trails south of town is one of the main reasons we live where we do. Changing that, for us, changes our relationship with Half Moon Bay. Not having to drive on the weekends is one of the great benefits of living here, and we would love that to continue.

I fully support whatever encourages residents of our neighborhood to be healthier and safer as we interact with the broader community of Half Moon Bay. Closing the path will, in turn, close off access to many resources in our community.

We urge you to take our concerns and input into consideration.

Sincerely,

Patrick O'Brien

Patrick O'Brien,

608 Silver Avenue, Half Moon Bay, CA 94019-1565.

465007.1

March 21, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Ann Keaney. I write to ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because I want to keep our kids off Highway 1. It is very beneficial having access to the public highschool buildings in the event of a severe natural disaster requiring evacuation to a central location. Also in the event of a disaster at the highschool where emergency vehicles need access through the main roadways, it is imperative that there be alternative routes for both exit and entry from the highschool.

Our family has lived in the Highland Park neighborhood since 1994 and we have enjoyed using the path for the last 19 years. We used the path to bring our kids to summer open swim times, to swim practice, to soccer practice and games, to basketball practice and to various highschool events from football games to blood drives. We used the path to walk to town on busy weekends especially during pumpkin season and festival.

Our family currently uses the footpath in the following ways:

- 3 days a week my husband and I use the path to access the running track at 6.00 am.
- On weekends I often use the path to swim in the pool and walk into town
- We use the path to attend high school events like the recent blood drive, musical etc.
- During the summer I use the path regularly to go to the swimming pool.

Should the foot path be closed, we would be forced to drive to the highschool which would take more time and add to congestion on Highway 1 especially on busy weekends or walk along the side of Highway 1 risking injury especially in the dark early morning or late evening.

I have had no issues finding parking in our neighborhood. As a frequent walker in the neighborhood I agree that cars do park at the top of Highland during the day or during baseball practice in the spring. However there are never more that 6 to a max of 10 cars there. And most of the year the cars are gone by 5.00 pm.

In the 19 years, I have lived here and especially when my kids were younger and played and rode bikes on the street, I have waved and flagged drivers to slow down. I have had teenage drivers slow down and apologize to me. They have never been rude. As we live near a corner, we used to put out orange

cones to heighten drivers' awareness of kids playing. My observation is that some speeding and running stop signs may be committed by people from outside the neighborhood but lots of my neighbors are guilty also. So it is not a concern of mine.

I do not like the litter that is left behind by people parking or using the path. I think more signage and if possible, a garbage can would be beneficial. I would be willing to volunteer to pick up garbage once a week in order to keep the path open.

In our many years living in the Highland Park neighborhood, we are not aware of any incident that involves the historic footpath. In fact the pathway and its use contribute to the vitality of our neighborhood. I like seeing the kids coming from school. They often smile and greet me. My belief is a safe neighborhood is one where people are out and about coming to/from school, walking dogs, gardening, kids riding bikes etc.

We are concerned that closing the foot path will safely eliminate an alternate access point to the neighborhood, put ourselves and our children in danger walking along the highway and close off access to highschool facilities. We urge you to take our concerns and input into consideration.

Sincerely,

Ann C. Keaney

Ann Keaney

608 Silver Ave, Half Moon Bay, CA 94019

March 23rd, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Michelle Giacotto. I write this letter to ask the Coastal Commission to grant the appeal to deny Ailanto Properties' Coastal Development Permit (CDP) application to install a fence that would prevent any further use of the historic footpath that connects the Highland Park neighborhood with Half Moon Bay High School (HMBHS). This path provides essential access to the local public high school, open space, and the only pedestrian route to downtown Half Moon Bay and the Coastal Trail. With no other way to access our neighborhood on foot or bicycle, blocking the path would force our residents to walk along the shoulder of Highway 1, which is extremely dangerous.

My husband and I are lifelong coastsiders and have resided in the Highland Park neighborhood for the last 10 years. We have two sons, Gabriel (11 years old) and Gavin (8 years old) and purchased our home for the family-friendly nature of the neighborhood and the ease of access to the high school and downtown. Over the years since we purchased our home, we have seen the access to two formerly established paths between Highland Avenue and downtown Half Moon Bay eliminated due to private home construction. One of these paths was part of a city-owned easement that was sold to the builder. Understandably, we were very upset to hear that the last remaining access path to our neighborhood would soon also be fenced resulting in the need to drive a vehicle to run errands and engage in activities that we have normally been able to do on foot or by bicycle. This seems very counterintuitive to the nature of the coastside and the value its residents place on environmental stewardship. The Highland-HMBHS footpath has existed since the days that I attended Half Moon Bay High School before there was a Highland Park neighborhood.

Our family uses the footpath from the neighborhood to the HMBHS on a daily basis:

- To walk and/or jog the trails surrounding the high school.
- To attend high school hosted sporting events and support our local teams.
- To utilize the public sports facilities at the high school with our sons, including the basketball courts, open fields, track, tennis courts, and swimming pool during summer public swim hours.
- To access the downtown area to shop for groceries, mail letters, or run other routine errands.
- To access and support local restaurants and businesses on weekend outings without adding to the traffic issue on Highway 1.

- To safely access the Coastal Trail.

If the footpath is closed, all of the activities above would require my husband and I to drive vehicles to town to accomplish. As we are both full time working parents, these trips would often coincide with the weekday commute and weekend traffic. Traffic congestion on Highway 1 has become an increasingly challenging issue for coastside residents and a deterrent to local visitors. With no stoplight to control traffic, our neighborhood Terrace outlet in particular poses a safety hazard during these congested traffic times. It is often difficult to exit our neighborhood and turn southbound into town. On many occasions, I have witnessed narrowly avoided accidents at this intersection or have sat for as long as 15-20 minutes with my engine idling waiting for the opportunity to exit onto Highway 1.

Some of our neighbors have indicated that the path is detrimental because it promotes traffic and causes parking issues in the neighborhood. We have never experienced difficulty parking in our neighborhood even during the busiest times, such as Pumpkin Festival. The few vehicles that do access Highland from outside the neighborhood make a point of parking at the top of the hill so as not to obstruct any homes or driveways. Traffic is minimal in our neighborhood, one of the benefits of living here. There have been occasional issues with speeding, but my husband and I have found that resident drivers are as much to blame than those from outside the neighborhood. Along with the majority of our neighbors , my husband and I feel that the benefits of maintaining the HMBHS footpath far outweigh any perceived detrimental effects.

In closing, we ask the Coastal Commission to grant the appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. Our family has used the path for the past 10 years. Our main concern is to keep our neighborhood children, pedestrians and cyclists safe and off of Highway 1. We also believe that closing the path will increase congestion on Highway 1, as there is no light at the Terrace intersection, which means that during rush hour or peak tourist traffic hours, drivers on Highway 1 will need to stop to allow motorists from Highland Park out. Finally, closure of the path to the school is bad planning from a safety perspective. The HMBHS is our community's emergency evacuation center, and the proposed fence prevents our neighborhood's access to the high school in the event of a fire, earthquake or tsunami.

We urge you to take our concerns and input into consideration.

Sincerely,

Ken & Michelle Giacotto

611 Highland Ave.
Half Moon Bay, Ca 94019

March 24, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

We are Dan and Terry Sullivan, and we write to ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because the only alternative is to use Highway 1, which would increase traffic during rush hour and endanger the many neighborhood families with high school-aged children.

Our family has lived in the Highland Park neighborhood for over 21 years, since 1992. Our two children attended Half Moon Bay High School and are now in college. One of the primary reasons we were attracted to this neighborhood was the proximity to the high school and ease of safe access through this historical path, which has existed for as long as anyone can remember. Both of our kids were also involved in after-school sports and extracurricular programs, which frequently necessitated more than one round trip per day to the school.

Our family uses the footpath in the following ways:

- Our two kids used it to access the high school approximately four times per weekday for four years, at 8:00AM, 3:00PM, 3:30PM, and 6:00PM.
- We use it almost once a day for afternoon/evening walks around the school fields at 5:30PM.
- We use it approximately four times a week at varying times to walk to the high school tennis courts for recreation. .
- We use it approximately 20 times per year to walk to high school sporting events, typically around 4:30PM on weekdays.
- We use it to access downtown Half Moon Bay or the Coastal Trail, since it is the only safe way to walk or ride a bike to those destinations while avoiding congested and dangerous Highway 1.

Should the foot path be closed, we would be forced to convert all of our walking or biking trips into driving trips, which would entail making a dangerous left turn out of our neighborhood onto Highway 1, joining the congestion to make a left turn on Main Street, and then either making another left on Lewis Foster Drive to the high school or remaining on Main Street to downtown. Coastal access would require us to stay on Highway 1 all the way through town until turning right on Kelly Avenue or other access corridor. If the path was closed, the extra effort and safety considerations would cause us to reduce many of our current trips to the high school, downtown, and the coastal trail. Closure of the foot path would lead to at least one extra round trip by car per day, typically during the evening commute or weekend congestion.

While we live on Highland Avenue, we are about halfway down the street and therefore do not typically park our cars near the path. However, if we have sports equipment (bucket of baseballs for batting practice, etc.) we do occasionally drive up and park on the undeveloped side of the street near the path. We have never seen the slightest issue regarding availability of street parking, either near our home or by the path. Perhaps twice a year, we may witness a high school student speeding through our

neighborhood, but we are very pro-active in telling these kids to slow down – and they do. We have a far greater problem with neighborhood adults driving too fast to or from their homes. We have only witnessed minimal garbage (typically a fast food wrapper) strewn on or near the path, but those are quickly picked up and discarded. In 21 years, we have never once seen any sort of dubious activity occurring on or near the path.

We are concerned that closing the foot path will endanger many neighborhood children and families by eliminating the one safe walking and biking access point from our neighborhood. This access point is certainly used to access the high school and its facilities, but also serves as a safe conduit to downtown and the coast. Our neighborhood is soon due to expand significantly, with the addition of the 70 or so homes from the Ailanto development. Those families will also want access through the path for the same reasons we do. If the path is closed, the already congested and dangerous Highway 1 corridor will become even more so, and it is virtually certain that the first accident due to egress or ingress from this neighborhood would be within a matter of months, if not weeks.

We urge you to take our concerns and input into consideration.

Sincerely,



Dan and Terry Sullivan

605 Highland Ave, Half Moon Bay, CA 94019
(650) 726-3731 home

March 24, 2013
Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

Our names are Patrick and Amy Wooliever (one of the three appellant families); we have three boys: Jackson, 15 and a current student at Half Moon Bay High School (HMBHS), Louis, 14 and a HMBHS student starting later this year, and Owen, 9 and a HMBHS student in 5 years.

In addition to our official appeal, we write to share the details of our family's use of the current pathway and delineate the real and significant potential impact to our family if a fence is erected and eliminates any safe access to the coast.

We ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the HMBHS remains open. The pathway is important to our family because it:

- Provides safe pedestrian and biking access to the coastal beaches and trails and recreation opportunities on the west side of Highway 1.
- Provides safe pedestrian and biking access to HMBHS and downtown HMB.
- Minimizes danger from pedestrian and biking use of Highway 1, especially our kids.

Our family has lived in the Highland Park neighborhood since 2005 and specifically chose the neighborhood because of its proximity to downtown HMB and the coastal trail via walking and biking. Moreover, with 3 children in local schools, we planned to have them walk or bike to the local schools especially HMBHS. We believe it's healthier for our family, better for our community, and we aim to set an example for people that hopping in the car for everything isn't necessary.

Finally and most importantly, our family's use of the footpath has been duplicated by our neighbors since houses were built in Highland Park. And all the car trips made unnecessary by the pedestrian and bicyclists were not recognized in any past traffic studies that have supported the Coastal Commission's analyses of the traffic impact of Pacific Ridge.

Our family uses the footpath in the following ways:

Family Member	Destination/Mode	Days/Week	Time	Purpose
Jackson, 15	HMBHS/Ped	5 (weekdays)	7:30 AM	To School
		5 (weekdays)	3:00 PM	From School
		5 (weekdays)	4:00 PM	To Sports Practice
		5 (weekdays)	6:00 PM	From Sports Practice
	Downtown HMB/Bike	2 weekend roundtrip	11 am-5pm	Errands/Outings
Louis, 14	Coastal Trail/Bike	2 (Sat/Sun) roundtrip	Between 10 am and 6pm	Use Coastal Trail to travel to friends' homes in El Granada or go to the beach.
	Home/Ped	2 (weekdays)	4:00-6:00pm	Travel home from Middle School
Owen, 9	HMBHS	2 (weekdays) roundtrip	4:00-6:00pm	Travel to HMBHS to watch sporting events or play on fields
	HMBHS/ Downtown	4 (Sat/Sun) roundtrip	Between 11 am to 5 pm	Travel to events/ Travel to town and coastal trail
Amy/Patrick	HMBHS	3 (weekday) round trips	Between 4:00-6:00	Attend events, use fields
	Downtown/ Coastal Trail	2 (Sat/Sun) roundtrip	Between 10 am-5 pm	Errands in town, travel Coastal Trail

Total Family Trips = 62 trips/ week

Jackson= 24
Louis = 6
Owen= 12
Patrick= 10
Amy= 10

In the Summer, the trips increase as we utilize the path daily to access the fields, downtown and Coastal Trail. The footpath is vital for our family to safely access schools, town and the Coastal Trail. The Coastal trail is the bicycle highway for our family to access the Smith Field baseball fields, the beach, and friends in neighboring El Granada.

Should the footpath be closed, we would be forced to convert these activities to car trips as we are not comfortable allowing our children to walk Highway 1 in the morning or afternoon to reach

school or a safe crossing point due to the high rate of vehicular speed and lack of safe shoulder or barrier.

Closure of the footpath would lead to an additional 27 non-duplicating trips/week. 5 trips would occur during the morning commute. 12 non-duplicating weekday trips would occur during the time period of 4:00-6:00 pm and an additional 8-10 weekend trips during the middle of the day at which point tourism traffic is at its peak.

While we have no need to park our cars near the opening of the footpath, we recognize a number of neighborhood cars which are regularly parked on both sides of the street at the top of Silver Ave. Four neighbors regularly park their spare cars on the street in additional to occasional neighbors who park at the top of the street either to shorten the walk or carry equipment to the fields. We have never had an issue with finding parking in my neighborhood as the street parking generated by the path is on the undeveloped side of the street.

As members of the community, we recognize the additional trash and occasional speeding in the neighborhood due to the use of the path. We carry a trash bag with us and frequently gather trash left along the path. We have also stopped and spoken to speeding drivers as well as parents of minor offenders. These conversations have always been met with understanding and have curbed speeding. The presence of law enforcement in the neighborhood has also been extremely effective. It is important to note that the majority of the speeding in the neighborhood is caused by neighborhood drivers, not high schoolers.

In our many years living in the Highland Park neighborhood, we are not aware of any incident that involves the historic footpath. We are concerned that closing the footpath will restrict safe travel for our family. We are most concerned about the very real possibility that neighborhood children will be forced to walk Highway 1 to access schools, town and the Coastal Trail.

We urge you to take our concerns and input into consideration.

Sincerely,

Patrick Wooliever

Amy Wooliever

Amy and Patrick Wooliever
600 Highland Ave, Half Moon Bay

March 21 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Mary Rogren. I write to ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because I am very concerned about the safety of the children in our neighborhood. My children are now adults but attended Half Moon Bay High School. I have always been a working parent, but I felt comfort in the fact that my children could have easy access to the high school without having to walk on highway 1.

Our family has lived in the Highland Park neighborhood since 1991.

Our family uses the footpath in the following ways:

- My children used the path regularly when they attended the High School.
- I use the path nearly daily to access the Half Moon Bay HS track to run.

Should the foot path be closed, our neighborhood children would be forced to walk on Highway 1. I shudder to think about the possibility of a child being injured on the highway – and our city should be concerned about the increased liability for potentially being responsible for an injury of a child who will have no option but to walk on the highway.

I regularly leave our home around 7:30AM and I have never had an issue with traffic on Silver or Terrace during that time. Rarely do I ever have a car in front of me as I turn out of Terrace onto Highway 1.

Personally, our family has probably crossed the path over 20,000 times over the past 20 years – and we have never had any concerns with traffic, outsiders coming into the neighborhood, etc.

We are concerned that closing the foot path will endanger our children.

We urge you to take our concerns and input into consideration.

Sincerely,

Mary Rogren

Mary Rogren
624 Silver Ave
Half Moon Bay Ca 94019

Dear City Council,

I support finding a compromise that will keep the path from the Highland Park neighborhood to the HMB High School.

Name	Address	Signature	Email
ROSOFF	683 Highland. HMB		monicarosoff@coastside.net
Alan Olivero	680 Highland HMB		aglo40@yahoo.com
D.R. Sorensen	647 Highland Ave		DSOLHang@gmail.com
Brian & Michele Sutton	636 Highland Ave		brianwmsutton@sbcglobal.net
Josie Collins	629 Highland Ave		josiecollins@sbcglobal.net
Julie Rupert	623 Highland Ave		juliesupert@sbcglobal.net
Kathryn Baughman	616 Highland Ave		KBFMB@Mac.com
Michelle Giacotto	611 Highland Ave		michelle-giacotto@yahoo.com
WASIQ BOKHARI	606 HIGHLAND AVE		wbokhari@yahoo.com
Amy Woolievel	600 Highland Ave		amyw@lhpusd.com
DAN SULLIVAN	605 HIGHLAND		DAN_SULLIVAN@SBCGLOBAL.NET
SANDY DEL SARTO	575 Highland Ave		sandy DelSarto@yahoo.com
NICOLE KLOTOVICH	519 Highland Ave		nklotovich@gmail.com
RORY O'REILLY	" " "		" " "
Robert Williams	522 Highland Ave		Zangerwilliams@Comcast.com
Michele Blais	511 Highland Ave.		moblais15@gmail.com
HOWARDS	195 CABRILLO Hwy N		JCHOWARDBN@YAHOO.COM
TERESA + MALLEN	534 HIGHLAND AVE		HALFMOONBAY.TERESA@GMAIL.COM
Tom + Margaret Burns	630 Highland Ave		MCBURNS61@gmail.com
Leonor Aguilar	614 Highland Ave		qk77757@yahoo.com, mx
Dennis Avila	612 Highland		
Kim Simon	503 Highland		mrskimsimon@gmail.com
Felipe Moya	101 Quartz Av		felipe.moya3@Hotmail.com
Karen Rodrigues	105 Quartz Ave		Krodrigues777@yahoo.com
Kamran Mahrouzadeh	653 Highland Ave		
Mark Cardinale	516 Highland Ave		mark.cardinale@sprocketkids.com
Joan Cardinale	516 Highland Ave		JoCarg1@c.com
Joe Garcia	530 Highland AVE		H.M.G Joe@hbc.com
Sue Garcia	530 Highland AVE		Sgarcia@Gmail.com

Monica Rosoff

From: Monica Rosoff
Sent: Friday, March 22, 2013 2:48 PM
To: 'stephanie.rexing@coastal.ca.gov
Cc: Fran M. Layton; Amy Wooliever (Google Drive); P Wooliever; Ken Kennedy; Teresa McWhirt; Marc Rosoff; monicaarosoff; Monica Rosoff
Subject: Community Letters and Input Regarding Appeal A-2-HMB-13-001
Attachments: Timeline of Cars Parked near Path (March 16-21).pdf; Dupree CoastalCommissionLetter.pdf; kennedy mcwhirt coastal commission letter 130319.pdf; Letter to Coastal Commission (Blais).pdf; Letter to Coastal Commission (Garcia and Cardinale).pdf; Letter to Coastal Commission (Garcia and Peterson).pdf; Letter to Coastal Commission (Howard).pdf; Letter to Coastal Commission (King).pdf; Letter to Coastal Commission (Olivero).pdf; Letter to Coastal Commission (Rosoff).pdf; Letter to HMC City Council (ZangerWilliams).pdf; m_rogren letter to coastal commission.pdf; Map of Support for Path on Highland and Silver for HMBCityC).pdf

Dear Ms. Rexing,

Please find attached a series of letters that we have been collecting on behalf of our neighbors in support of keeping the historic footpath open in the HMB Highland Park neighborhood. We have included a couple of letters of our own as well. The common themes you will find in the letters are:

1) concern for the safety of our neighborhood children should they be forced to walk along the narrow shoulder of Highway 1,
2) the predicted conversion of pedestrian trips into car trips,
3) the elimination of access to recreational resources and to the coastal trail via the path, and
4) closing off our access to our emergency shelter, which is the HMB high school
5) the path has been there and has been happily used by Highland Park families for several decades

In addition to the letters, I have also included a series of photographs of the street parking near the path entrance (I live in the house immediately adjacent to the path, so I took photos before heading off to work) to identify neighbor cars vs. student or visitor cars. Overall, there are typically not more than 2-5 student cars parked near the path on any given school day morning. Occasionally there are more cars, but in these cases there tends to be other types of visitors to the neighborhood, e.g. contractors or others providing services.

Finally, I included a map of the poll that we conducted house-by-house to determine the level of support from our neighbors to keep the path open. We carried out this poll in preparation for the Half Moon Bay City Council meeting which took place in December 2012. I have included the signatures collected for the Silver Ave. residents.

Ms. Rexing, we are continuing to collect letters and information, and would really like the opportunity to meet with you if at all possible, to ensure that we answer any questions you might have for us. We were not aware of the site visit that took place in February, which was an unfortunate missed opportunity.

I will be sending you a fedex packet with the print outs of the attached materials, and a second "batch" of information next week. We are making every effort to collect the information that you would find helpful, as guided by Fran Layton, with whom you have spoken. Please do not hesitate to let me or Fran know if you have any follow up questions. You can reach me anytime at (650) 544-8835 cell or (650) 712-8836 home.

Thank you for your careful consideration of this very important issue.

Best regards,

Monica Rosoff

RECEIVED
MAR 25 2013
CALIFORNIA
COASTAL COMMISSION

683 Highland Ave.
HMB

****

Monica Rosoff, Ph.D.
Director, Alliance Management - Gilead Sciences
office (650) 522-4876 - bb (650) 223-9152
monica.rosoff@gilead.com

March 8th, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RECEIVED
MAR 25 2013
CALIFORNIA
COASTAL COMMISSION

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Monica Rosoff. I write this letter to ask the Coastal Commission to grant our appeal and deny Ailanto Properties' Coastal Development Permit (CDP) application to install a fence that would prevent any further use of the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School (HMBHS). The reason to keep this path open is because there is no other way to access our neighborhood on foot or by bicycle. Blocking the path would force our children to walk to school along the shoulder of Highway 1, which is extremely dangerous. It would also eliminate our only access to open space and the only pedestrian route to downtown Half Moon Bay and the Coastal Trail.

My husband and I have resided in the Highland Park neighborhood for the last 13 years. We are raising two sons, Jeremy (9 years old) and Sammy (6 years old) in this family-friendly neighborhood. We purchased our home, located immediately adjacent to the historic footpath, with the plan that our boys would be able to walk to their local high school in a few years.

Our family uses the footpath from the neighborhood to the HMBHS on a daily basis:

- Three times a week, I (Monica) run from my home to the Coastal Trail via the footpath, crossing Highway 1 at Lewis Foster Drive/Main Street. Typically I conduct these runs between 6 and 7:30am on weekdays and between 10am and 4pm on Sundays. I often bring my son Jeremy to Wilkinson School on his bike via the coastal trail on one of my weekday runs.
- On Thursday afternoons, our son Jeremy rides his bike from school (accompanied) to the HMBHS pool to attend Mavericks' Swim Club practices, and then bikes from the pool to our home (avoiding rush hour traffic on Highway 1).
- On week night evenings, often during rush hour on Highway 1, we walk to the HMBHS fields to play ball with the boys, as our oldest son plays baseball. There is no park in our neighborhood; HMBHS is our only open space option.
- On Saturday mornings, we walk from our house to the HMBHS twice, to bring our sons Sammy and Jeremy to tennis classes at the HMBHS tennis courts and for me to go to the HMBHS pool for Mavericks' swim club adult lap swim.
- On Saturday or Sunday afternoons, we typically take a walk around the high school grounds, or walk our bikes along the foot path, through the high school, along Lewis Foster Drive, and across Highway 1. We take our boys to ride bikes along the Coastal Trail and to play at one of our local

beaches. We have included pictures of our boys enjoying their bikes along the coastal trail, taken while on these happy expeditions.

- My husband and I walk from our home to downtown Half Moon Bay for dinner dates in the evening on weekends.

Should the foot path be closed, our lives would be impacted greatly. I would be forced to drive to the Coastal Trail for my weekly runs. Likewise, all of our Saturday morning trips to the HMBHS would be converted from pedestrian to car trips. We would be forced to give up our son's bicycle ride from school to the Half Moon Bay pool, as there would be no way for him to get home from the pool on his bike without riding along Highway 1 during the evening rush hour. All in all, we would be forced to drive to the HMBHS 8 additional times per week, and to the coastal trail 5 times more per week. Because we both work full time, most of these drives would coincide with weekday commute times or overlap with weekend recreational traffic.

Some of our neighbors have indicated that the path is detrimental because it promotes traffic and causes parking issues in the neighborhood. We live immediately next to the path—if these issues bother anyone, it should be us! We believe that these issues are very manageable. We have never had any trouble parking our car in front of our house. The majority of the cars parked near the trail are neighborhood cars (we own one large SUV which we park on the street next to the trail). There is some speeding in the neighborhood. My husband and I routinely speak to speeders and ask them to slow down. We also have taught our children to pick up trash along the trail and care for their neighborhood and their high school.

In closing, we ask the Coastal Commission to grant our appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. Our family has used the path for the past 13 years. Our main concern is to keep our neighborhood children and pedestrians and cyclists safe and off of Highway 1. We also believe that closing the path will increase congestion on Highway 1, as there is no light at the intersection of Highway 1 and Terrace, which means that during rush hour or during congestion during peak tourist traffic hours, drivers on Highway 1 will need to stop to allow motorists from the Highland Park out. Finally, closure of the path to the school is bad planning from a safety perspective. The HMBHS is our community's emergency evacuation center, and the proposed fence prevents our neighborhood's access to the high school in the event of a fire, earthquake or tsunami.

We urge you to take our concerns and input into consideration.

Sincerely,

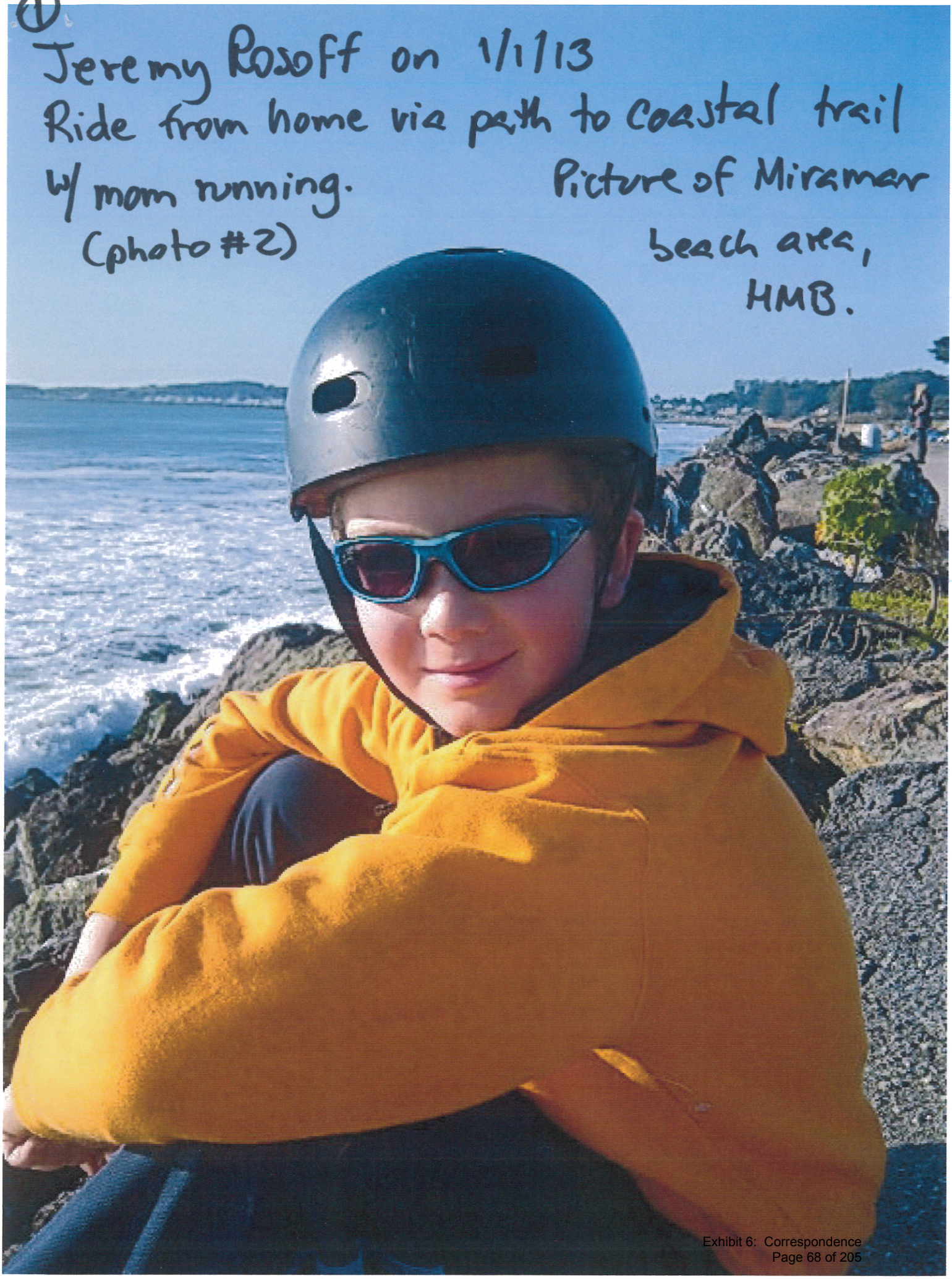
Marc and Monica Rosoff

683 Highland Ave., HMB, CA 94019 (650) 712-8836

①

Jeremy Rosoff on 1/1/13
Ride from home via path to coastal trail
w/ mom running.
(photo #2)

Picture of Miramar
beach area,
HMB.




(2) Run from 683 Highland Ave. via path to coastal trail w/ son on 1/1/13.
This is a weekly practice.

March 19, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Michele Blais and I live in the Highland Park neighborhood that is adjacent to Half Moon Bay High School (HMBHS). My address is 511 Highland Ave. in Half Moon Bay, California. I write this letter to ask the Coastal Commission to grant the appeal referenced above and to deny Alianto Properties' Coastal Development Permit (CDP) application to install a fence that would prevent any further use of the historic footpath that connects the Highland Park neighborhood with HMBHS.

There are many compelling reasons to keep this path open. First, there is no other safe way to access our neighborhood on foot or by bicycle by way of HMBHS. Blocking the path would force our children to walk to school along the shoulder of Highway 1, which is extremely dangerous option and, therefore, an unacceptable alternative. Young children can easily walk or ride their bicycles safely to HMBHS to play or attend the swim or tennis programs there. If the path is eliminated, you are forcing us to send our young children onto Highway 1 in order to reach the high school. Can you imagine an 8-year old riding his bicycle on Highway 1 with a tennis racket in hand? Half Moon Bay is touted as a family community, but eliminating the path indicates otherwise.

In addition, it would also eliminate our only access to open space and the only pedestrian route to downtown Half Moon Bay and the Coastal Trail. Further, HMBHS is our community's emergency evacuation center, and the proposed fence prevents our neighborhood's access to the high school in the event of a fire, earthquake or tsunami. No consideration has been given to this issue.

Of significant concern are the high school students who will not take kindly to the fence and will make every attempt to climb over or take it down so they can access the school. Although they will be breaking the law in doing so, **their acts are foreseeable and all those involved will be liable for any injuries sustained by these students.** Injuries could include broken bones, ripped off fingers, spinal injuries, head trauma, etc. . . . Such injuries could potentially cost millions of dollars.

Further, eliminating the path will reduce the property values of the Highland Park homes significantly. As the neighborhood will no longer have easy and safe access to the facilities at the local high school, it will make the properties here less desirable. Now, instead of a two minute walk to HMBHS, everyone will need to drive out to Highway 1 and make their way up to HMBHS with the rest of the coastside. To date, although Highland Park has been isolated on the east side of Highway 1, safe access to HMBHS and all the public facilities there – swimming, tennis, hockey, plays, etc. , have made this neighborhood desirable and supported our property values.

My husband, our two sons, and I use the footpath from the neighborhood to the HMBHS several times a week:

- We use the batting cages at the baseball field, which is immediately adjacent to the footpath;
- We swim in the pool at the high school during the summer and occasionally participate in the masters' swim program in the early morning;
- We run on the track and up and down the football bleachers multiple times per week;
- We also enjoin attending sporting events at HMBHS

If access to the path is removed, we will not partake of many of these activities because it will be inconvenient and no longer safe.

Some of our neighbors have indicated that the path is detrimental because it promotes traffic and causes parking issues in the neighborhood. These issues can be easily managed. We have never had any trouble parking at the top of Highland Ave, in the event we drive up to the top of the street due to heavy baseball gear. In reality, the majority of the cars parked near the trail are neighborhood cars. The only time there are more than a few cars parked at the top of the hill is when there is a home baseball game, which happens only between February and early May, and only 1-2 times per week. There is some speeding in the neighborhood, but many neighbors have put up signs or talked with drivers.

In closing, we ask the Coastal Commission to grant our appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. Our family has used the path for the past 23 years and value all it offers us. Our main concern is to keep our neighborhood children, high school students, pedestrians, and cyclists safe and off of Highway 1. We also believe that closing the path will increase congestion on Highway 1, as there is no light at the intersection of Highway 1 and Terrace, which means that during rush hour or during congestion during peak tourist traffic hours, drivers on Highway 1 will need to stop to allow motorists from the Highland Park out. Finally, we expect if the fence does go up, multiple injuries will result to high school students trying get over the fence or cutting through it. All such injuries are foreseeable leading all those involved to be liable.

We urge you to take our concerns and input into consideration.

Sincerely,

M. Blais

Michele Blais

I agree with the above statements and support the appeal.

T. Blais

Tom Blais

March 19th, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Teresa McWhirt. I write this letter to ask the Coastal Commission to grant our appeal and deny Ailanto Properties' Coastal Development Permit (CDP) application to install a fence that would prevent any further use of the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School (HMBHS). There are many reasons to keep this path open including safety, traffic, and access to open space, beaches and the downtown area. There is no other way to access our neighborhood on foot or bicycle. Blocking the path would force our children to walk to school along the shoulder of Highway 1, which is extremely dangerous. It would also eliminate our only access to open space and the only pedestrian route to downtown Half Moon Bay, the Coastal Trail and beaches. It also eliminates a pedestrian path to access our evacuation point (i.e. the high school) in the event of emergencies.

My husband and I have resided in the Highland Park neighborhood for the last 15 years. We have two children, Abby (9 years old) and Sean (10 years old). We purchased our home with the plan that our children would be able to walk to school, bike to the coastal trail, beaches and downtown areas as well as use the open spaces at the high school. Our family uses the footpath from the neighborhood to the HMBHS on a daily basis:

- Once or twice a week, we use the path to access the coastal trail to ride bikes and go to the beaches.
- Three-Times a week, our family plays baseball and/or basketball on the high school facilities. We do not have a park in our area, so the high school is the only open space area within walking distance.
- We attend Half Moon Bay High School events such as basketball, baseball and soccer games using the footpath. My children have done baseball, basketball, soccer, and wrestling camps, practices and clinics at the high school, using the footpath. My daughter has also had dance recitals at the high school. We use the footpath to attend all of these activities.
- During the summers, weekends and special events such as the pumpkin festival, we use the footpath to access the downtown area.
- My whole family often uses the high school facilities to exercise,

Should the foot path be closed, our lives would be impacted greatly. We would be forced to convert our pedestrian trips to car trips. The only way we could access the coastal trail and beaches would be to

either cross Highway one by bike or walk. This is quite dangerous especially during peak times and on weekends. These trips often occur during peak times on the weekends and during evening commute times. When our children attend the high school, the trips will be during peak morning commute times. Some of our neighbors have indicated that the path is detrimental because it promotes traffic and causes parking issues in the neighborhood. We live at the top of Silver and see the traffic/parking. These issues are minor and can easily be managed. Many of the cars parked near the footpath are neighborhood cars. Our whole family assists and will continue to assist in the care of the footpath and high school, such as picking up trash.

In closing, we ask the Coastal Commission to grant our appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. Our family has used the path for the past 15 years. Our main concern is to keep our neighborhood children and pedestrians and cyclists safe and off of Highway 1. We also believe that closing the path will increase congestion on Highway 1, as there is no light at the intersection of Highway 1 and Terrace, which means that during rush hour or during congestion during peak tourist traffic hours, drivers on Highway 1 will need to stop to allow motorists from the Highland Park out. Finally, closure of the path to the school is bad planning from a safety perspective. The HMBHS is our community's emergency evacuation center, and the proposed fence prevents our neighborhood's access to the high school in the event of a fire, earthquake or tsunami.

We urge you to take our concerns and input into consideration.

Sincerely,

Teresa McWhirt and Ken Kennedy

696 Silver Ave., Half Moon Bay, CA 94019

March 20, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission:

I am Janet Rae-Dupree, a 17-year resident of the Highland Park neighborhood in Half Moon Bay. Please, *please* grant the appeal cited above and deny Ailanto Properties the permission it seeks to fence off the historic footpath connecting our homes with Half Moon Bay High School – and, for that matter, the rest of Half Moon Bay. The importance of this path cannot be exaggerated. We live in one of a series of "island" neighborhoods inadvertently created in Half Moon Bay over the last few decades. In these "walled off" neighborhoods, we have only one way to drive in and out, and that access requires negotiating the ever-treacherous Highway 1. But we've had a crucial relief valve at the top of the neighborhood – a foot path that leads directly onto the open space and athletic fields of the high school, and from there on into town without once touching Highway 1. Our family has been using this path regularly for nearly two decades for daily exercise/recreation, for attending community events at the high school, and for walking the mile into town for dinner or shopping or church. As he has become increasingly independent, we have required our son, who is now 14 years old, to use this path when he walks into town for our church's daily Youth Café, or for his weekly Young Actor's Workshop, or for various social events throughout the community. Like any sane parent, there is simply no way we can allow our only child to risk his life walking on the shoulder of Highway 1 or, worse, riding his bicycle on the shoulder against traffic in an effort to reach the nearest traffic light to cross. This path has been our saving grace on many occasions, including when Terrace Avenue – our one access street – needed to be closed for maintenance. Rather than remaining trapped in our homes during the weekend that it took to complete the project, we were able to park our cars up in the high school lot to allow continued access to the larger world despite Terrace's closure. On several occasions, when traffic has been gridlocked by an accident on Highway 1, I have turned off the highway, driven up the hill to the high school parking lot, and parked there so that I could walk home rather than sitting in my car for an hour waiting for the road to be cleared.

When we moved into our home in January 1996, we were told that Ailanto in the next three to five years would build homes on the land east of our neighborhood. We were told that no streets would connect these two neighborhoods, but that a network of walking and bicycling paths would allow easy access to the high school and any community facilities built by Ailanto

during their development of the land. Over the years, as the battle continued about when and how Ailanto would develop the property, we were told that the plot of land which includes the historic footpath would remain open to encourage ongoing community access. The path was far too precious – too critical to the community – ever to be closed.

And then we were devastated to learn of the plan to severe this vital artery. It is beyond understanding.

There are three of us in our home currently: myself, my husband Dave Dupree, and our son Matthew Dupree. We use the footpath in myriad ways, including:

- Safe, environmentally sound access to the Half Moon Bay High School pool during public swim hours
- Safe, environmentally sound access to the high school auditorium for public events, including theater productions, community meetings, athletic events, and various classes/clinics throughout the year
- Starting in September, Matthew Dupree plans to use the footpath daily to attend Half Moon Bay High School. If Ailanto closes the path, he'll instead have to face with a nearly one-mile down-and-around trek, including a treacherous against-traffic, one-third mile traffic dodge on Highway 1.
- On Sundays, particularly when the weather is nice, we use the footpath to walk into town for church services. When we're particularly ambitious, we'll ride our bicycles into town and then enjoy a ride along the Coastal Trail after church.
- Frequently during the week, Matthew or I will bicycle through the high school and on into the south part of Half Moon Bay or the Coastal Trail. I have an electric bike that I use on the footpath at least once a week to do a bit of environmentally-sound shopping around downtown Half Moon Bay, including at the weekly Farmer's Market.
- During Pumpkin Festival, Dream Machines, Maverick's surf competition and any of the other gridlock-inducing community festivals, we simply leave our cars in the garage for the weekend and zip around town by bike instead.

If the path is closed, we will be forced to add at least a dozen additional car trips per week to the already congested conditions on Highway 1. If the path is closed, there is no way I will allow Matthew to run the traffic gauntlet on foot; I will drive him to school and pick him up each day, contributing that much more traffic to Half Moon Bay's roads. If the path is closed, my exercise routine will shift to the west of Highway 1; I will drive my car into a residential neighborhood closer to the Coastal Trail so that I can take a brisk walk without risking my life on Highway 1.

We don't park our cars near the path because we live so close to the top of Silver Avenue as it is. We have never experienced any difficulty finding street parking in our neighborhood, even during the peak of Pumpkin Festival. While in the past there have been some speeding concerns

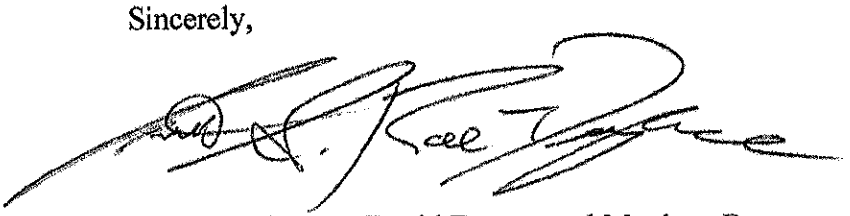
on Silver Avenue, we have found that periodically putting traffic cones off to one side with messages asking drivers to slow down has served as a deterrent. During the 17 years that we have lived here, not once have we experienced anything negative as a result of the footpath. It is, and always has been, an unequivocal positive in our lives.

Please remember, too, that there is no traffic light at the intersection of Terrace and Highway 1. To cross Highway 1 safely, we either must walk/bicycle north for nearly a mile, or go south for about one-third of a mile. When we go south, we are moving against traffic on a shoulder onto which traffic veers regularly and that is littered with trash and shards of glass. In the event of a tsunami or fire or other natural disaster, we have been told to make our way to the high school. It makes no sense whatsoever to shut off the footpath and thereby force evacuees route down the hill and onto Highway 1.

It is our deepest hope that eventually Half Moon Bay will recognize its responsibility to tie these landlocked "island" neighborhoods together into a cohesive community with a network of pedestrian and bicycle paths.

Please don't destroy this precious, decades-old vital link that already makes part of that dream a reality.

Sincerely,



Janet Rae-Dupree, David Dupree and Matthew Dupree
649 Silver Ave., Half Moon Bay, CA 94019
650-726-1559
janet@raedupree.com

March 19th, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

Our names are Alan Olivero and Christine Olivero. We write to ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because as this is an important access point to the High School for our neighborhood and the community. The alternative to this access is walking along Highway 1 where there is no good pedestrian walkway. We have observed multiple accidents and injuries along that stretch of highway and would hate to think that closure of this walkway would contribute to additional deaths and injuries.

Our family has lived in the Highland Park neighborhood since 1993 and has used the pathway for nearly 20 years. Our two daughters used it to go to and from school and our son hopes to use it in the next four years. In addition, this is access allows our community access to the ball fields, track and other community events at the high school. The access also reduces the already horrific traffic impact at Highway 1 and Main Street (only entrance to the high school) by allowing an additional route for students and families to get to school. Our family uses the footpath in the following ways:

- School attendance
- Attendance to sport practices, swim meets, football games, baseball games, High School concerts and plays
- Access to the track for running
- Access to the pool for swimming

We live directly across the street from the footpath. We know that there is some additional traffic in our neighborhood because of it but the traffic and parking impact are minimal. We use some of the street parking ourselves as we generally park at least 2 vehicles in this area ourselves. When our daughters are home from college, they too park in this area. The handfuls of other cars that park in this area during school and athletic practices are minimal most of the time. Occasionally there are speeders but they are not limited to those that access the footpath. We see delivery trucks and other commercial vehicles speeding in the neighborhood as well. A better solution might be speed bumps and "Children Playing" signs. There is occasional trash left in our yard and across the street but it is clearly not much. We might have to pick up a few cans or wrappers once every few weeks. Since we are the residents closest to this area where people park, we know first hand that this is not a problem.

We are concerned that closing the footpath will deprive our community of an access to the High School that has been there for over 20 years. The closure will contribute to unnecessary danger to the community, as people will now need to walk along Highway 1 to gain access to the High School. The closure will also create additional traffic going to the high school during the morning and afternoon. We urge you to take our concerns and input into consideration.

Sincerely,

Christine M. Olivero
Alan S. Olivero

Alan and Christine Olivero

680 Highland Ave.

Half Moon Bay, CA 94019

Joe & Sue Garcia

530 Highland Avenue

Half Moon Bay, CA 94019

(650) 712-1903

March 20, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Sue Garcia. I write this letter on behalf of my family in support of keeping the footpath that connects the Highland Park neighborhood with the Half Moon Bay High School (HMBHS).

Our family is a fourth generation Coastsider and we have resided in the Highland Park neighborhood since 2006. We **specifically** and intentionally purchased our home in this neighborhood following the last closure of Devil's Slide when our commute from El Granada to HMB became a horrific time-consuming experience. Our oldest daughter was entering HMBHS and we wanted to live in a neighborhood that allowed our three of our children to safely walk to school. The path afforded us this safe option. While our oldest, Leah, attended HMBHS she used the path on a daily basis. Even though she has graduated, we continue to use this path on a weekly basis.

All three of our children are heavily involved in Coastside sports and we utilize the path to access the track, the softball fields, the baseball fields, football practice and safely walk to town. Blocking the path will deny my two youngest children (Gracie 12, Joey 11) safe access to HMBHS via foot or via their bicycles. I do not permit them to walk on Highway 1 for obvious reasons.

Closing the path will result in 2 unappealing options for my family and our Highland Park neighbors: One is to send our children to walk on Highway 1. The second is to add to the already congested HMBHS morning traffic. As you are aware, it is very challenging to exit from Terrace Avenue to head south on highway 1 during the morning commute hours, as

there is no traffic light. Most, if not all, of the drivers heading south do not properly allow us to use our turnout lane to join the commute which is typically backed up once we near the intersection of Main Street/Highway 1. Closing the path and forcing our neighborhood residents onto the road will add to this backup will undoubtedly be undesirable for everyone trying to get to 92. The line of cars crawling up Lewis Foster Drive in the morning is daunting. The traffic is backed up Southbound as commuters try to negotiate the stoplight and get in line to slowly crawl up that hill. Highway 1 Northbound at Terrace Avenue has 2 lanes that merge into 1, which in itself is tricky. Drivers are often jockeying for position and not expecting to deal with pedestrians. I am saddened to acknowledge that due to our work schedules, my family will have to use Option 1. This means that should the path be closed, Gracie and Joey will be forced to walk to school on the shoulder of Highway 1. The original plan was for them to follow as Leah did and walk to school safely up Highland Avenue.

The mere thought of my precious children walking along the shoulder of the highway in the morning and more specifically the afternoon where there are a high number of inexperienced teenage drivers who may be distracted by talking, texting etc. makes me cringe. And I ask you why? To my knowledge, there have been ZERO instances of injury associated with this short path in the 50 years that my husband has been a Coastal resident. **Every** neighborhood has its experience of folks driving too fast, parking, litter etc. Why would our neighborhood be any different? All of these issues are minimal and easily managed. The impact of closing this path and forcing my children and the neighborhood children onto the shoulder of Highway 1 is a horrible solution and I ask that you take the time to consider the impact and whether YOU would be comfortable having your children walk along the highway when you see a path that generations have been able to use without incident. The path as it stands today is simply not a dangerous condition. Pedestrians e.g. **children** on a highway meant for cars is clearly a dangerous condition. People have been killed trying to cross Highway 1. Please do not close this path and send my children to walk the shoulder of Highway 1.

In closing, we ask the Coastal Commission to grant the appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. My main concern is the safety of the neighborhood children and my children, Gracie and Joey. They will be entering high school in 2015 and I fully expected them to be able to walk to and from our home to school and their associated sporting activities. I never envisioned that the path would be fenced off.

Unfortunately both options are disappointing considering the current footpath provides a safe access to HMBHS. To reiterate, this path is our only access to HMBHS and the Coastal

Trail by foot or by bicycle. Installing a fence and blocking access would also eliminate our only access to open space and the only pedestrian route to downtown Half Moon Bay and the Coastal Trail. If you close this path, the families of our neighborhood will be impacted far beyond some litter left behind.

We urge you to take our concerns and input into consideration. You are not simply building a fence. You are putting young lives at risk. You will be putting **my** children's lives at risk. My children are the love of my life. My job is to protect them. If the path were unsafe I would never allow them to access it. However, it IS safe and that is evidenced by the lack any tangible incidents that are above and beyond normal activity. I ask you again, would you allow YOUR children to walk the shoulder of highway 1 when there is a clear, safe, viable alternative in place?

Sincerely,

Joe and Sue Garcia

530 Highland Avenue

Half Moon Bay, CA

Other Neighbors in support of this letter and keeping the path in place:

516 Highland Ave HMB	650-726-8113
Joan T. Cardinale	

Joe & Sue Garcia

530 Highland Avenue

Half Moon Bay, CA 94019

(650) 712-1903

March 20, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Sue Garcia. I write this letter on behalf of my family in support of keeping the footpath that connects the Highland Park neighborhood with the Half Moon Bay High School (HMBHS).

Our family is a fourth generation Coastsider and we have resided in the Highland Park neighborhood since 2006. We **specifically** and intentionally purchased our home in this neighborhood following the last closure of Devil's Slide when our commute from El Granada to HMB became a horrific time-consuming experience. Our oldest daughter was entering HMBHS and we wanted to live in a neighborhood that allowed our three of our children to safely walk to school. The path afforded us this safe option. While our oldest, Leah, attended HMBHS she used the path on a daily basis. Even though she has graduated, we continue to use this path on a weekly basis.

All three of our children are heavily involved in Coastside sports and we utilize the path to access the track, the softball fields, the baseball fields, football practice and safely walk to town. Blocking the path will deny my two youngest children (Gracie 12, Joey 11) safe access to HMBHS via foot or via their bicycles. I do not permit them to walk on Highway 1 for obvious reasons.

Closing the path will result in 2 unappealing options for my family and our Highland Park neighbors: One is to send our children to walk on Highway 1. The second is to add to the already congested HMBHS morning traffic. As you are aware, it is very challenging to exit from Terrace Avenue to head south on highway 1 during the morning commute hours, as

there is no traffic light. Most, if not all, of the drivers heading south do not properly allow us to use our turnout lane to join the commute which is typically backed up once we near the intersection of Main Street/Highway 1. Closing the path and forcing our neighborhood residents onto the road will add to this backup will undoubtedly be undesirable for everyone trying to get to 92. The line of cars crawling up Lewis Foster Drive in the morning is daunting. The traffic is backed up Southbound as commuters try to negotiate the stoplight and get in line to slowly crawl up that hill. Highway 1 Northbound at Terrace Avenue has 2 lanes that merge into 1, which in itself is tricky. Drivers are often jockeying for position and not expecting to deal with pedestrians. I am saddened to acknowledge that due to our work schedules, my family will have to use Option 1. This means that should the path be closed, Gracie and Joey will be forced to walk to school on the shoulder of Highway 1. The original plan was for them to follow as Leah did and walk to school safely up Highland Avenue.

The mere thought of my precious children walking along the shoulder of the highway in the morning and more specifically the afternoon where there are a high number of inexperienced teenage drivers who may be distracted by talking, texting etc. makes me cringe. And I ask you why? To my knowledge, there have been ZERO instances of injury associated with this short path in the 50 years that my husband has been a Coastal resident. **Every** neighborhood has its experience of folks driving too fast, parking, litter etc. Why would our neighborhood be any different? All of these issues are minimal and easily managed. The impact of closing this path and forcing my children and the neighborhood children onto the shoulder of Highway 1 is a horrible solution and I ask that you take the time to consider the impact and whether YOU would be comfortable having your children walk along the highway when you see a path that generations have been able to use without incident. The path as it stands today is simply not a dangerous condition. Pedestrians e.g. **children** on a highway meant for cars is clearly a dangerous condition. People have been killed trying to cross Highway 1. Please do not close this path and send my children to walk the shoulder of Highway 1.

In closing, we ask the Coastal Commission to grant the appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. My main concern is the safety of the neighborhood children and my children, Gracie and Joey. They will be entering high school in 2015 and I fully expected them to be able to walk to and from our home to school and their associated sporting activities. I never envisioned that the path would be fenced off.

Unfortunately both options are disappointing considering the current footpath provides a safe access to HMBHS. To reiterate, this path is our only access to HMBHS and the Coastal

Trail by foot or by bicycle. Installing a fence and blocking access would also eliminate our only access to open space and the only pedestrian route to downtown Half Moon Bay and the Coastal Trail. If you close this path, the families of our neighborhood will be impacted far beyond some litter left behind.

We urge you to take our concerns and input into consideration. You are not simply building a fence. You are putting young lives at risk. You will be putting **my** children's lives at risk. My children are the love of my life. My job is to protect them. If the path were unsafe I would never allow them to access it. However, it IS safe and that is evidenced by the lack any tangible incidents that are above and beyond normal activity. I ask you again, would you allow YOUR children to walk the shoulder of highway 1 when there is a clear, safe, viable alternative in place?

Sincerely,

Joe and Sue Garcia

530 Highland Avenue

Half Moon Bay, CA

Other Neighbors in support of this letter and keeping the path in place:

519 Silver ave

Half Moon Bay CA 94019

David Peterson

Suzanne Peterson

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

March 20, 2013

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission:

I am writing to request that the Coastal Commission support the pending appeal allowing the footpath connecting the Highland Park-Terrace Avenue neighborhood with Half Moon Bay High School to remain open, ***as it has been for more than thirty-five years.*** It has not only offered safe ingress and egress to dozens of high school students over the years, but also convenient, non-polluting, pedestrian access to many people in the neighborhood, myself included, who use the track and ball fields after hours and on weekends. This is no small thing given the lack of parks in our community.

My family moved onto Terrace Avenue in 1976. Back then, Terrace existed by itself a quarter of a mile north of the high school. In the 1970s and early 80s, there was just open space between Terrace Avenue and the high school, but there were two pedestrian paths between them, the one in the middle disappearing under Golden Gate Avenue when it was created in 1984, and the remaining one at the east end that is under appeal now. Both paths were used daily not just by high school students and Terrace Avenue residents, but also the folks from the Grandview Boulevard neighborhood north of Terrace, who crossed the field where Golden Gate Avenue now intersects Terrace. Today's Grandview students and residents must walk or ride their bikes south along the shoulder of Highway 1. With Level F conditions prevailing, this could not be less safe.

My children have grown up and moved away, but when they were of school age they used the trail to go to the high school, and also to downtown. Now, I walk to the high school to pad around the track two - three times a week, and am religious in this regard, usually walking around the track from 12 - 24 laps per visit. I also run up and down the stadium steps as I walk around to keep up endurance and pump up my heart rate. There are often neighbors who also run on the track, and there are a lot of dog walkers, as well, all coming from Highland Park. On Saturdays and Sundays you often see high school age boys and girls and younger running on the track and exercising, then walking back along that path. It is hard to estimate how many people use it on a weekly basis, but when the weather is decent, it probably runs to several dozen per week.

If the appeal is denied and the trail closed as planned, it will be too inconvenient for me to go to the high school at all. Why? That is because of the late afternoon traffic coming into town from Highway 92, which I would have to engage to get to the high school and back. The weekends are no better. In fact, I evolved walking at the high school as a means of exercising without having to drive anywhere and pollute the environment. I am probably not unique in my mental calculus, but closing the path will create a great nuisance to what has heretofore been a happy accommodation. But while I can exercise the choice of not going back, the many high school students, now and in the future, whose parents let them walk or ride a bike do not have that freedom, but they will have the added risk of mixing it up with our Level F traffic.

I hope that you will not allow that to happen. Please support the appeal. Thank you for your consideration.

Sincerely,
Kenneth King

Kenneth King
633 Terrace Avenue
Half Moon Bay, CA 94019

March 20, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Jocelyn Howard. My husband and I live at 195 Cabrillo Hwy. N.(West end of Highland) I write to ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because it allows us access to open space, the high school, the swimming pool, the tennis courts as well as providing us (my husband and extended family) with an alternative route from our neighborhood.

We have lived in this neighborhood since 1971. At that time, there were only 3 homes near us and access to the high school was not a concern. It was very easy to walk across the field at most any point as there were numerous informal trails. The current housing tract was laid out around 1986 and as homes were built, and the high school was fenced, the footpath became the only way to access the high school. Our children used the path for all their high school years starting in the mid 80's through 1995.

- Now my husband and I use the area for our daily walking exercise.
- Our Grandson plays there weekly and has taken swim lessons and played Pop Warner football there
- Our son and family (5) visit during the summer for 1-2 months and they use the track, the pool and the tennis courts frequently.

Should the foot path be closed, we would be making car trips, most likely to the beach for our walks and to let the Grandson run and play. (There is not any close, safe way to access the beach from our area by foot especially if you are over 70 nor is there a neighborhood park). The same option would occur when any family member wished to swim, play tennis or run the track. They would either take the car out on hi-way #1 or walk along the hi-way shoulder to Lewis Foster Blvd. to the high school; not a very safe alternative for someone less that 12yrs old. I would estimate that this could lead to perhaps another 400 to 500 cars leaving the neighborhood via Terrace on hi-way #1 from our single home in a years' time.

We never use a car to get to the footpath and since we live West of Golden Gate Ave., which is the street to Highland and the path is East of that, traffic from out of the neighborhood through our area is not a problem for us. We do notice that there is garbage along the path now and that is probably an objection that those living near are not happy with. We would certainly be happy to pick up litter(and

have in the past) and to help maintain the path perhaps by sweeping branches and other debris from the area.

My most pressing and upsetting concern with the proposed closure of the path is that the high school is our designated emergency shelter and should there be a tsunami warning, we would have to get in a car and try and get on hi-way one and inch our way up to the high school. It would certainly seem easier, more safe, and probably quicker to walk 2 blocks to the path.

We thank you for taking our concerns and input into consideration.

Sincerely,

Jocelyn Howard

Jocelyn and Leonard Howard

195 Cabrillo Hwy. N. Half Moon Bay, CA 94019

March 21 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Mary Rogren. I write to ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because I am very concerned about the safety of the children in our neighborhood. My children are now adults but attended Half Moon Bay High School. I have always been a working parent, but I felt comfort in the fact that my children could have easy access to the high school without having to walk on highway 1.

Our family has lived in the Highland Park neighborhood since 1991.

Our family uses the footpath in the following ways:

- My children used the path regularly when they attended the High School.
- I use the path nearly daily to access the Half Moon Bay HS track to run.

Should the foot path be closed, our neighborhood children would be forced to walk on Highway 1. I shudder to think about the possibility of a child being injured on the highway – and our city should be concerned about the increased liability for potentially being responsible for an injury of a child who will have no option but to walk on the highway.

I regularly leave our home around 7:30AM and I have never had an issue with traffic on Silver or Terrace during that time. Rarely do I ever have a car in front of me as I turn out of Terrace onto Highway 1.

Personally, our family has probably crossed the path over 20,000 times over the past 20 years – and we have never had any concerns with traffic, outsiders coming into the neighborhood, etc.

We are concerned that closing the foot path will endanger our children.

We urge you to take our concerns and input into consideration.

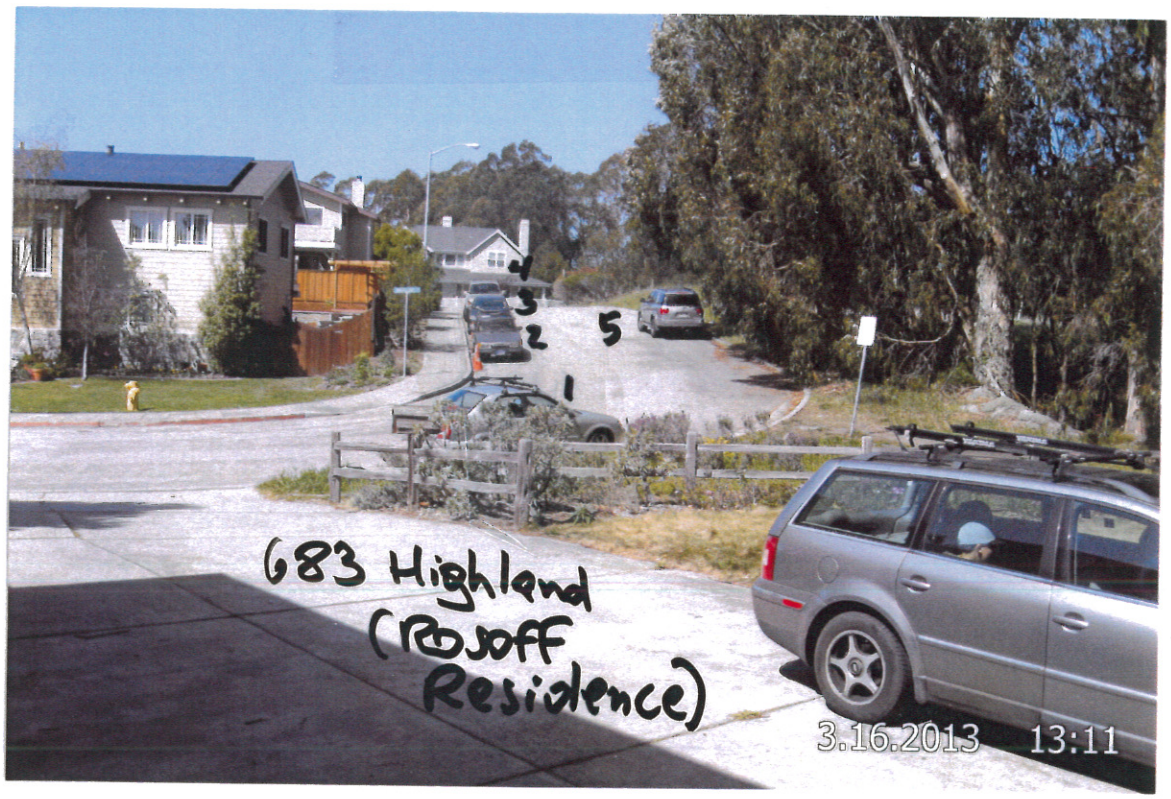
Sincerely,

Mary Rogren

Mary Rogren
624 Silver Ave
Half Moon Bay Ca 94019

3/22/13 Time Series of parking @ footpath

① 3/16/13 Sat. ~1pm.
Car show & Baseball Game @ HMB HS



Car 1 = visitor car (unclear if related to HMBHS)
Car 2 = Neighbor car
Car 3 = Neighbor car
Car 4 = visitor car (unclear if related to HMBHS)
Car 5 = visitor car (" " ")

(2) 3/17/13 Sunday ~ 3pm
No HMB high school activities.



Car 1 = neighbor car

Car 2 = neighbor car

③ 3/18/13 Monday ~7:30am

High school students use path between 7-8:30am.



Car 1 = neighbor car

Car 2 = neighbor car

④ 3/18/13 Monday ~8:00 am

Cars parked related to HMBHS student use.



Car 1 = neighbor car

Car 2 = neighbor car

Car 3 = student car

Car 4 = student car

Car 5 = student car

Car 6 = unknown if visitor or neighbor

Car 7 = unknown if neighbor or visitor

⑤ 3/19/13 Tuesday 8:30 am

No student-related cars on that day.



Car 1 = neighbor car

Car 2 = neighbor car

Car 3 = neighbor car (believe contractor)

⑥ 3/20/13 Wed. 8am

Students use path from 7-8:30am.



Car 1 = neighbor car

Car 2 = neighbor car

Car 3 = neighbor car

Car 4 = visitor car unknown if HMBHS-related

Car 5 = lawn service for neighbor

Car 6 = student car

Car 7 = student car

Car 8 = student car

(7) 3/21/13 Thursday 8am

Students use path from 7-8:30 am.



Car 1= neighbor car

Car 2= neighbor car

Car 3= visitor car unsure if related to HMBHS

Car 4= neighbor car

Car 5= student car

Car 6= student car

Car 7= student car

Car 8= student car

522 Highland Ave
Half Moon Bay
California, 94019

November 9, 2012

Chairman Tom Roman
Half Moon Bay City Planning Commission
501 Main Street
Half Moon Bay
California, 94019

Dear Chairman Roman,

Re: Application by Ailanto Properties Inc., City File PDP-034A-12 to be heard November 13, 2012

As residents of Highland Ave., in the subdivision commonly known as Highland Park, we urge the Planning Commission to overturn the decision of the Planning Director to allow the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue south through the terminus of Highland Avenue unless the fence were to be constructed in a way to allow the public free access from Highland Avenue to the High School property.

The existing path is utilized by students and residents of the neighborhood to walk to the High School. This is a benefit to students and also to the residents. The path expands the area where residents can walk, in a park like environment, continuing on to the High School, access to the Tennis courts and the dirt road behind the High School. The area that the path occupies is not suitable for building on and is currently a benefit to the public.

Furthermore, if the Planning Commission has authority to do so as a condition of granting a development permit to Ailanto Property, we request that the Commission consider requiring that the land owner grant an easement at the top of Highland Ave. that would continue to allow access to the High School from Highland Ave. We believe that granting of such an easement would not result in a loss of property value to the land owner.

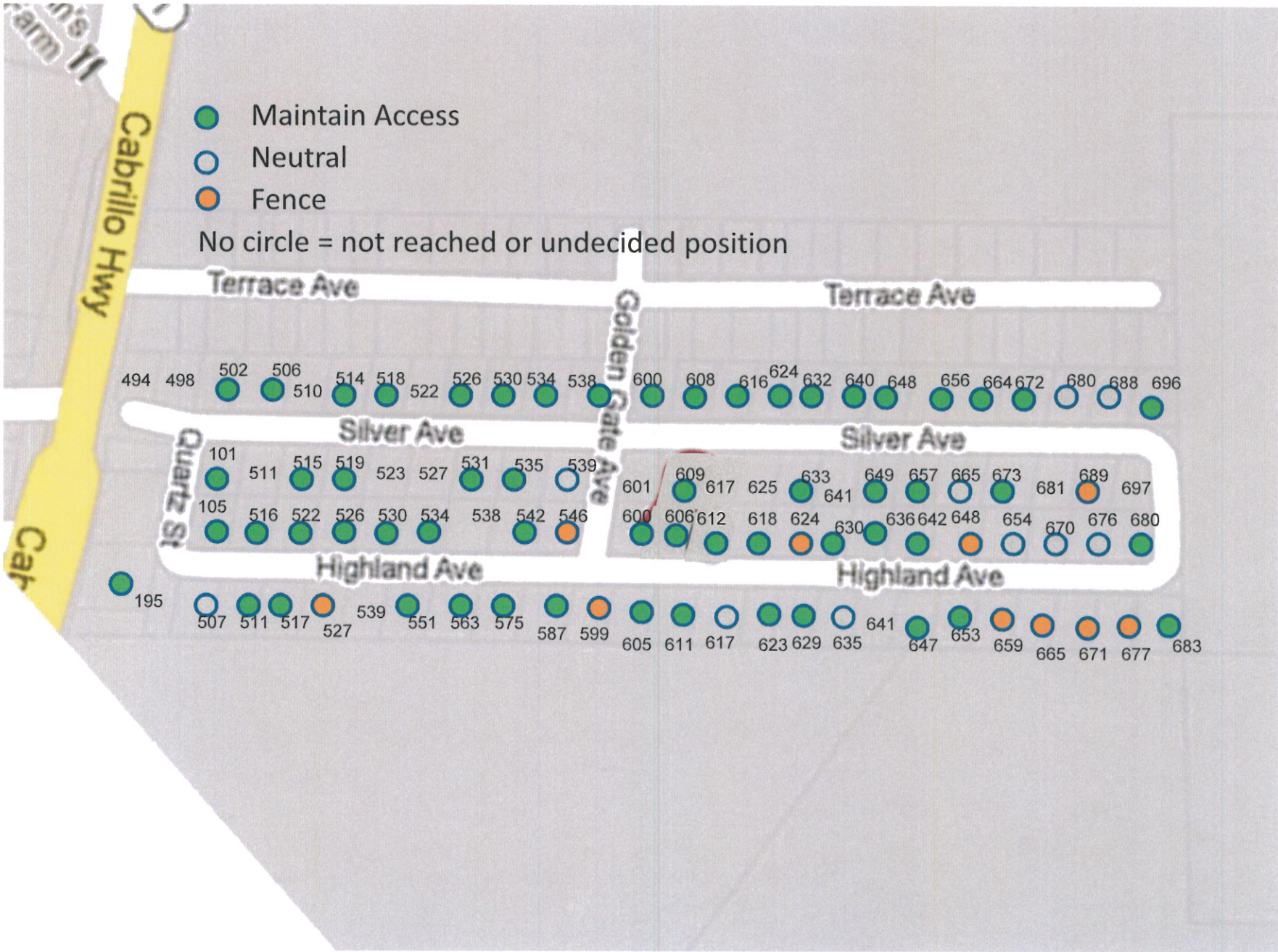
Thank you for considering our input.

Robert Williams

Allene Zanger

CITY OF HALF MOON BAY
NOV 13 2012
RECEIVED

cc via e-mail
Mayor Alan Alifano, alana@hmbcity.com
Interim Planning Director Pat Webb, patw@hmbcity.com


Maintain Access
Neutral
Fence
No circle = not reached or undecided position
Cabrillo Hwy
Terrace Ave
Terrace Ave
Golden Gate Ave
Silver Ave
Silver Ave
Quartz St
Highland Ave
Highland Ave
494 498 502 506 510 514 518 522 526 530 534 538
600 608 616 624 632 640 648 656 664 672 680 688 696
101 511 515 519 523 527 531 535 539
601 609 617 625 633 641 649 657 665 673 681 689 697
105 516 522 526 530 534 538 542 546
600 606 612 618 624 630 636 642 648 654 670 676 680
195 507 511 517 527 539 551 563 575 587 599
605 611 617 623 629 635 641 647 653 659 665 671 677 683

Dear City Council, I support finding a compromise that will keep the path from the Highland Park neighborhood to the HMBHS.

NAME	ADDRESS	SIGNATURE
Mary Arabian	670 Silver Avenue HMB	M. Arabian
Janet Rae-Dupree	649 Silver Ave. HMB	janet@raedupree.com
David Dupree	649 Silver Ave. HMB	dave@davedupree.com
Evangelina Duncan	664 Silver Ave, HMB	Evangelina Duncan
Maria Dos	640 silver ave HMB	Maria Dos Santos
Ruda DeRosa	632 Silver Ave HMB	Ruda DeRosa
Debra Morgan	616 Silver Ave HMB	Debra Morgan morganmurph@yahoo.com
Hilda Mata	534 Silver Ave HMB	Hilda Mata
Chris Dority	526 Silver Ave HMB	
SUSAN WALCZAK	518 SILVER AVE HMB	
MICHAEL THOMAS		
CHRIS SMITH	600 SILVER AVE HMB	

ema. 1

NAME	ADDRESS	SIGNATURE
Kerry Macintosh	514 Silver Ave	
George Molina George Molina	526 Silver Ave	
Jim Brice	502 SILVER	J. BRICE
UTPAL KAPADIA	515 SILVER	
BETTY BRUGLIO	531 SILVER	
ANTHONY PULANO	535 SILVER AVE	
Stephanie Frederick	609 Silver Ave	
Mike Crocker	633 Silver Ave	
Teresa McGuire	696 Silver Ave	
Ken Kennedy	696 Silver ave	
PAT O'BRIEN	608 Silver Ave	Patrick O'Brien
Ann C Keaney	608 Silver Ave	Ann C. Keaney

Seth Gorman 657 Silver Ave.

Rexing, Stephanie@Coastal

From: Fran M. Layton <Layton@smwlaw.com>
Sent: Tuesday, March 05, 2013 5:35 PM
To: Rexing, Stephanie@Coastal
Cc: Monica Rosoff; Amy Wooliever
Subject: Commission Appeal No. A-2-HMB-13-001
Attachments: Cabrillo USD ltr re pathway (12-10-12).PDF

Dear Ms. Rexing,

Thank you again for taking the time last Friday to discuss with me the above entitled appeal of the coastal development permit for the installation of a hog wire fence that the City of Half Moon Bay approved last December. As you know, construction of the fence would eliminate a long-standing pathway between the Highland neighborhood and Half Moon Bay High School. The Superintendent of Cabrillo Unified School District, Tony Roehrick, wrote a letter (copy attached) that describes the importance of the pathway to students attending the High School as well as neighborhood residents who also use the school's facilities. I wanted to make sure that you were aware of the Superintendent's letter as it apparently was not part of the Half Moon Bay City Council's agenda packet for its December 18, 2012 appeal hearing on the approval of Ailanto Properties' permit application.

Please do not hesitate to contact me if you have any questions or if I can provide further information.

Best,
Fran

Fran M. Layton
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CABRILLO UNIFIED SCHOOL DISTRICT

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SUPERINTENDENT
Tony Roehrick, Ed.D.

GOVERNING BOARD
Michael Ahern
Kate Livingston
Freya McCamant
Robert Pappalardo
Kirk Riemer

December 10, 2012

To whom it may concern:

The Cabrillo Unified School District is a neutral third party to the various discussions and negotiations between the Highland neighborhood community and Ailanto Properties concerning retaining a connecting pedestrian pathway linking the neighborhood to the Half Moon Bay High School property. As such, we have refrained from entering into these negotiations.

The District and the High School understand this pathway provides an important link from the neighborhood to the school. The pathway is an important asset to the neighborhood as it provides ease of access and safety for our students living in the neighborhood. Through a walking alternative, many students are freed from taking the round-about route onto Highway 1 and Lewis Foster Drive. This results in improved traffic flow for the overall community. For students who must walk to school, the absence of a neighborhood pathway not only creates a longer route, but would require these students to walk along Highway 1. This section of the roadway does not provide a sidewalk and thus would not be a safe alternative for these students. In addition, a pathway provides neighborhood residents with access to use the high school facilities during non-school hours.

The District supports a resolution that provides a safe pedestrian pathway linking the Highland neighborhood and the high school. Our preference is for the City of Half Moon Bay and/or the Highland neighborhood to assume ownership of this pathway. If needed, the District would consider a limited partnership to maintain the pathway.

It is the District's hope that the Highland neighborhood community and Ailento Properties come to a resolution that resolves the access and safety issues for our students. To this end, the District is willing to partner with the City and the neighborhood. If asked, we will come to the table to ensure a workable solution is realized.

Sincerely,

Tony Roehrick, Ed.D.
Superintendent

March 19th, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

Our names are Alan Olivero and Christine Olivero. We write to ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because as this is an important access point to the High School for our neighborhood and the community. The alternative to this access is walking along Highway 1 where there is no good pedestrian walkway. We have observed multiple accidents and injuries along that stretch of highway and would hate to think that closure of this walkway would contribute to additional deaths and injuries.

Our family has lived in the Highland Park neighborhood since 1993 and has used the pathway for nearly 20 years. Our two daughters used it to go to and from school and our son hopes to use it in the next four years. In addition, this is access allows our community access to the ball fields, track and other community events at the high school. The access also reduces the already horrific traffic impact at Highway 1 and Main Street (only entrance to the high school) by allowing an additional route for students and families to get to school. Our family uses the footpath in the following ways:

- School attendance
- Attendance to sport practices, swim meets, football games, baseball games, High School concerts and plays
- Access to the track for running
- Access to the pool for swimming

We live directly across the street from the footpath. We know that there is some additional traffic in our neighborhood because of it but the traffic and parking impact are minimal. We use some of the street parking ourselves as we generally park at least 2 vehicles in this area ourselves. When our daughters are home from college, they too park in this area. The handfuls of other cars that park in this area during school and athletic practices are minimal most of the time. Occasionally there are speeders but they are not limited to those that access the footpath. We see delivery trucks and other commercial vehicles speeding in the neighborhood as well. A better solution might be speed bumps and "Children Playing" signs. There is occasional trash left in our yard and across the street but it is clearly not much. We might have to pick up a few cans or wrappers once every few weeks. Since we are the residents closest to this area where people park, we know first hand that this is not a problem.

We are concerned that closing the footpath will deprive our community of an access to the High School that has been there for over 20 years. The closure will contribute to unnecessary danger to the community, as people will now need to walk along Highway 1 to gain access to the High School. The closure will also create additional traffic going to the high school during the morning and afternoon. We urge you to take our concerns and input into consideration.

Sincerely,

Christine M. Olivero
Alan S. Olivero

Alan and Christine Olivero

680 Highland Ave.

Half Moon Bay, CA 94019

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

March 20, 2013

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission:

I am writing to request that the Coastal Commission support the pending appeal allowing the footpath connecting the Highland Park-Terrace Avenue neighborhood with Half Moon Bay High School to remain open, ***as it has been for more than thirty-five years.*** It has not only offered safe ingress and egress to dozens of high school students over the years, but also convenient, non-polluting, pedestrian access to many people in the neighborhood, myself included, who use the track and ball fields after hours and on weekends. This is no small thing given the lack of parks in our community.

My family moved onto Terrace Avenue in 1976. Back then, Terrace existed by itself a quarter of a mile north of the high school. In the 1970s and early 80s, there was just open space between Terrace Avenue and the high school, but there were two pedestrian paths between them, the one in the middle disappearing under Golden Gate Avenue when it was created in 1984, and the remaining one at the east end that is under appeal now. Both paths were used daily not just by high school students and Terrace Avenue residents, but also the folks from the Grandview Boulevard neighborhood north of Terrace, who crossed the field where Golden Gate Avenue now intersects Terrace. Today's Grandview students and residents must walk or ride their bikes south along the shoulder of Highway 1. With Level F conditions prevailing, this could not be less safe.

My children have grown up and moved away, but when they were of school age they used the trail to go to the high school, and also to downtown. Now, I walk to the high school to pad around the track two - three times a week, and am religious in this regard, usually walking around the track from 12 - 24 laps per visit. I also run up and down the stadium steps as I walk around to keep up endurance and pump up my heart rate. There are often neighbors who also run on the track, and there are a lot of dog walkers, as well, all coming from Highland Park. On Saturdays and Sundays you often see high school age boys and girls and younger running on the track and exercising, then walking back along that path. It is hard to estimate how many people use it on a weekly basis, but when the weather is decent, it probably runs to several dozen per week.

If the appeal is denied and the trail closed as planned, it will be too inconvenient for me to go to the high school at all. Why? That is because of the late afternoon traffic coming into town from Highway 92, which I would have to engage to get to the high school and back. The weekends are no better. In fact, I evolved walking at the high school as a means of exercising without having to drive anywhere and pollute the environment. I am probably not unique in my mental calculus, but closing the path will create a great nuisance to what has heretofore been a happy accommodation. But while I can exercise the choice of not going back, the many high school students, now and in the future, whose parents let them walk or ride a bike do not have that freedom, but they will have the added risk of mixing it up with our Level F traffic.

I hope that you will not allow that to happen. Please support the appeal. Thank you for your consideration.

Sincerely,

Kenneth King
633 Terrace Avenue
Half Moon Bay, CA 94019

March 20, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Jocelyn Howard. My husband and I live at 195 Cabrillo Hwy. N.(West end of Highland) I write to ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because it allows us access to open space, the high school, the swimming pool, the tennis courts as well as providing us (my husband and extended family) with an alternative route from our neighborhood.

We have lived in this neighborhood since 1971. At that time, there were only 3 homes near us and access to the high school was not a concern. It was very easy to walk across the field at most any point as there were numerous informal trails. The current housing tract was laid out around 1986 and as homes were built, and the high school was fenced, the footpath became the only way to access the high school. Our children used the path for all their high school years starting in the mid 80's through 1995.

- Now my husband and I use the area for our daily walking exercise.
- Our Grandson plays there weekly and has taken swim lessons and played Pop Warner football there
- Our son and family (5) visit during the summer for 1-2 months and they use the track, the pool and the tennis courts frequently.

Should the foot path be closed, we would be making car trips, most likely to the beach for our walks and to let the Grandson run and play. (There is not any close, safe way to access the beach from our area by foot especially if you are over 70 nor is there a neighborhood park). The same option would occur when any family member wished to swim, play tennis or run the track. They would either take the car out on hi-way #1 or walk along the hi-way shoulder to Lewis Foster Blvd. to the high school; not a very safe alternative for someone less that 12yrs old. I would estimate that this could lead to perhaps another 400 to 500 cars leaving the neighborhood via Terrace on hi-way #1 from our single home in a years' time.

We never use a car to get to the footpath and since we live West of Golden Gate Ave., which is the street to Highland and the path is East of that, traffic from out of the neighborhood through our area is not a problem for us. We do notice that there is garbage along the path now and that is probably an objection that those living near are not happy with. We would certainly be happy to pick up litter(and

have in the past) and to help maintain the path perhaps by sweeping branches and other debris from the area.

My most pressing and upsetting concern with the proposed closure of the path is that the high school is our designated emergency shelter and should there be a tsunami warning, we would have to get in a car and try and get on hi-way one and inch our way up to the high school. It would certainly seem easier, more safe, and probably quicker to walk 2 blocks to the path.

We thank you for taking our concerns and input into consideration.

Sincerely,

Jocelyn Howard

Jocelyn and Leonard Howard

195 Cabrillo Hwy. N. Half Moon Bay, CA 94019

March 20, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission:

I am Janet Rae-Dupree, a 17-year resident of the Highland Park neighborhood in Half Moon Bay. Please, *please* grant the appeal cited above and deny Ailanto Properties the permission it seeks to fence off the historic footpath connecting our homes with Half Moon Bay High School -- and, for that matter, the rest of Half Moon Bay. The importance of this path cannot be exaggerated. We live in one of a series of "island" neighborhoods inadvertently created in Half Moon Bay over the last few decades. In these "walled off" neighborhoods, we have only one way to drive in and out, and that access requires negotiating the ever-treacherous Highway 1. But we've had a crucial relief valve at the top of the neighborhood – a foot path that leads directly onto the open space and athletic fields of the high school, and from there on into town without once touching Highway 1. Our family has been using this path regularly for nearly two decades for daily exercise/recreation, for attending community events at the high school, and for walking the mile into town for dinner or shopping or church. As he has become increasingly independent, we have required our son, who is now 14 years old, to use this path when he walks into town for our church's daily Youth Café, or for his weekly Young Actor's Workshop, or for various social events throughout the community. Like any sane parent, there is simply no way we can allow our only child to risk his life walking on the shoulder of Highway 1 or, worse, riding his bicycle on the shoulder against traffic in an effort to reach the nearest traffic light to cross. This path has been our saving grace on many occasions, including when Terrace Avenue – our one access street – needed to be closed for maintenance. Rather than remaining trapped in our homes during the weekend that it took to complete the project, we were able to park our cars up in the high school lot to allow continued access to the larger world despite Terrace's closure. On several occasions, when traffic has been gridlocked by an accident on Highway 1, I have turned off the highway, driven up the hill to the high school parking lot, and parked there so that I could walk home rather than sitting in my car for an hour waiting for the road to be cleared.

When we moved into our home in January 1996, we were told that Ailanto in the next three to five years would build homes on the land east of our neighborhood. We were told that no streets would connect these two neighborhoods, but that a network of walking and bicycling paths would allow easy access to the high school and any community facilities built by Ailanto

during their development of the land. Over the years, as the battle continued about when and how Ailanto would develop the property, we were told that the plot of land which includes the historic footpath would remain open to encourage ongoing community access. The path was far too precious – too critical to the community – ever to be closed.

And then we were devastated to learn of the plan to severe this vital artery. It is beyond understanding.

There are three of us in our home currently: myself, my husband Dave Dupree, and our son Matthew Dupree. We use the footpath in myriad ways, including:

- Safe, environmentally sound access to the Half Moon Bay High School pool during public swim hours
- Safe, environmentally sound access to the high school auditorium for public events, including theater productions, community meetings, athletic events, and various classes/clinics throughout the year
- Starting in September, Matthew Dupree plans to use the footpath daily to attend Half Moon Bay High School. If Ailanto closes the path, he'll instead have to face with a nearly one-mile down-and-around trek, including a treacherous against-traffic, one-third mile traffic dodge on Highway 1.
- On Sundays, particularly when the weather is nice, we use the footpath to walk into town for church services. When we're particularly ambitious, we'll ride our bicycles into town and then enjoy a ride along the Coastal Trail after church.
- Frequently during the week, Matthew or I will bicycle through the high school and on into the south part of Half Moon Bay or the Coastal Trail. I have an electric bike that I use on the footpath at least once a week to do a bit of environmentally-sound shopping around downtown Half Moon Bay, including at the weekly Farmer's Market.
- During Pumpkin Festival, Dream Machines, Maverick's surf competition and any of the other gridlock-inducing community festivals, we simply leave our cars in the garage for the weekend and zip around town by bike instead.

If the path is closed, we will be forced to add at least a dozen additional car trips per week to the already congested conditions on Highway 1. If the path is closed, there is no way I will allow Matthew to run the traffic gauntlet on foot; I will drive him to school and pick him up each day, contributing that much more traffic to Half Moon Bay's roads. If the path is closed, my exercise routine will shift to the west of Highway 1; I will drive my car into a residential neighborhood closer to the Coastal Trail so that I can take a brisk walk without risking my life on Highway 1.

We don't park our cars near the path because we live so close to the top of Silver Avenue as it is. We have never experienced any difficulty finding street parking in our neighborhood, even during the peak of Pumpkin Festival. While in the past there have been some speeding concerns

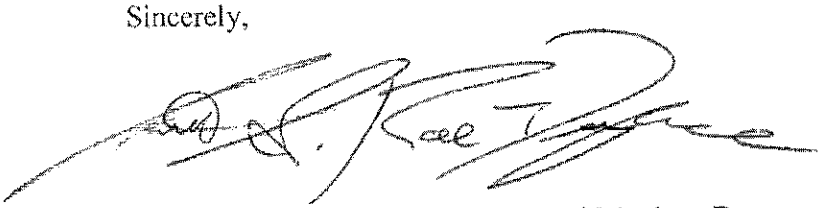
on Silver Avenue, we have found that periodically putting traffic cones off to one side with messages asking drivers to slow down has served as a deterrent. During the 17 years that we have lived here, not once have we experienced anything negative as a result of the footpath. It is, and always has been, an unequivocal positive in our lives.

Please remember, too, that there is no traffic light at the intersection of Terrace and Highway 1. To cross Highway 1 safely, we either must walk/bicycle north for nearly a mile, or go south for about one-third of a mile. When we go south, we are moving against traffic on a shoulder onto which traffic veers regularly and that is littered with trash and shards of glass. In the event of a tsunami or fire or other natural disaster, we have been told to make our way to the high school. It makes no sense whatsoever to shut off the footpath and thereby force evacuees route down the hill and onto Highway 1.

It is our deepest hope that eventually Half Moon Bay will recognize its responsibility to tie these landlocked "island" neighborhoods together into a cohesive community with a network of pedestrian and bicycle paths.

Please don't destroy this precious, decades-old vital link that already makes part of that dream a reality.

Sincerely,



Janet Rae-Dupree, David Dupree and Matthew Dupree
649 Silver Ave., Half Moon Bay, CA 94019
650-726-1559
janet@raedupree.com

March 19th, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Teresa McWhirt. I write this letter to ask the Coastal Commission to grant our appeal and deny Ailanto Properties' Coastal Development Permit (CDP) application to install a fence that would prevent any further use of the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School (HMBHS). There are many reasons to keep this path open including safety, traffic, and access to open space, beaches and the downtown area. There is no other way to access our neighborhood on foot or bicycle. Blocking the path would force our children to walk to school along the shoulder of Highway 1, which is extremely dangerous. It would also eliminate our only access to open space and the only pedestrian route to downtown Half Moon Bay, the Coastal Trail and beaches. It also eliminates a pedestrian path to access our evacuation point (i.e. the high school) in the event of emergencies.

My husband and I have resided in the Highland Park neighborhood for the last 15 years. We have two children, Abby (9 years old) and Sean (10 years old). We purchased our home with the plan that our children would be able to walk to school, bike to the coastal trail, beaches and downtown areas as well as use the open spaces at the high school. Our family uses the footpath from the neighborhood to the HMBHS on a daily basis:

- Once or twice a week, we use the path to access the coastal trail to ride bikes and go to the beaches.
- Three-Times a week, our family plays baseball and/or basketball on the high school facilities. We do not have a park in our area, so the high school is the only open space area within walking distance.
- We attend Half Moon Bay High School events such as basketball, baseball and soccer games using the footpath. My children have done baseball, basketball, soccer, and wrestling camps, practices and clinics at the high school, using the footpath. My daughter has also had dance recitals at the high school. We use the footpath to attend all of these activities.
- During the summers, weekends and special events such as the pumpkin festival, we use the footpath to access the downtown area.
- My whole family often uses the high school facilities to exercise,

Should the foot path be closed, our lives would be impacted greatly. We would be forced to convert our pedestrian trips to car trips. The only way we could access the coastal trail and beaches would be to

either cross Highway one by bike or walk. This is quite dangerous especially during peak times and on weekends. These trips often occur during peak times on the weekends and during evening commute times. When our children attend the high school, the trips will be during peak morning commute times. Some of our neighbors have indicated that the path is detrimental because it promotes traffic and causes parking issues in the neighborhood. We live at the top of Silver and see the traffic/parking. These issues are minor and can easily be managed. Many of the cars parked near the footpath are neighborhood cars. Our whole family assists and will continue to assist in the care of the footpath and high school, such as picking up trash.

In closing, we ask the Coastal Commission to grant our appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. Our family has used the path for the past 15 years. Our main concern is to keep our neighborhood children and pedestrians and cyclists safe and off of Highway 1. We also believe that closing the path will increase congestion on Highway 1, as there is no light at the intersection of Highway 1 and Terrace, which means that during rush hour or during congestion during peak tourist traffic hours, drivers on Highway 1 will need to stop to allow motorists from the Highland Park out. Finally, closure of the path to the school is bad planning from a safety perspective. The HMBHS is our community's emergency evacuation center, and the proposed fence prevents our neighborhood's access to the high school in the event of a fire, earthquake or tsunami.

We urge you to take our concerns and input into consideration.

Sincerely,

Teresa McWhirt and Ken Kennedy

696 Silver Ave., Half Moon Bay, CA 94019

March 19, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Michele Blais and I live in the Highland Park neighborhood that is adjacent to Half Moon Bay High School (HMBHS). My address is 511 Highland Ave. in Half Moon Bay, California. I write this letter to ask the Coastal Commission to grant the appeal referenced above and to deny Alianto Properties' Coastal Development Permit (CDP) application to install a fence that would prevent any further use of the historic footpath that connects the Highland Park neighborhood with HMBHS.

There are many compelling reasons to keep this path open. First, there is no other safe way to access our neighborhood on foot or by bicycle by way of HMBHS. Blocking the path would force our children to walk to school along the shoulder of Highway 1, which is extremely dangerous option and, therefore, an unacceptable alternative. Young children can easily walk or ride their bicycles safely to HMBHS to play or attend the swim or tennis programs there. If the path is eliminated, you are forcing us to send our young children onto Highway 1 in order to reach the high school. Can you imagine an 8-year old riding his bicycle on Highway 1 with a tennis racket in hand? Half Moon Bay is touted as a family community, but eliminating the path indicates otherwise.

In addition, it would also eliminate our only access to open space and the only pedestrian route to downtown Half Moon Bay and the Coastal Trail. Further, HMBHS is our community's emergency evacuation center, and the proposed fence prevents our neighborhood's access to the high school in the event of a fire, earthquake or tsunami. No consideration has been given to this issue.

Of significant concern are the high school students who will not take kindly to the fence and will make every attempt to climb over or take it down so they can access the school. Although they will be breaking the law in doing so, **their acts are foreseeable and all those involved will be liable for any injuries sustained by these students.** Injuries could include broken bones, ripped off fingers, spinal injuries, head trauma, etc. . . . Such injuries could potentially cost millions of dollars.

Further, eliminating the path will reduce the property values of the Highland Park homes significantly. As the neighborhood will no longer have easy and safe access to the facilities at the local high school, it will make the properties here less desirable. Now, instead of a two minute walk to HMBHS, everyone will need to drive out to Highway 1 and make their way up to HMBHS with the rest of the coastside. To date, although Highland Park has been isolated on the east side of Highway 1, safe access to HMBHS and all the public facilities there – swimming, tennis, hockey, plays, etc., have made this neighborhood desirable and supported our property values.

My husband, our two sons, and I use the footpath from the neighborhood to the HMBHS several times a week:

- We use the batting cages at the baseball field, which is immediately adjacent to the footpath;
- We swim in the pool at the high school during the summer and occasionally participate in the masters' swim program in the early morning;
- We run on the track and up and down the football bleachers multiple times per week;
- We also enjoin attending sporting events at HMBHS

If access to the path is removed, we will not partake of many of these activities because it will be inconvenient and no longer safe.

Some of our neighbors have indicated that the path is detrimental because it promotes traffic and causes parking issues in the neighborhood. These issues can be easily managed. We have never had any trouble parking at the top of Highland Ave, in the event we drive up to the top of the street due to heavy baseball gear. In reality, the majority of the cars parked near the trail are neighborhood cars. The only time there are more than a few cars parked at the top of the hill is when there is a home baseball game, which happens only between February and early May, and only 1-2 times per week. There is some speeding in the neighborhood, but many neighbors have put up signs or talked with drivers.

In closing, we ask the Coastal Commission to grant our appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. Our family has used the path for the past 23 years and value all it offers us. Our main concern is to keep our neighborhood children, high school students, pedestrians, and cyclists safe and off of Highway 1. We also believe that closing the path will increase congestion on Highway 1, as there is no light at the intersection of Highway 1 and Terrace, which means that during rush hour or during congestion during peak tourist traffic hours, drivers on Highway 1 will need to stop to allow motorists from the Highland Park out. Finally, we expect if the fence does go up, multiple injuries will result to high school students trying get over the fence or cutting through it. All such injuries are foreseeable leading all those involved to be liable.

We urge you to take our concerns and input into consideration.

Sincerely,

M. Blais

Michele Blais

I agree with the above statements and support the appeal.

T. Blais

Tom Blais

Joe & Sue Garcia

530 Highland Avenue

Half Moon Bay, CA 94019

(650) 712-1903

March 20, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Sue Garcia. I write this letter on behalf of my family in support of keeping the footpath that connects the Highland Park neighborhood with the Half Moon Bay High School (HMBHS).

Our family is a fourth generation Coastsider and we have resided in the Highland Park neighborhood since 2006. We **specifically** and intentionally purchased our home in this neighborhood following the last closure of Devil's Slide when our commute from El Granada to HMB became a horrific time-consuming experience. Our oldest daughter was entering HMBHS and we wanted to live in a neighborhood that allowed our three of our children to safely walk to school. The path afforded us this safe option. While our oldest, Leah, attended HMBHS she used the path on a daily basis. Even though she has graduated, we continue to use this path on a weekly basis.

All three of our children are heavily involved in Coastside sports and we utilize the path to access the track, the softball fields, the baseball fields, football practice and safely walk to town. Blocking the path will deny my two youngest children (Gracie 12, Joey 11) safe access to HMBHS via foot or via their bicycles. I do not permit them to walk on Highway 1 for obvious reasons.

Closing the path will result in 2 unappealing options for my family and our Highland Park neighbors: One is to send our children to walk on Highway 1. The second is to add to the already congested HMBHS morning traffic. As you are aware, it is very challenging to exit from Terrace Avenue to head south on highway 1 during the morning commute hours, as

there is no traffic light. Most, if not all, of the drivers heading south do not properly allow us to use our turnout lane to join the commute which is typically backed up once we near the intersection of Main Street/Highway 1. Closing the path and forcing our neighborhood residents onto the road will add to this backup will undoubtedly be undesirable for everyone trying to get to 92. The line of cars crawling up Lewis Foster Drive in the morning is daunting. The traffic is backed up Southbound as commuters try to negotiate the stoplight and get in line to slowly crawl up that hill. Highway 1 Northbound at Terrace Avenue has 2 lanes that merge into 1, which in itself is tricky. Drivers are often jockeying for position and not expecting to deal with pedestrians. I am saddened to acknowledge that due to our work schedules, my family will have to use Option 1. This means that should the path be closed, Gracie and Joey will be forced to walk to school on the shoulder of Highway 1. The original plan was for them to follow as Leah did and walk to school safely up Highland Avenue.

The mere thought of my precious children walking along the shoulder of the highway in the morning and more specifically the afternoon where there are a high number of inexperienced teenage drivers who may be distracted by talking, texting etc. makes me cringe. And I ask you why? To my knowledge, there have been ZERO instances of injury associated with this short path in the 50 years that my husband has been a Coastal resident. **Every** neighborhood has its experience of folks driving too fast, parking, litter etc. Why would our neighborhood be any different? All of these issues are minimal and easily managed. The impact of closing this path and forcing my children and the neighborhood children onto the shoulder of Highway 1 is a horrible solution and I ask that you take the time to consider the impact and whether YOU would be comfortable having your children walk along the highway when you see a path that generations have been able to use without incident. The path as it stands today is simply not a dangerous condition. Pedestrians e.g. **children** on a highway meant for cars is clearly a dangerous condition. People have been killed trying to cross Highway 1. Please do not close this path and send my children to walk the shoulder of Highway 1.

In closing, we ask the Coastal Commission to grant the appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. My main concern is the safety of the neighborhood children and my children, Gracie and Joey. They will be entering high school in 2015 and I fully expected them to be able to walk to and from our home to school and their associated sporting activities. I never envisioned that the path would be fenced off.

Unfortunately both options are disappointing considering the current footpath provides a safe access to HMBHS. To reiterate, this path is our only access to HMBHS and the Coastal

Trail by foot or by bicycle. Installing a fence and blocking access would also eliminate our only access to open space and the only pedestrian route to downtown Half Moon Bay and the Coastal Trail. If you close this path, the families of our neighborhood will be impacted far beyond some litter left behind.

We urge you to take our concerns and input into consideration. You are not simply building a fence. You are putting young lives at risk. You will be putting my children's lives at risk. My children are the love of my life. My job is to protect them. If the path were unsafe I would never allow them to access it. However, it IS safe and that is evidenced by the lack any tangible incidents that are above and beyond normal activity. I ask you again, would you allow YOUR children to walk the shoulder of highway 1 when there is a clear, safe, viable alternative in place?

Sincerely,

Joe and Sue Garcia

530 Highland Avenue

Half Moon Bay, CA

Other Neighbors in support of this letter and keeping the path in place:

516 Highland Ave HMB — 650-726-8113

Joan T. Cardinale

Joe & Sue Garcia

530 Highland Avenue

Half Moon Bay, CA 94019

(650) 712-1903

March 20, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Sue Garcia. I write this letter on behalf of my family in support of keeping the footpath that connects the Highland Park neighborhood with the Half Moon Bay High School (HMBHS).

Our family is a fourth generation Coastsider and we have resided in the Highland Park neighborhood since 2006. We specifically and intentionally purchased our home in this neighborhood following the last closure of Devil's Slide when our commute from El Granada to HMB became a horrific time-consuming experience. Our oldest daughter was entering HMBHS and we wanted to live in a neighborhood that allowed our three of our children to safely walk to school. The path afforded us this safe option. While our oldest, Leah, attended HMBHS she used the path on a daily basis. Even though she has graduated, we continue to use this path on a weekly basis.

All three of our children are heavily involved in Coastside sports and we utilize the path to access the track, the softball fields, the baseball fields, football practice and safely walk to town. Blocking the path will deny my two youngest children (Gracie 12, Joey 11) safe access to HMBHS via foot or via their bicycles. I do not permit them to walk on Highway 1 for obvious reasons.

Closing the path will result in 2 unappealing options for my family and our Highland Park neighbors: One is to send our children to walk on Highway 1. The second is to add to the already congested HMBHS morning traffic. As you are aware, it is very challenging to exit from Terrace Avenue to head south on highway 1 during the morning commute hours, as

there is no traffic light. Most, if not all, of the drivers heading south do not properly allow us to use our turnout lane to join the commute which is typically backed up once we near the intersection of Main Street/Highway 1. Closing the path and forcing our neighborhood residents onto the road will add to this backup will undoubtedly be undesirable for everyone trying to get to 92. The line of cars crawling up Lewis Foster Drive in the morning is daunting. The traffic is backed up Southbound as commuters try to negotiate the stoplight and get in line to slowly crawl up that hill. Highway 1 Northbound at Terrace Avenue has 2 lanes that merge into 1, which in itself is tricky. Drivers are often jockeying for position and not expecting to deal with pedestrians. I am saddened to acknowledge that due to our work schedules, my family will have to use Option 1. This means that should the path be closed, Gracie and Joey will be forced to walk to school on the shoulder of Highway 1. The original plan was for them to follow as Leah did and walk to school safely up Highland Avenue.

The mere thought of my precious children walking along the shoulder of the highway in the morning and more specifically the afternoon where there are a high number of inexperienced teenage drivers who may be distracted by talking, texting etc. makes me cringe. And I ask you why? To my knowledge, there have been ZERO instances of injury associated with this short path in the 50 years that my husband has been a Coastal resident. **Every** neighborhood has its experience of folks driving too fast, parking, litter etc. Why would our neighborhood be any different? All of these issues are minimal and easily managed. The impact of closing this path and forcing my children and the neighborhood children onto the shoulder of Highway 1 is a horrible solution and I ask that you take the time to consider the impact and whether YOU would be comfortable having your children walk along the highway when you see a path that generations have been able to use without incident. The path as it stands today is simply not a dangerous condition. Pedestrians e.g. **children** on a highway meant for cars is clearly a dangerous condition. People have been killed trying to cross Highway 1. Please do not close this path and send my children to walk the shoulder of Highway 1.

In closing, we ask the Coastal Commission to grant the appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. My main concern is the safety of the neighborhood children and my children, Gracie and Joey. They will be entering high school in 2015 and I fully expected them to be able to walk to and from our home to school and their associated sporting activities. I never envisioned that the path would be fenced off.

Unfortunately both options are disappointing considering the current footpath provides a safe access to HMBHS. To reiterate, this path is our only access to HMBHS and the Coastal

Trail by foot or by bicycle. Installing a fence and blocking access would also eliminate our only access to open space and the only pedestrian route to downtown Half Moon Bay and the Coastal Trail. If you close this path, the families of our neighborhood will be impacted far beyond some litter left behind.

We urge you to take our concerns and input into consideration. You are not simply building a fence. You are putting young lives at risk. You will be putting my children's lives at risk. My children are the love of my life. My job is to protect them. If the path were unsafe I would never allow them to access it. However, it IS safe and that is evidenced by the lack any tangible incidents that are above and beyond normal activity. I ask you again, would you allow YOUR children to walk the shoulder of highway 1 when there is a clear, safe, viable alternative in place?

Sincerely,

Joe and Sue Garcia

530 Highland Avenue

Half Moon Bay, CA

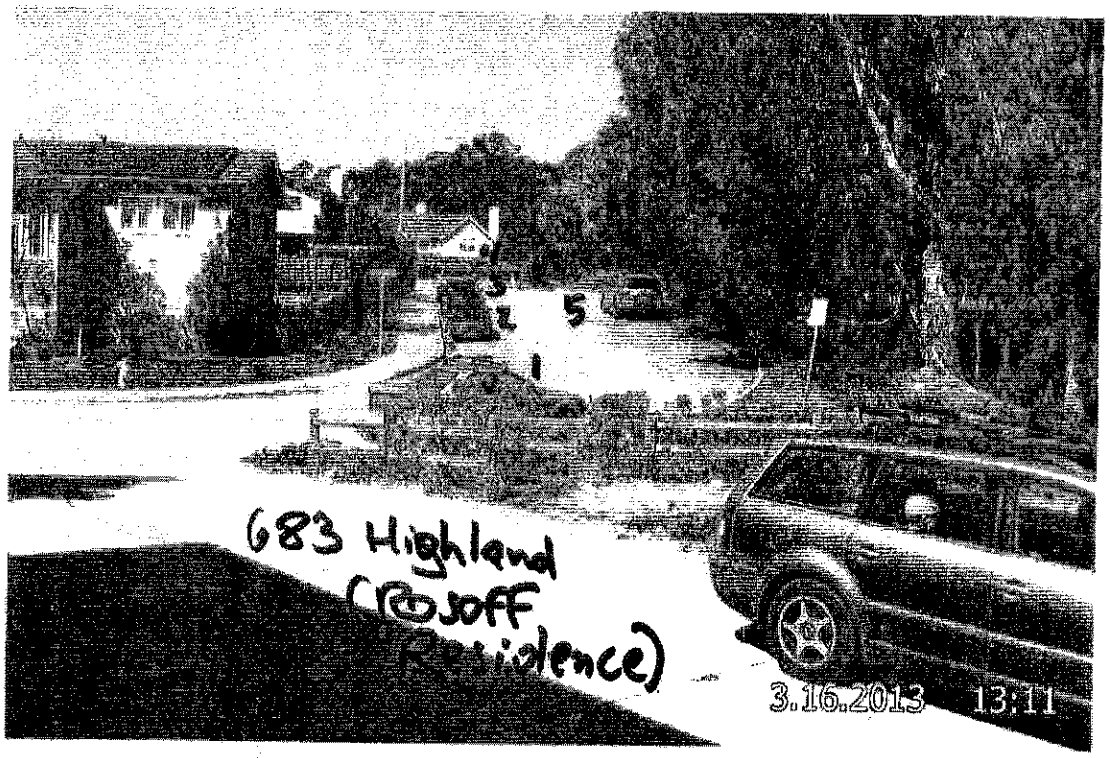
Other Neighbors in support of this letter and keeping the path in place:

519 S. Isbell Ave
Half Moon Bay CA 94019
David Peterson
Suzanne Peterson

Maintain Access
Neutral
Fence
No circle = not reached or undecided position
Cabrillo Hwy
Terrace Ave
Golden Gate Ave
Silver Ave
Quarry St
Highland Ave

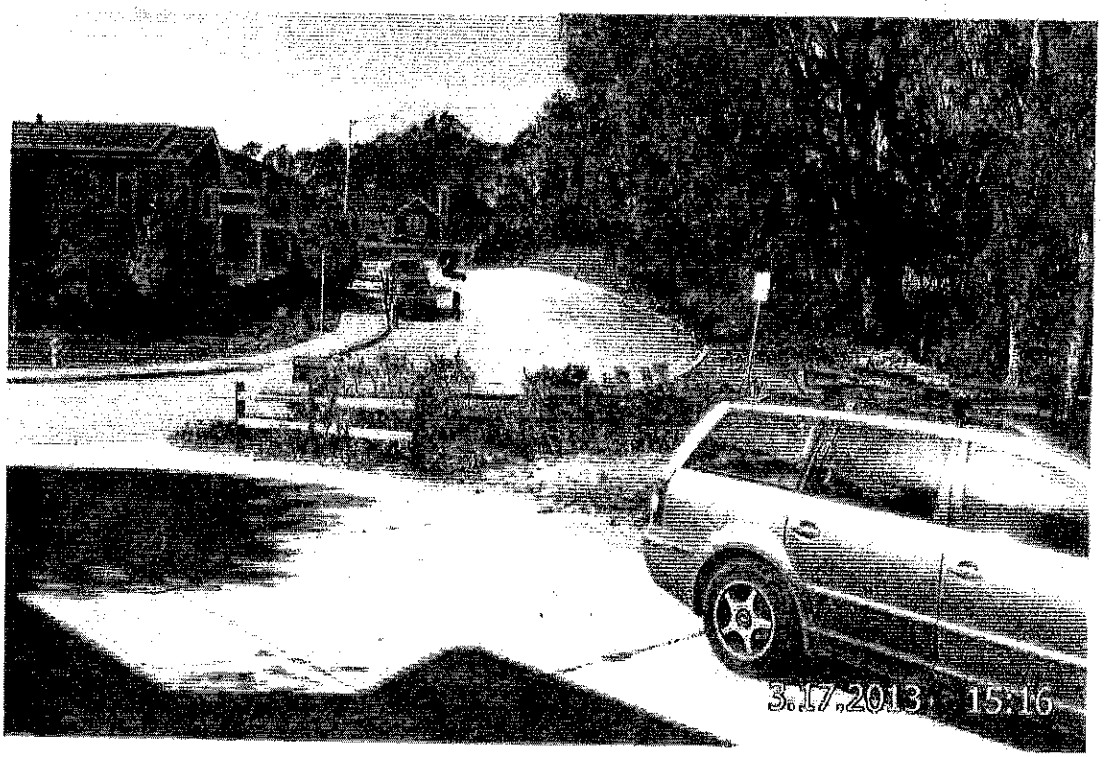
3/22/13 Time Series of parking @ footpath

① 3/16/13 Sat. ~ 1pm.
Car show & Baseball Game @ HMB HS



Car 1 = visitor car (unclear if related to HMBHS)
Car 2 = Neighbor car
Car 3 = Neighbor car
Car 4 = visitor car (unclear if related to HMBHS)
Car 5 = visitor car (" " ")

(2) 3/17/13 Sunday ~ 3pm
No HMB high school activities.

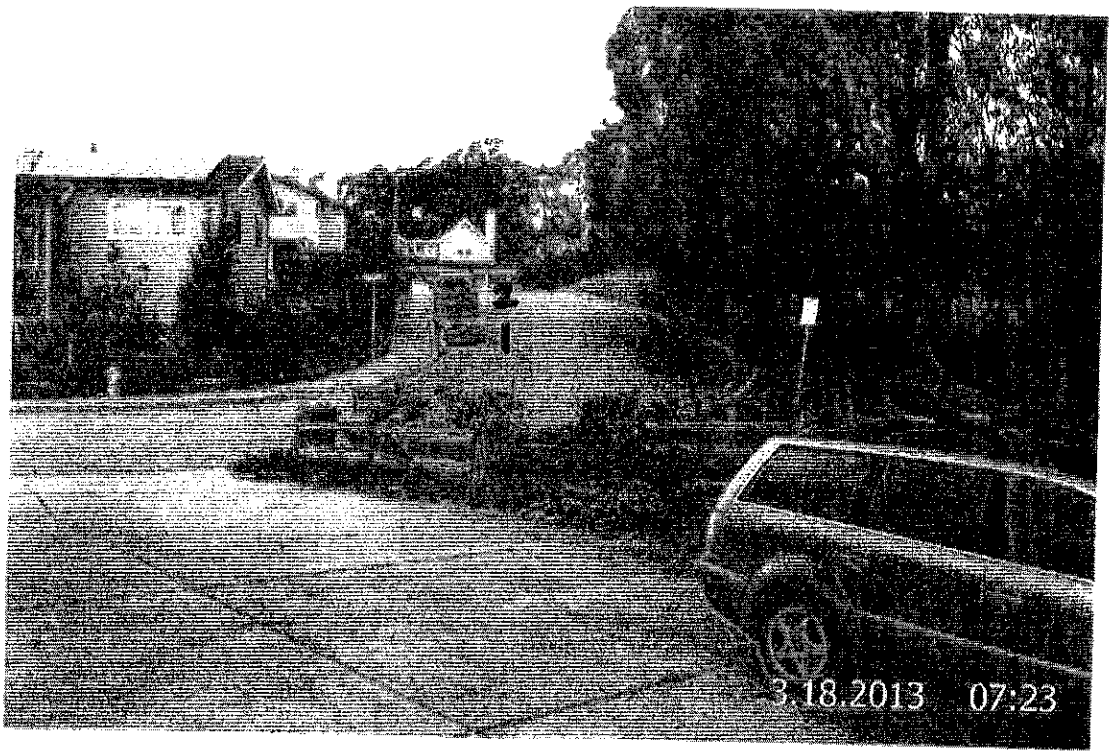


Car 1 = neighbor car

Car 2 = neighbor car

(3) 3/18/13 Monday - 7:30am

High school students use path between 7-8:30am.



Car 1 = neighbor car

Car 2 = neighbor car

④ 3/18/13 Monday ~8:00 am

Cars parked related to HMBHS student use.



Car 1 = neighbor car

Car 2 = neighbor car

Car 3 = student car

Car 4 = student car

Car 5 = student car

Car 6 = unknown if visitor or neighbor

Car 7 = unknown if neighbor or visitor

(5) 3/19/13 Tuesday 8:30 am

No student-related cars on that day.



Car 1 = neighbor car

Car 2 = neighbor car

Car 3 = neighbor car (believe contractor)

⑥ 3/20/13 Wed. 8am

Students use path from 7-8:30am.



Car 1 = neighbor car

Car 2 = neighbor car

Car 3 = neighbor car

Car 4 = visitor car unknown if HMBHS-related

Car 5 = lawn service for neighbor

Car 6 = student car

Car 7 = student car

Car 8 = student car

(7) 3/21/13 Thursday 8am

Students use path from 7-8:30 am.



Car 1 = neighbor car

Car 2 = neighbor car

Car 3 = visitor car unsure if related to HMS HS

Car 4 = neighbor car

Car 5 = student car

Car 6 = student car

Car 7 = student car

Car 8 = student car

March 21 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Mary Rogren. I write to ask the Coastal Commission to grant the pending appeal so that the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School can remain open. It is important to keep this path open because I am very concerned about the safety of the children in our neighborhood. My children are now adults but attended Half Moon Bay High School. I have always been a working parent, but I felt comfort in the fact that my children could have easy access to the high school without having to walk on highway 1.

Our family has lived in the Highland Park neighborhood since 1991.

Our family uses the footpath in the following ways:

- My children used the path regularly when they attended the High School.
- I use the path nearly daily to access the Half Moon Bay HS track to run.

Should the foot path be closed, our neighborhood children would be forced to walk on Highway 1. I shudder to think about the possibility of a child being injured on the highway – and our city should be concerned about the increased liability for potentially being responsible for an injury of a child who will have no option but to walk on the highway.

I regularly leave our home around 7:30AM and I have never had an issue with traffic on Silver or Terrace during that time. Rarely do I ever have a car in front of me as I turn out of Terrace onto Highway 1.

Personally, our family has probably crossed the path over 20,000 times over the past 20 years – and we have never had any concerns with traffic, outsiders coming into the neighborhood, etc.

We are concerned that closing the foot path will endanger our children.

We urge you to take our concerns and input into consideration.

Sincerely,

Mary Rogren

Mary Rogren
624 Silver Ave
Half Moon Bay Ca 94019

522 Highland Ave
Half Moon Bay
California, 94019

November 9, 2012

Chairman Tom Roman
Half Moon Bay City Planning Commission
501 Main Street
Half Moon Bay
California, 94019

Dear Chairman Roman,

Re: Application by Ailanto Properties Inc., City File PDP-034A-12 to be heard November 13, 2012

As residents of Highland Ave., in the subdivision commonly known as Highland Park, we urge the Planning Commission to overturn the decision of the Planning Director to allow the installation of a Hog Wire Fence along the southwest property boundary, beginning near the terminus of Silver Avenue south through the terminus of Highland Avenue unless the fence were to be constructed in a way to allow the public free access from Highland Avenue to the High School property.

The existing path is utilized by students and residents of the neighborhood to walk to the High School. This is a benefit to students and also to the residents. The path expands the area where residents can walk, in a park like environment, continuing on to the High School, access to the Tennis courts and the dirt road behind the High School. The area that the path occupies is not suitable for building on and is currently a benefit to the public.

Furthermore, if the Planning Commission has authority to do so as a condition of granting a development permit to Ailanto Property, we request that the Commission consider requiring that the land owner grant an easement at the top of Highland Ave. that would continue to allow access to the High School from Highland Ave. We believe that granting of such an easement would not result in a loss of property value to the land owner.

Thank you for considering our input.

Robert Williams

Allene Zanger

Allene Zanger

CITY OF HALF MOON BAY
NOV 13 2012
RECEIVED

cc via e-mail
Mayor Alan Alifano, alana@hmbcity.com
Interim Planning Director Pat Webb, patw@hmbcity.com

March 8th, 2013

Stephanie Rexing
Coastal Commission
North Coast Central District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-5400

RE: Coastal Commission Appeal A-2-HMB-13-001

Dear Ms. Rexing and Members of the Coastal Commission,

My name is Monica Rosoff. I write this letter to ask the Coastal Commission to grant our appeal and deny Ailanto Properties' Coastal Development Permit (CDP) application to install a fence that would prevent any further use of the historic footpath that connects the Highland Park neighborhood with the Half Moon Bay High School (HMBHS). The reason to keep this path open is because there is no other way to access our neighborhood on foot or by bicycle. Blocking the path would force our children to walk to school along the shoulder of Highway 1, which is extremely dangerous. It would also eliminate our only access to open space and the only pedestrian route to downtown Half Moon Bay and the Coastal Trail.

My husband and I have resided in the Highland Park neighborhood for the last 13 years. We are raising two sons, Jeremy (9 years old) and Sammy (6 years old) in this family-friendly neighborhood. We purchased our home, located immediately adjacent to the historic footpath, with the plan that our boys would be able to walk to their local high school in a few years.

Our family uses the footpath from the neighborhood to the HMBHS on a daily basis:

- Three times a week, I (Monica) run from my home to the Coastal Trail via the footpath, crossing Highway 1 at Lewis Foster Drive/Main Street. Typically I conduct these runs between 6 and 7:30am on weekdays and between 10am and 4pm on Sundays. I often bring my son Jeremy to Wilkinson School on his bike via the coastal trail on one of my weekday runs.
- On Thursday afternoons, our son Jeremy rides his bike from school (accompanied) to the HMBHS pool to attend Mavericks' Swim Club practices, and then bikes from the pool to our home (avoiding rush hour traffic on Highway 1).
- On week night evenings, often during rush hour on Highway 1, we walk to the HMBHS fields to play ball with the boys, as our oldest son plays baseball. There is no park in our neighborhood; HMBHS is our only open space option.
- On Saturday mornings, we walk from our house to the HMBHS twice, to bring our sons Sammy and Jeremy to tennis classes at the HMBHS tennis courts and for me to go to the HMBHS pool for Mavericks' swim club adult lap swim.
- On Saturday or Sunday afternoons, we typically take a walk around the high school grounds, or walk our bikes along the foot path, through the high school, along Lewis Foster Drive, and across Highway 1. We take our boys to ride bikes along the Coastal Trail and to play at one of our local

beaches. We have included pictures of our boys enjoying their bikes along the coastal trail, taken while on these happy expeditions.

- My husband and I walk from our home to downtown Half Moon Bay for dinner dates in the evening on weekends.

Should the foot path be closed, our lives would be impacted greatly. I would be forced to drive to the Coastal Trail for my weekly runs. Likewise, all of our Saturday morning trips to the HMBHS would be converted from pedestrian to car trips. We would be forced to give up our son's bicycle ride from school to the Half Moon Bay pool, as there would be no way for him to get home from the pool on his bike without riding along Highway 1 during the evening rush hour. All in all, we would be forced to drive to the HMBHS 8 additional times per week, and to the coastal trail 5 times more per week. Because we both work full time, most of these drives would coincide with weekday commute times or overlap with weekend recreational traffic.

Some of our neighbors have indicated that the path is detrimental because it promotes traffic and causes parking issues in the neighborhood. We live immediately next to the path—if these issues bother anyone, it should be us! We believe that these issues are very manageable. We have never had any trouble parking our car in front of our house. The majority of the cars parked near the trail are neighborhood cars (we own one large SUV which we park on the street next to the trail). There is some speeding in the neighborhood. My husband and I routinely speak to speeders and ask them to slow down. We also have taught our children to pick up trash along the trail and care for their neighborhood and their high school.

In closing, we ask the Coastal Commission to grant our appeal and deny the CDP application submitted by Ailanto Properties. The proposed fence would block a path that has been used by the community for many decades. Our family has used the path for the past 13 years. Our main concern is to keep our neighborhood children and pedestrians and cyclists safe and off of Highway 1. We also believe that closing the path will increase congestion on Highway 1, as there is no light at the intersection of Highway 1 and Terrace, which means that during rush hour or during congestion during peak tourist traffic hours, drivers on Highway 1 will need to stop to allow motorists from the Highland Park out. Finally, closure of the path to the school is bad planning from a safety perspective. The HMBHS is our community's emergency evacuation center, and the proposed fence prevents our neighborhood's access to the high school in the event of a fire, earthquake or tsunami.

We urge you to take our concerns and input into consideration.

Sincerely,

Marc and Monica Rosoff

683 Highland Ave., HMB, CA 94019 (650) 712-8836

Rexing, Stephanie@Coastal

From: Michael Allen <michael@mballenlaw.com>
Sent: Thursday, April 25, 2013 7:22 AM
To: Rexing, Stephanie@Coastal
Subject: A-2-HMB-13-001

Dear Stephanie,

The appeal of Appellants should be denied and Ailanto properties should be permitted to build the hogwire fence at the top of Terrace, Silver and Highland Avenue in Half Moon Bay, CA.

I live at 599 Highland Avenue in Half Moon Bay at the intersection of Golden Gate . The traffic that comes into our neighborhood to trespass on Ailanto's property to access Half Moon Bay High School is already on Highway 1 before entering our neighborhood. No increased traffic on Highway 1 will result from denying this appeal.

Only a few children in the neighborhood use this illegal route to the school by foot. Everybody else is driving in at high speeds, ignoring traffic laws all to trespass on Ailanto's property.

I attended the Planning Director's hearing and the Planning Commission hearing and wrote to the City Council. Each time the Appellant's arguments were found inadequate and nothing has changed and the Appel should be denied.

I have practiced real estate law in California for over 30 years and am confident that California law will not support a claim that an easement, prescriptive or otherwise, would give any group , including these Appellants any rights to claim an interest in what is nothing more than a dangerous undulating and unpaved path.

Thank you for your consideration. I am away from my office but will forward to you a letter I sent to the Half Moon Bay City Council for the one meeting I was not able to attend.

Sent from my iPad

Michael B. Allen, Esq.
Michael B. Allen Law Group, Inc.
520 S. El Camino Real, Ste. 840
San Mateo, CA 94402
650 347 5000
650 340 6350 (f)

Rexing, Stephanie@Coastal

From: Amber Snell <ambersnell87@gmail.com>
Sent: Wednesday, April 17, 2013 7:30 PM
To: Rexing, Stephanie@Coastal

Dear Stephanie,
My name is Amber Snell. I live on Highland Avenue in Half Moon Bay. I run for exercise in the Highland Park neighborhood and the amount of traffic and speeding that comes into our neighborhood from other areas of the coast to use the path to the high school concerns me. I do not know why all these cars use our neighborhood because there is plenty of parking space at the high school. Please deny this appeal and close the path to make our neighborhood safer.
Thanks,
Amber Snell

Thank you

Amber Snell

Rexing, Stephanie@Coastal

From: doreen23@comcast.net
Sent: Thursday, April 18, 2013 1:52 AM
To: Rexing, Stephanie@Coastal
Cc: doreen23@comcast.net
Subject: Appeal # A-2-HMB-13-001: Rebuttals to Appeal

April 17, 2013

Dear Ms. Rexing,

For the following reasons, we ask that the Coastal Commission deny Appeal # A-2-HMB-13-001:

On Page 3 of the Appeal, under the heading "Basis/Rationale for Appeal", Point #1 "The proposed fence will block...", the appellants estimate the number of trips made on the path per week. The appellants break down the total number into four categories. We make the following four rebuttals to the appellants' estimates:

"Highland Park":
Only a small number of students live in the Highland Park neighborhood and walk to the high school through the path. It appears to be between 5 - 10 students per day. The appellants state that there are 10+. In his 2-week survey in preparation for the 12/18/12 City Council meeting, Council Member John Muller observed only an average of 5 students per day walking from the Highland Park neighborhood. The additional cars required to drive 5 -10 students every day would hardly inundate Highway 1 with additional traffic.

"Grandview Terrace":
The appellants also claim that closing this path will cut off the student access for Grandview Terrace. This is a very confusing statement because Grandview is the next neighborhood to the north, already separated from Highland Park neighborhood and the path by the fenced off Beachwood property, while Terrace is a street within the Highland Park neighborhood. Ailanto has already been granted permission to build a fence between their property and four other properties (Half Moon Bay High School, Highland Park neighborhood, Beachwood property and Grandview neighborhood). This fence, which would further restrict access from Grandview, has already been approved by the City of Half Moon Bay. It is a "done deal" and the fence (with the exclusion of the path) has never been appealed. For this reason, Grandview is completely irrelevant and has nothing whatsoever to do with this appeal so the number of trips attributed to Grandview should be excluded from this appeal.

"Other HMBHS Students":

This number should also be excluded in its entirety from this appeal because the "Other" students that are walking the path had to drive on Highway 1 to get to the path. The cars that drop off these students then must reenter Highway 1. Closing the path will not eliminate these cars from Highway 1. The high school is only 1/4 mile south on Highway 1 from the entrance to the Highland Park neighborhood and then another 1/4 on Main Street and Lewis Foster Drive. If cars drove directly to the high school rather than driving into our neighborhood, they would be on Highway 1 for only 1/4 mile longer. Parents do not want to do this because there is traffic at the school site, just as there is at all schools at morning drop off time and afternoon pick up time.

"Highland Park Residents":
The number of trips per week by residents (non-students) using the path to go to the high school, downtown and the beaches seems very high. Downtown is app 1 mile each direction and the 2 closest beaches are almost a 2-mile walk each direction from the Highland Park neighborhood. While some people may make the walks, we belive that very few people walk 2 miles roundtrip to downtown and 4 miles roundtrip to the beach on a weekly basis.

For these reasons, we ask that the Coastal Commission deny this appeal.

Respectfully,
Frank and Doreen Gerrity
689 Silver Avenue
Half Moon Bay, CA 94019

Rexing, Stephanie@Coastal

From: Pamela Fisher <pamelafisher@gmail.com>
Sent: Wednesday, April 24, 2013 1:01 PM
To: Rexing, Stephanie@Coastal
Subject: Appeal # A-2-HMB-13-001

Dear Stephanie:

I really thought I was finished with these communications but I reread, the appellants document and had to respond to irrelevant information, exaggerated claims and erroneous conclusions included in their document.

1. Substantial Increase in Traffic on Cabrillo Highway: The appellant's claim that closing the Highland Ave footpath (footpath) will "substantially" increase traffic on Highway 1 is ridiculous! They have no idea how many children living on Terrace, Silver and Highland Avenues (the neighborhood) are already being transported by car by their parents or driving to school themselves during their junior and senior years. The HMB City Council member, John Mueller, spent two weeks, Monday through Friday, from about 6:15 to 8:00 am, observing use of the footpath. He stated, at the public hearing on this matter, that he observed an average of four to five students a day from this neighborhood using the footpath. The appellants also do not know how many drivers using our neighborhood as an alternative to dealing with the congestion on Lewis Foster Drive (access road to the HMB High School), re-enter Highway 1 from Terrace Ave, turn left and drive the two tenths of a mile from Terrace Ave. to the Main Street light and turn left to continue their journey to Highway 92. The appellants cannot make the specious claim that closing the footpath will result in "substantially increasing traffic along Hwy 1 especially between Terrace and North (sic) Main Street during peak morning and afternoon traffic times."

In addition, using any numbers associated with the students living in the Grandview Ave. neighborhood, north of Terrace Ave. is irrelevant to this appeal. The HMB High School students residing in the Grandview development will immediately lose access to the Highland Park neighborhood as soon as Ailanto erects the fence along the north side of their property. This is a done deal! The appellants did not challenge the erection of that section of fence. As a result of this closure,the Grandview students will likely continue their walk to HMB High School along Highway 1. Although the walking area is narrow on the two tenths of a mile between Terrace Ave and Main Street, it is navigated daily by mothers with babies in strollers! When the High School students reach the Main Street traffic light, they will turn left onto Main Street, remaining on the same side of the street and take their next left onto Lewis Foster Drive. Ideally, a wider pathway for foot traffic on the east side of Highway 1 will hopefully be addressed by the Highway 1 improvement project as has been advocated by those of us living in the east side neighborhoods. Until then, the traffic light Ailanto Properties will be installing at Terrace Ave., would allow these students to cross Highway 1 at Terrace Ave., walk the well developed west side pedestrian walkway to the Main Street light, cross onto Main Street and enter Lewis Foster Drive to the High School. A wider, safer footpath between Terrace Ave and Main Street would also further reduce Highway 1 traffic as parents of middle school students living in the east side neighborhoods might then allow them to walk to Cunha Middle School in town,instead of driving them. This proposal was presented by a middle school parent at a public meeting.

2. Access to Recreation Areas: The argument that this footpath is access to beaches and Coastside recreation is nonsense. This footpath is access only to the High School. Interestingly, a City Council member at the hearing on this matter also made it clear that the high school fields are not a public park for "public recreation". They are primarily for use by the High School. Use of the footpath, even for high school students was deemed unsafe by members of the City Council at the public hearing on this topic. It is dark, when students begin arriving to school and cross onto the school property on this physically uneven and narrow path. The City's conclusion was that use of this footpath is "dangerous".

3. Special Condition: I and others who desire the closure of this footpath to HMB High School suggest that the Executive Director determine that "no amendment is required". The appellants have failed to prove that closure of this footpath would result in any significant changes in traffic and access conditions in the coastal area. Personal benefit for the pathway remaining open may be at the crux of this appeal. One of the appellants stated publicly that he was afraid that closing the footpath would cause students and neighbors to trespass on his property and that closing the path would prevent him from monitoring gang graffiti that appears on the school side of the fence. One would think that closing the path would discourage any tagging in that area because a quick escape would no longer be possible! Another appellant's elementary aged school children are often seen using this dangerous footpath, unsupervised and at times with their large family dog pulling them across this irregular, narrow path. The third appellant has been seen on a number of occasions walking up Highland Ave to the footpath with one or more of his children with baseball equipment, apparently to practice for Little League on the HMB High School fields. Another neighbor, while gathering signatures for the appellant's petition, stated to the homeowner he wanted the path to remain open because he doesn't want to drive his child to high school. Parents could easily car pool from this neighborhood for the handful of students requiring transportation, just as they do now to Cunha Middle School. Also, this parent may remain completely unaffected by the open footpath depending on the location of his home within the neighborhood.

The noxious conditions the Ailanto footpath has caused our formerly quiet, residential neighborhood has been well documented in prior letters regarding volume of traffic, speeding, trash and parking. The use of this footpath by parents from the entire Coastside even off school hours during the week and on weekends when Lewis Foster Drive is unobstructed, simply demonstrates a sense of entitlement. They had been directed by a former CUSD Superintendent to not use the Highland Park neighborhood to drop off children or to park in our neighborhood for sports practices and games. They ignored him and they continue to ignore our requests. They continue to demonstrate a lack of consideration for the safety of our neighborhood children and pets. If the footpath remains open these conditions would have to be disclosed to any potential buyer of homes on Terrace Ave., Golden Gate and the upper sections of both Silver and Highland Ave. Thus, this footpath remaining open could negatively impact our home values and ease of sale of our homes. The closure of this footpath would improve safety on our streets and restore the character of this neighborhood.

Vandalism has also been a problem. A couple of years ago I, along with three other neighbors from my home to the footpath, had multiple tires slashed on our cars. I had at total of four slashed tires on two cars. I bought this home ten years ago on a quiet cul de sac. No disclosure in any of the paperwork mentioned this footpath. Recently, a car full of high school students, after school dismissal, tossed a fire cracker into a shrub on Silver Ave causing this shrub to be consumed and almost fully igniting a pine tree.The closure of this footpath means the majority of the traffic on our streets would be related to homeowners, workers at their home and their guests, all known to someone who resides here.

Although coaches for Pop Warner practices and games occurring on the high school field are directed to release children directly to their parent or a designated adult, last year as in years past, several children could be found lingering unsupervised at the top of Highland Ave. On one occasion a very young child, maybe seven or eight years old was at the top of Highland waiting to be picked up until it was almost dark. I spoke to a Pop Warner board member about this incident who was extremely frustrated as this issue had been discussed numerous times with parents and coaches as a major safety policy. This is a dangerous situation for any young person. Closure of this footpath would prevent the release of unsupervised children lingering alone at this secluded footpath which actually cannot even be seen while on Highland Ave.

At a public meeting, the former HMB High School Principal stated her desire to see this footpath closed as it could not be monitored during her tenure and to this day remains unmonitored by staff at this remote end of campus. She also expressed concern about the safety of the entire student body at the high school. Her fear was that an armed person could easily enter this remote access to the campus, unseen, until a tragedy was upon them. In light of recent incidents her concerns were not far fetched. If the footpath is closed unmonitored access to the HMB High School campus will be significantly reduced.

This footpath is truly an attractive nuisance for this neighborhood. Ten years ago, when busing by CUSD was discontinued, traffic on Highway 1 was significantly impacted. Why this was allowed to happen is still a mystery to many residents and was at the time a major concern to law enforcement. Due to the fact that CUSD also failed to improve access to their site to accommodate this traffic explosion, parents have been searching for ways to avoid the congestion on Lewis Foster Drive. Unfortunately, the Ailanto footpath has been discovered by the entire Coastside to the detriment of our neighborhood. If this footpath is closed our neighborhood will cease to be an alternate route to HMB High School or an ancillary parking lot for students, coaches and parents. No significant increase in traffic will occur on Highway 1 and access to the coast and public recreation will remain intact.

I and many others implore you to allow Ailanto Properties to exercise their right as property owners and close this dangerous, attractive nuisance. All arguments made by the appellants related to an increase in traffic on Highway 1 and loss of access to the coast and recreation do not hold up even under cursory examination. We have been dealing with this issue for quite a while now and are anxious for a resolution based on facts not guesstimates and conjecture.

Very Sincerely,

Pamela Fisher

--

Pamela Fisher
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Half Moon Bay, CA 94019
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(Cell) 650 455-1194

Rexing, Stephanie@Coastal

From: doreen23@comcast.net
Sent: Tuesday, April 23, 2013 11:42 PM
To: Rexing, Stephanie@Coastal
Subject: Appeal # A-2-HB-13-001: Liability Issues

April 23, 2013

Dear Ms. Rexing,

re: Appeal # A-2-HMB-13-001: Liability Issues

It seems that, in terms of Coastal Commission jurisdiction, the "path" between the Highland Park neighborhood and Half Moon Bay High School is a "path to nowhere" because this path does not lead to the coast or any coastal open space. If the Coastal Commission does not deny this appeal and forces Ailanto Properties to keep the path open, we have to ask: Who is liable for the path?

Liability
We support the property owner's right to protect his property and his liability. Any property owner has the right, within the boundaries of City and Coastal Commission codes, to protect their property and their liability. It would set a dangerous precedent if the Coastal Commission forced a property owner to use their private property for public use.

Liability - Path Safety
At the December 12, 2012 City Council meeting, all four council members present said that the path itself is unsafe because it is mostly just a few piles of concrete discarded by a previous developer and thrown among the uneven dirt and tree roots. Making it more unsafe, is that the path is not lighted and, for much of the school year, kids walk the path in the dark getting to school in the morning, getting home from school if they stay late for after-school activities and when going to night football games, school plays, etc. For athletic and school events, many parents, grandparents and very young siblings (even babies in strollers) walk the path, also sometimes in the dark. If the Coastal Commission forces Ailanto to keep the path open, who will be held liable in the event that someone falls and gets hurt? Will it be Ailanto, the City of Half Moon Bay, Cabrillo Unified School District or the California Coastal Commission?

Liability - Student Safety
The path is also a risk to kids because many kids use this path unescorted and, as stated above, for much of the school year, many do so in the dark. The path is at the farthest end of the campus and is not visible at all from the school buildings and is only partially visible from one home because it is blocked by a solid wood fence. The news is full of stories of child abductions and other violent acts committed by both strangers and people that the child knows. The area of the path is also full of coyotes, there are mountain lions in the area and, last year, a wild boar was killed by sheriff deputies when it came down from the hill and became a menace to the Grandview neighborhood, the neighborhood next nearest to the path. If a child ran into trouble on the path, the school is too far away to run to for safety and knocking on neighborhood doors may also not be a quick or practical solution. If the Coastal Commission forces Ailanto to keep the path open, who will be held liable in the event of a human or animal attack on someone using the path? Will it be Ailanto, the City of Half Moon Bay, Cabrillo Unified School District or the California Coastal Commission?

Liability - School Security

As stated above the path is not visible at all from the high school buildings. This path is an unprotected, unmonitored, uncontrolled, invisible "back door" to the high school and an undesirable person could enter the high school campus completely unseen until it was too late to take any protective action. At a meeting with some neighbors in October 2011, former Half Moon Bay High School Principal Mary Streshly said that, for the security of the school and the safety of the students, she would like the path closed because a shooter could get on her campus from this remote access point. At the December 2012 City Council Meeting, three of the four council members present said that the high school should have only a single entrance and exit point (on Lewis Foster Drive) so that school administrators can monitor who is entering their campus. If the Coastal Commission forces Ailanto to keep the path open, who will be held liable in the event of an attack on the high school by someone who used the path for their access? Will it be Ailanto, the City of Half Moon Bay, Cabrillo Unified School District or the California Coastal Commission?

Liability - Neighborhood Security

There has been a recent rash of burglaries in Half Moon Bay. An attempt was made to break into a home on the upper block of Silver Avenue a few years ago. A year ago, an older teenager (post high school) was found passed out due to illegal drug intake in his vehicle on the upper block of Silver Avenue. The Sheriff's Department was contacted and the teenager was taken care of. There has been suspected drug dealing on the path and near the path at the top of Highland and Silver Avenues. Several years ago, 40-50 high school students came through the path during lunch period and had a massive fight in front of our house at the top of Silver Avenue. These are but a few examples of activity that neighbors should be watching out for through "Neighborhood Watch" programs, but this is hard to do in our neighborhood because the path brings so many cars and people into our neighborhood every day. We do not always know who these cars and people are and what they are doing in our neighborhood. If the Coastal Commission forces Ailanto to keep the path open, who will be held liable in the event of a crime or other trouble in our neighborhood? Will it be Ailanto, the City of Half Moon Bay, Cabrillo Unified School District or the California Coastal Commission?

Liability - Fire

The path runs through a grove of highly flammable eucalyptus trees. The eucalyptus trees actually overhang the home at the top of Highland Avenue. We constantly find discarded cigarette butts and cigarette packages on and around the path. We have even found used fireworks on the path and a used crack pipe. There have been at least two homeless encampments in the grove of eucalyptus trees (on both occasions which we witnessed, the police were called and moved the campers out). Neighborhood kids built a large "fort" (app 10' x 10', with discarded wood, tarps and chain link fence) in the grove of trees next to the path. Cigarette packs were also found in the fort. If a fire occurred, it would explode through the highly combustible and flammable eucalyptus trees and would, most assuredly, spread quickly to the home at the top of Highland Avenue and possibly further.

Just last month, on the upper block of Silver Avenue, a passenger in a vehicle being driven by high school aged kids from the direction of the path tossed something flammable out the vehicle window into the bushes in a front yard. A fire ensued that destroyed a shrub and blackened the pine tree above the shrub. The shrub died and had to be removed leaving a blackened 3' x 4' scorch mark in the front yard. The fire department responded but neighbors saw the commotion and put out the fire just in time - just before the pine tree erupted in flames and before the fire spread to the other bushes and trees that grow between two homes.

This path and grove of eucalyptus trees stands at the foot of a hillside full of dry grass and more trees. Students park under the eucalyptus trees on the street, so close to the eucalyptus trees that the branches actually touch the students cars. Directly adjacent to the grove of trees and next to the curb where

students part their cars is a large grassy area where the grass is long and dry all Summer and Fall. Again, a fire that might start on or near the path could quickly become a wildfire racing up the hillside.

Half Moon Bay is almost always windy and, in the Fall, the wind blows hot and dry off the hills directly toward the neighborhood. A fire on the path or anywhere in the grove of trees could quickly become catastrophic, causing either a wildfire or a neighborhood conflagration. We talked to a Fire Captain and a Fire Chief in Half Moon Bay. Both said that, for the safety of the neighborhood, this path should be closed. If the Coastal Commission forces Ailanto to keep the path open, who will be held liable in the event of a catastrophic fire? Will it be Ailanto, the City of Half Moon Bay, Cabrillo Unified School District or the California Coastal Commission?

Liability - Traffic and Speeding

There is a tremendous amount of traffic and speeding that comes off of Highway 1 and into our quiet residential neighborhood for the sole purpose of accessing the path to Half Moon Bay High School. We talked to two Sheriff Deputies in Half Moon Bay. Both said that, for the safety of the neighborhood, this path should be closed. If the Coastal Commission forces Ailanto to keep the path open, who will be held liable in the event of a tragic accident? Will it be Ailanto, the City of Half Moon Bay, Cabrillo Unified School District or the California Coastal Commission?

In summary, this path poses many risks and the question is raised: Who will bear the liability for these risks? Ailanto has been trying to close this path for almost a year. The Half Moon Bay Planning Director, Planning Commission and City Council have all approved closing the path because they see the liability risk to the City. At the December 2012 City Council meeting, all council members present said that the path is dangerous and, if the city took ownership of the property, the first thing they would do would be to close it. Cabrillo Unified School District has stated publicly that they do not want to own or have liability for the path. If the Coastal Commission forces Ailanto to keep the path open, who will be held liable if any of the above mentioned incidents happens on the path, in the woods or grasslands near the path, in the Highland Park neighborhood or on the school grounds of Half Moon Bay High School? Will it be Ailanto, the City of Half Moon Bay, Cabrillo Unified School District or the California Coastal Commission?

Respectfully,
Frank and Doreen Gerrity
689 Silver Avenue
Half Moon Bay, CA 94019

Stephanie Rexing
Stephanine.Rexing@coastal.ca.gov
Coastal Commission Planner
California Coastal Commission
725 Front Street
Santa Cruz, CA

Email& USPS

RECEIVED
APR 1 8 2013
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 15, 2013

Subject: HMB PDP-034-12 – Hog wire fence closing pathway between Highland Avenue and HMB High School on Ailanto Properties

Hi Stephanie,

The appeal of the HMB City Council to allow the erection of this fence should be denied by the California Coastal Commission.

This is another subset of the issues surrounding traffic mitigation on Highway One from the Pacific Ridge development by Ailanto Properties which we have been discussing on the Coastal Commission appeal to the City of HMB CDP for widening Highway One in the vicinity of Terrace Avenue.

As a parent having experienced the issues of car-pooling to "get the kids to and from school" living in Belmont, I am disappointed in the reasoning of the appellants. The heavy traffic on Highway One at school time appears to be caused by many of the vehicles carrying one parent and one student to and from school. As a designated car pool driver I got to meet my son and daughters classmates even if my kids warned me not to say anything "dumb" like "how was school today" and embarrass them.

Our concern is that if this pathway is upgraded and accepted by the High School it will encourage many more users to enter Terrace Avenue - a 36 foot wide local street with driveways every 40 feet and parking on both sides with an allowed speed of 25mph - which at present is the only access to Highland Avenue and the Pacific Ridge project that received approval in 2008. The project may under the improving economic conditions start construction soon. The original schedule for completion of the development was for a period of eight years. It would appear that safety would be compromised by mixing additional traffic to an already difficult situation. We have residents even now starting to park cars in their driveways facing forward to the street to ensure they can get out to work in the morning.

Our contracted City Engineer has told me that in recent discussions with CalTrans that "it was not them" that asked for the closing of Silver Avenue at Highway One but apparently the City of HMB. He was investigating how to lighten the load on Terrace and removing some of the traffic between Silver and Terrace on Highway One - eliminating the obvious redundant double back traffic of residents of Silver and

Highland. There appears to be some mis-information on this issue which we will be requesting professional clarification from the Coastal Commission in our discussions on the widening of Highway One CDP.

In summary basic safety issues and other solutions appear to show that the appeal of the HMB City Council to allow the erection of this fence should be denied by the California Coastal Commission.

Best Regards,

Jerry Steinberg
jerry@jerrysteinberg.com

JERRY STEINBERG
591 TERRACE AVENUE
HALF MOON BAY, CA
94019

Stephanie Rexing
Stephanine.Rexing@coastal.ca.gov
Coastal Commission Planner
California Coastal Commission
725 Front Street
Santa Cruz, CA

Email& USPS

RECEIVED
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April 15, 2013

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In summary basic safety issues and other solutions appear to show that the appeal of the HMB City Council to allow the erection of this fence should be denied by the California Coastal Commission.

Best Regards,

Jerry Steinberg
jerry@jerrysteinberg.com

JERRY STEINBERG
591 TERRACE AVENUE
HALF MOON BAY, CA
94019

November 12, 2012

Planning Commission Chair Tom Roman,
Planning Commission Vice Chair Phil Rosenblatt
Planning Commissioner Les Deman,
Planning Commissioner Patric Bo Jonsson
Planning Commissioner Thomas Conroy
City of Half Moon Bay, California

re: Appeal of Approved Coastal Development Permit Application
City File # PDP-034A-12,
APN # 056-350-10
Title: Pacific Ridge / Ailanto Property Fence

We support Ailanto Properties' request to put a fence around their property which would block pedestrian access between the Highland Park neighborhood and Half Moon Bay High School because we support the property owner's right to protect his property and his liability. The property owner has the right, within the boundaries of city codes, to protect and manage their property. It would be a dangerous precedent if the city forced a property owner to use their private property for public use. We also believe that, if the city forced Ailanto to leave the unimproved path open, then the City of Half Moon Bay would ultimately bear all liability for all activities and incidents occurring on the path and on the streets leading to and from the path.

We also support closing the path because so many people from outside the neighborhood, including visiting baseball teams from as far away as Oakland know about cutting through Ailanto's property to get to the high school. This has caused traffic, speeding and congestion problems in our neighborhood.

In October 2011 and in February 2012, multiple Highland Park neighbors met with former Cabrillo Unified School District Superintendent Robert Gaskill, former Half Moon Bay High School Principal Mary Streshly and current Half Moon Bay High School Vice Principal Jarrod Dooley to discuss several issues, including the traffic problems in the Highland Park neighborhood. We voiced the concerns listed below and asked the school district for their help in addressing these concerns. None of the problems listed below have been eliminated and nothing has been done to mitigate their impact on the Highland Park neighborhood. Fencing Ailanto's property would solve these problems and then-Principal Streshly expressed in a public meeting that, for security purposes, she would like the path fenced off. The following are excerpts from the meeting documentation with CUSD.

Road Safety:
The Highland Park Neighborhood is a family neighborhood, heavily populated with children and pets. It has always been a safe neighborhood because it has a single ingress/egress point at Highway 1 and that point is several blocks away from the top of Highland and Silver Avenues. As such, the top of Highland and Silver Avenues are very close to being dead-end, cul-de-sac type streets. You expect this type of street to be safe, with cars moving slowly as they approach the turn-around point at the top. Unfortunately, this is not the case.

Speeding
Speeding is the greatest safety issue in our neighborhood. A neighborhood cat was killed and a dog came within inches of being hit by a speeding car being driven by a non-neighborhood

parent. (Granted, the cat and the dog should not have been loose but cats, dogs AND CHILDREN do get loose sometimes and dart into streets.) Recently, a neighbor saw a non-neighbor female high school student speeding up Highland Avenue. The neighbor stood in the middle of the street with hands held high to get the driver to slow down. The driver did not slow down – she kept up her speed and swerved around the neighbor. Other neighbors witnessed a baseball player changing his shirt (pulling it over his head) as he drove down Silver Avenue. It is not reasonable to expect the Sheriff's Department to devote enough resources to control this much speeding, stop sign violations and other traffic violations. In an attempt to reduce the speeding, three neighbors have erected signs in the streets in front of their homes.
Please see Photo # 1

Drop-Off and Pick-Up Zone:
The Highland Park Neighborhood has become a high school drop-off and pick-up zone. This has caused unsafe speeding as parents hurry to drop students off in the morning and pick them up in the afternoon. In addition to the speeding, there is added road congestion at these times. There are also blocked driveways as parents wait for students and a blocked street when parents going in opposite directions stop to talk through their respective driver's windows. Some parents even exit their cars and leave the cars in the street, rendering the street impassible.

These problems are worse this year. We learned that a PTA announcement was made suggesting the Highland Park Neighborhood as a High School drop-off and pick-up zone.

Student and Sports Parking:
The Highland Park Neighborhood has become a satellite parking lot, both for students attending school and for people attending after hours games and practices. Indeed, we understand the High School baseball team has told visiting teams and umpires that parking in Highland Park is closer than parking in the school lot. This parking has caused unsafe speeding, parking congestion, littering, public urination, undressing to change into uniforms, and congregation in front of homes by non-neighborhood teens and young adults.
Please see Photo #'s 2 & 3

In addition to the traffic problems that were discussed with CUSD, there is another serious concern for the homes at the top of Highland and Silver Avenues:

Flammable Eucalyptus Trees
At the top of Highland Avenue, there is a drainage ditch that is surrounded by and overhung by a grove of flammable eucalyptus trees. This drainage ditch has become a play area for neighborhood kids and a "hang-out" area for high school students. In Spring of 2012, a large "fort" was built in the drainage ditch where we have found evidence of smoking. There have also been at least two homeless encampments in the trees. A fire in these trees would be catastrophic due to their close proximity to homes.
Please Photo # 4

Again, we support Ailanto Property's desire to build a fence around their property, which would protect their (and the City's) liability and would block pedestrian access between the Highland Park neighborhood and Half Moon Bay High School and we respectfully request that the Planning Commission deny the appeal of the already approved permit.

Thank you very much,
Frank and Doreen Gerrity
Highland Park Neighborhood
Half Moon Bay, CA

Photo # 1



Neighbors have erected three signs in the streets throughout the neighborhood in an attempt to slow down the speeders.

Photo # 2



Cars parked along Highland and Silver Avenues.

Photo # 3



Visitors unloading cars along Highland and Silver Avenues.

Photo # 4



Fort in Ditch at top of Highland Avenue / along Ailanto Path.
Cigarette packs were found next to the fort.
Students and visitors ignore the yellow "No Trespassing" signs

Rexing, Stephanie@Coastal

From: Pamela Fisher <pamelafisher@gmail.com>
Sent: Wednesday, April 17, 2013 7:01 AM
To: Rexing, Stephanie@Coastal
Subject: Appeal#A-2-HMB-13-001

Tony Roehrick Dec 12 (3 days ago)

to Freya, John, Kate, Kirk, Mario, Michael, Rob, Edward, Allan, me, Allison

Thank you for your thorough review of the events to date.

The CUSD Governing Board has not held any discussion concerning the current negotiations underway by a group of Highland residents with Ailanto Properties to retain a pedestrian pathway linking the neighborhood to the high school. It is my opinion that this is a property rights issue between the neighborhood, the City, and the developer. As such, we have not taken any action to insert ourselves into the negotiations. I am not interested in obtaining the property, nor in constructing a pathway. Having said that, I understand that the absence of a pathway may result in students who must walk to school, to be forced to traverse Highway 1 between Terrace Avenue and Main Street. This section of roadway does not contain a sidewalk, thus creating an unsafe condition for these students. For this reason, I am hopeful that whatever resolution is finalized, an alternative pathway for these students is provided. If the District could be helpful in resolving this piece of the larger issue, I would be willing to listen to suggestions on how we could support this goal.

Again, this simply reflects my opinion concerning the process underway. If and when the Governing Board decides to conduct a deliberation of this issue, the District would then act accordingly.

--

Pamela Fisher
659 Highland Avenue
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(Cell) 650 455-1194

Rexing, Stephanie@Coastal

From: Pamela Fisher <pamelafisher@gmail.com>
Sent: Wednesday, April 17, 2013 6:44 AM
To: Rexing, Stephanie@Coastal
Subject: Ailanto Properties Appeal

Ailonto Property fence

Inbox x

Pamela Fisher <pamelafisher@gmail.com> 9/22/12

to pwebb, bcc: doreen23

I am writing in support of the request by Pacific Ridge/Ailonto Properties to erect a hog fence to block access from Highland Ave onto their property which abuts the HMB High School property. I won't repeat the issues raised in the letter you have received from Frank and Doreen Gerrity, and other neighbors but I do want to let you know I am in full agreement with what they have written. I also want to let you know that I am the person who happened to be on the sidewalk outside my home when another neighbor and I heard a car accelerating rapidly up Highland Ave. This was a short time after high school dismissal as numerous cars had been driving up Highland Ave, parking along the Ailonto property waiting for their student to emerge from the Ailonto property. I did step into the street waving my arms in an attempt to get the driver's attention to slow down. We were flabbergasted that the driver continued racing up the street and swerved around me, refusing to slow down.

We have been dealing with issues of HMB High School arrival and dismissal traffic and parking which became particularly onerous this past year after it was announced by a PTA group at the beginning of last year that the pathway at the top of Highland Ave was a legitimate access for students onto the High School property. When questioned by us, parents expressed enormous frustration by the insufficient ingress and egress to the high school on Lewis Foster Drive at arrival and dismissal times. Parents simply saw the Highland Ave access through the Ailonto property as the solution to their problem. While alleviating some congestion on Lewis Foster Drive this has created an untenable situation for the Highland Park neighborhood. This has simply allowed CUSD to avoid addressing their traffic issues while creating an untenable situation for the Highland Park neighborhood. I would hope with the 81 million dollars approved in the recent bond measure that CUSD will find a way to address their traffic problems for their parents. Access which was likely sufficient when students were bused to school would certainly have needed upgrading when busing was discontinued.

Aside from traffic issues, we have watched drug deals occurring using the Ailonto property pass-through to and from the HMB High School property on numerous occasions. Trash including drug paraphernalia has also been an ongoing problem for us. See attached photo.

As well as daily school traffic and student parking, traffic and parking for HMB High School games and practices has also added to the neighborhood problem. Some HMB High School Baseball team parents have adamantly refused to park on the High School property even when instructed to do so by the school or politely requested to do so by neighbors pointing out the no trespassing signs Ailanto has had posted for years.

Further adding to our neighborhood parking, traffic and trash issues has been the traffic and parking for community sports groups using the HMB High School fields for daily practices and weekend games. Individual members of the Pop Warner board have tried to address the parking issue when on site but parents have refused to comply with instructions to drive and park on the high school property. We have also had young children unsupervised at the top of Highland Ave waiting for parents to pick them up after practices even though they are not supposed to be released by their coach until the parent is present on school property. This is a significant safety issue.

The common denominator to all of these issues for the Highland Park neighborhood is the access from Highland Ave through the Ailonto property onto the HMB High School property. The construction of the fort in the drainage ditch this past Spring on their property along with evidence of smoking in this Eucalyptus grove was likely the tipping point for Ailonto Property in coming

to terms with their liability. Efforts have been made for years by members of this neighborhood to mitigate our problems through letters and meetings with CUSD and community sports groups, but to no avail. The fencing off of this property is long overdue.

Thank you,
Pamela Fisher

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Pamela Fisher
659 Highland Avenue
Half Moon Bay, CA 94019
pamelafisher@gmail.com
(Home) 650-712-0370
(Cell) 650 455-1194

Rexing, Stephanie@Coastal

From: Pamela Fisher <pamelafisher@gmail.com>
Sent: Wednesday, April 17, 2013 6:37 AM
To: Rexing, Stephanie@Coastal
Subject: Deny Appeal # A-2-HMB-13-001
Attachments: Final Footpath Letter to City Council.docx; Trash and Traffic.docx

Stephanie :
It has come to my attention that you may not have received the multiple letters I and others have written who wish to see the Ailanto Properties footpath at the top of Highland Ave closed. I have attached letters including those written to the HMB Planning Director, Planning Commission, City Council and CUSD Superintendent of Schools and his response. Many of our neighbors have expressed enormous frustration at having to contact another government body as a result of the appellant's refusal to accept the denials they have received. I hope these neighbors follow through, but the appellants have done a good job of wearing us down.

At this time, I wish to express concern over the appellants polling of neighborhood residents and other specious arguments they have put forward. Their last "survey" was found to not be accurate. In at least one instance they included a resident who wrote a letter to the City in favor of closing the path as being in favor of keeping the path open and did not include "polling" of residents on the lower half of Terrace Ave who are critically impacted by the traffic entering onto Terrace from Highway One and exiting back onto the highway. Residents on the lower half of Terrace Ave and the upper half of Silver and Highland Avenues are the only residents impacted by the volume of traffic, approximately 40=50 cars daily for access during school hours as well as more for after school and weekends for sports activities. This traffic enters our neighborhood from Highway 1 onto Terrace Ave. and exits back onto the highway due only to the existence of the Ailanto Properties footpath at the top of Highland Ave. I am also aware of residents living on the lower half of Silver and Highland Avenues who have grave concerns about safety for themselves and their young children due to the volume of traffic on our streets due only to the footpath.

I also question the relevance of polling neighbors or signing petitions as the crux of this case is a property rights issue as indicated by the several denials of the appeal by the appellants of Ailanto Property's right to fence off their property. Their appeal was denied by the HMB Planning Department, Planning Board and City Council. These bodies are very familiar with our neighborhood as well as the potential impact of closing the footpath on Highway 1 traffic or interfering with coastal access. No credence was given these argument by our government bodies. As a matter of fact, closing the footpath might actually improve the flow of traffic on the highway as those drivers using our neighborhood as a "shortcut" because of the traffic congestion on Lewis Foster Drive, would no longer be stopping to enter our neighborhood or pulling back out onto the highway to resume their commute. They also rejected the ridiculous claim by the appellants that fencing off this footpath would impede their access to the coast.

The traffic congestion on the highway and on Lewis Foster Drive is a direct result of CUSD's cessation of busing ten years ago and the lack of improvement of access to the campus to accommodate the resulting hundreds of cars used to transport students. The explosion of traffic in our neighborhood by parents coming from outside our neighborhood for daily school access occurred when it was announced at a freshman parent meeting a couple of years ago that Highland Ave was a legitimate drop off spot for students and some parents actually found the path on Google maps. We have had problematic traffic related to sports activities for several years even during non-school hours when access on Lewis Foster Drive is not a problem.

Only a handful of students residing in our neighborhood use the footpath. City Council member John Mueller spent several days observing the traffic and use of the footpath himself. He counted only four or five students from our neighborhood using this footpath. Other students living in our neighborhood may already be driving to

the high school campus by way of Lewis Foster Drive. The rancher, who is a tenant of Ailanto Property, has a relative birds eye view of the top of Silver and Highland Ave. He characterized the activity in the mornings in our neighborhood as "absolute chaos". City Council members also determined this footpath to be "dangerous" especially in the dark at 6:30 in the morning, when students began arriving for school, Due to the small number of neighborhood students using this footpath, fencing off this property would not significantly impact traffic on the highway as has been suggested by the appellants. The traffic entering our neighborhood is already on Highway 1, and exiting our neighborhood back onto the highway.

CUSD also expressed no desire to acquire this property. Administrators at the High School have, in the past, expressed a desire to close this pathway as they do not have the staff to monitor this remote area of the campus.The present CUSD administration expressed a desire to be excluded from any consideration in acquiring this property as well. The City also has no interest in acquiring this property and concluded if they did acquire it, they would close the footpath to Highland Ave.

This footpath has very simply become an "attractive nuisance" for our neighborhood and a significant liability for Ailanto Properties. I respectfully request you deny the present appeal and allow the property owners to fence off their property.

Very Sincerely,
Pamela Fisher

Pamela Fisher
659 Highland Avenue
Half Moon Bay, CA 94019
pamelafisher@gmail.com
(Home) 650-712-0370
(Cell) 650 455-1194

Rexing, Stephanie@Coastal

From: Pamela Fisher <pamelafisher@gmail.com>
Sent: Wednesday, April 17, 2013 6:59 AM
To: Rexing, Stephanie@Coastal
Subject: Appeal #A-2=HMB=13-001
Attachments: LCP sections footpath1.docx; LCP sections footpath2.docx; Trash and Traffic.docx

Appeal of Ailanto Properties' approval to fence off all their property on Silver and Highland Avenues

Inbox x

Pamela Fisher <pamelafisher@gmail.com> 12/10/12

to allana, rickk, marinaf, jmuller, naomip, bcc: Michael, bcc: p, bcc: Susan', bcc: James, bcc: stevebrice, bcc: Sally, bcc: theslatterys, bcc: me, bcc: fredgarnier, bcc: EJMAXHMB, bcc: skygizmo, bcc: doreen23

December 10, 2012

To: The Mayor and City Council Members

For years Ailanto Properties allowed a small footpath to remain open for the convenient use of the Highland Park neighborhood to walk onto the HMB High School campus. The property has been clearly posted "No Trespassing" for years with an understanding that Highland Park residents would not be prosecuted. **It was never Ailanto's intent to allow traffic to inundate our neighborhood from local and visiting high school high school and community sports teams or for daily use by high school students and their parents from the entire Coastside. Ailanto saw this as the best kept secret on the Coastside...until it wasn't.** The more recent history of neighborhood problems with speeding traffic, trash (including drug paraphernalia) and parking as well as incidents of student fighting, transients camping along the north side of the Eucalyptus grove (a potential fire hazard), vandalism (five homes at the top of Highland Ave. had tires slashed on multiple cars), drug dealing. Most recently the construction of a substantial fort in the ditch adjacent to the footpath was likely the tipping point, related to liability, for Ailanto Properties in taking legal action to fence off their property at the top of Silver and Highland Avenues including the footpath access to HMB High School grounds.

Ailanto Property filed and received approval of a CDP by the City of Half Moon Bay Planning Department to fence off their property at the top of Highland Ave., including the footpath to the high school. **For many of the neighbors we saw this as a final end to the ongoing problems we'd been having for several years related to the footpath access to the high school.** During the past two years this problem has mushroomed due to an announcement at a PTA meeting that Highland Ave was a "legitimate drop-off" spot for students at Half Moon Bay High School, parents searching on Google maps for a way to avoid the congestion on Lewis Foster Drive and in the past, sports coaches passing out directions to our neighborhood to visiting teams. Over the past several years neighbors on Highland and Silver Avenues attempted to work with CUSD to solve the problems related to the footpath access to their property but to no avail. **Ailanto kept assuring us that eventually the problem would be solved when they were ready to fence off their property.**

After the approval of Ailanto Property's decision to fence off their property, three households on Silver and Highland Ave. filed an appeal to leave the footpath to the high school open. The five members of the Planning Commission recognized there was no legal standing by these appellants and approved Ailanto's request to fence off their property, but with the approval of Ailanto Property, allowed the appellants a period of time to come up with a compromise that would address the concerns of those in the neighborhood who welcomed the closure of this access to the high school and a plan for how this footpath could become a legally approved pathway subject to all the rules and regulations demanded by a Coastal Development Permit. The appellants instead decided to appeal the Planning Commission's decision to the City Council.

Unfortunately, none of the appellants approached any neighbor who had tried to work with CUSD on these problems for the past several years. In the Fall of 2011, when it once again became clear that none of our individually expressed concerns about ongoing traffic etc. would be addressed and would actually be worsened by the PTA "legitimate drop-off" announcement, neighbors from seven
households gathered to attempt to produce a coherent document addressing several areas of concern including what we entitled "Traffic Trash and Parking". (see attached photo) Hard copies of this 26 page document, dated November 11, 2011, were hand delivered to the CUSD District for Superintendent Gaskill, all CUSD Board members, Principal Streshly at the high school and the Supervisor of Grounds and Operations, Jim Tjogus. We met twice with the District, and at one meeting a representative from Pop Warner and Ed Watkins were included.

Most of our concerns were not successfully addressed and there was a denial of interest in exploring policy issues by the District administration or School Board which would help to reduce the traffic in the neighborhood for access to the footpath and all the associated problems. Not one School Board member acknowledged receipt of our letter. **We had to acknowledge defeat in dealing with CUSD and hope that the problems would be solved when Ailanto decided to fence off their property in preparation for construction. It truly was a great relief when we were recently notified that Ailanto Properties had finally decided to close the footpath and their request was approved by the City Planning Department.**

We were surprised by the initial appeal of the Planning Department's decision as the appellants didn't speak to any neighbor who had been involved for years trying to resolve this issue with CUSD nor did they contact any resident on Terrace Avenue, to our knowledge, although they claim to represent "the entire Highland Park neighborhood". Although one of the appellants, a superintendent in another district, was informed at the Planning Commissioners meeting of former HMB High School's principal, Mary Streshly's, desire to close off the footpath as she didn't have the staff to monitor that end of the campus and desired a closed campus for the safety of all the high school students, the appellants still decided to file this second, most recent appeal to City Council.

Of additional concern is the advice given us recently by a knowledgeable, experienced real estate agent here on the coast that **if the footpath remains open as either public or private property, Highland Park residents would all have to disclose its existence and the related problems to all potential buyers.** In addition, she also opined that **traffic of this nature would make it more difficult to sell our homes and would impact home values.** Her words were **"it is undesirable to have extra, unwarranted, repetitive traffic versus extra traffic for one weekend like the Pumpkin Festival traffic."**

It is not without recognition of the change that closure of the footpath would bring for some Highland Park residents and/or the parents of the approximately 15 high school students in the development regarding getting these teens to and from school safely. Parents may have to drive their children, carpool or make private arrangements with other neighbors to cut through their property that abuts the high school property. **The safe access issues from our neighborhood and other neighborhoods on the east side of Highway 1 to the High School and other coastal resources need to be addressed by the City, State and CUSD. This should never have become Highland Park's problem nor is it Highland Park's responsibility.** The Highway 1 improvement project should eventually address safe access from Terrace Ave to HMB High School and to the west side of Highway 1 for all pedestrians from our neighborhood. We would be happy to work with the City on an emergency measure to establish a safe walking path from Terrace Avenue to the Main Street light. Although much time is spent by the appellants in their written appeal addressing their desire for coastal access by foot or bicycle, obesity, and Highway1 traffic, these are not the legal issues at hand.

The legal issue before the City Council now is the same one the Planning Department and City Planning Commissioners have already addressed. It is really a very simple issue involving private property rights, Ailanto Properties and ours, the Highland Park neighborhood. Ailanto has every right to close off their property including the footpath to the High School. Although Ailanto Properties and the Planning Commissioners gave the appellants a sufficient period of time to try to develop a plan that would allow the footpath to remain open without all the ongoing problems, "to work out a compromise", they simply chose to appeal again. We have attempted to work out "a compromise" for years with CUSD involving the abuse of our neighborhood by those engaged in activities on the HMB High School campus without
success. **Unfortunately, we came to the same conclusion the appellants must have; there is no compromise.**

Ailanto will not develop the footpath. They don't want the liability or the expense even if an expanded footpath could be achieved. The numerous hurdles they would have to navigate are too many. **The idea of CUSD or the City taking over the Highland Ave footpath would be equally fraught with the same hurdles Ailanto would face.** The path is not safe, and would have to be widened significantly and meet ADA requirements. Any development would require a CDP (see attached sections of LCP). This area is also within 100 feet of wetlands. Who would pay for all this and who would be liable?

In addition, and more importantly, **nothing in the appellant's written appeal outlines a "plan" that realistically addresses the central problem of the traffic and all the accompanying problems associated with opening up our neighborhood to the entire Coastside for access to Half Moon Bay High School property at the Highland Avenue footpath.** Waving down oncoming speeding traffic doesn't work...I've stupidly tried that only to have the driver speed right around me. Picking up the trash by the present appellants isn't a permanent or practical solution either. **The appellants cannot solve the traffic and all the accompanying problems if the footpath remains open. City, State and School District resources would be better**

spent on improving the ingress and egress to HMB High School on Lewis Foster Drive and providing a safe footpath on the east side of Highway 1 for our neighborhood and the two others just north of us on the east side of Highway 1.

The Highland Ave footpath has simply become, in legal terms, an "attractive nuisance". We also have a right under the Local Coastal Plan to protections from situations that increase the intensity of use of our streets and that substantively change the nature of our neighborhood and also our constitutionally protected rights as private property owners (See attached sections of the LCP). **To our entire neighborhood's greater benefit, the closure of the Highland Avenue footpath means a significant reduction in the traffic entering our neighborhood at Terrace Avenue and all its associated problems. Keeping the footpath open invites unlimited traffic with all the safety issues and associated problems.**

I respectfully request that you uphold the decision of the HMB City Planning Department and Planning Commissioners to allow Ailanto Properties to fence off their property, including the footpath to HMB High School and deny the appellant's request to leave the Highland Ave footpath open. Closing the footpath will yield a significant reduction in daily traffic, accumulation of trash and parking and will improve street safety, increase privacy which reduces vandalism and drug related activities thus improving quality of life and preserving property values for the entire Highland Park neighborhood.

Thank you for your time in considering this request.

3 attachments — Download all attachments

Trash and Traffic.docx
6358K View Download

LCP sections footpath1.docx
1862K View Download

LCP sections footpath2.docx
1265K View Download

Pamela Fisher <pamelafisher@gmail.com> 12/10/12

to **John**, bcc: me

Hi John
Here's the letter I sent to City Council. Once again I'm returning to HMB early to attend the City Council meeting on the 18th. Our primary mission at this time is to derail the efforts of these three families. Their appeal is ridiculous and more and more neighbors are expressing anger over their tying up the closure of the footpath which is THE reason our neighborhood is flooded with traffic etc. and they're also annoyed at the financial waste of public dollars. Please, no more magnanimous offers from Ailanto. We are still confused as to why any offer was made in the first place. You are fully aware that there is no way to resolve our neighborhood problems without closure of this footpath! We don't want to have to be placed in a position of having to hire legal council over this. Please do what you can on your end.

Also, have you heard anything yet from the City? or CUSD?
Thanks,
Pam

3 attachments — Download all attachments

Trash and Traffic.docx
6358K View Download

LCP sections footpath1.docx
1862K View Download

LCP sections footpath2.docx
1265K View Download

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Pamela Fisher
659 Highland Avenue
Half Moon Bay, CA 94019
pamelafisher@gmail.com
(Home) 650-712-0370
(Cell) 650 455-1194

Accordingly, in applying specific Coastal Act resource protection policies, a local government must resolve conflicts among such policies, conflicts between such policies and the other goals, policies and requirements of the Act such as concentration of development and the economic and social needs of the people for orderly growth and development, conflicts between such policies and the constitutionally protected rights of private property owners, and conflicts between such policies and other state laws. As noted in Section 2.1 above, all of these conflicts are exacerbated in the case of Half Moon Bay. Since the entire City is located within the Coastal Zone all of the internal conflicts in the Coastal Act, all of the conflicts between the Coastal Act and other statutory requirements to which the City is subject, and all of the needs of the City's residents and the mid-coast area it serves as an urban center must be resolved and met entirely within the Coastal Zone. The formidable task of resolving these conflicts and meeting these needs accounts in principal part for the lengthy and exhaustive LCP Process summarized in Part B of this Chapter I.

Recreation

The following sections provide the policy framework for analysis of recreational and visitor-serving needs and requirements in Half Moon Bay. They cover public recreation, visitor-serving commercial recreation, land use priorities, the location of support facilities, and provision for local recreation needs:

30212.5 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate the impacts - social and otherwise - of overcrowding or over use by the public of any single area.

\PPENDICES

APPENDIX A: SPECIAL DEFINITIONS

DEVELOPMENT

Development means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (Commencing with Section 4511).

As used in this Plan, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. Where reference is made to "substantial structure," the term includes buildings and other non-surface construction involving an enclosed space above ground.

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\PPENDICES

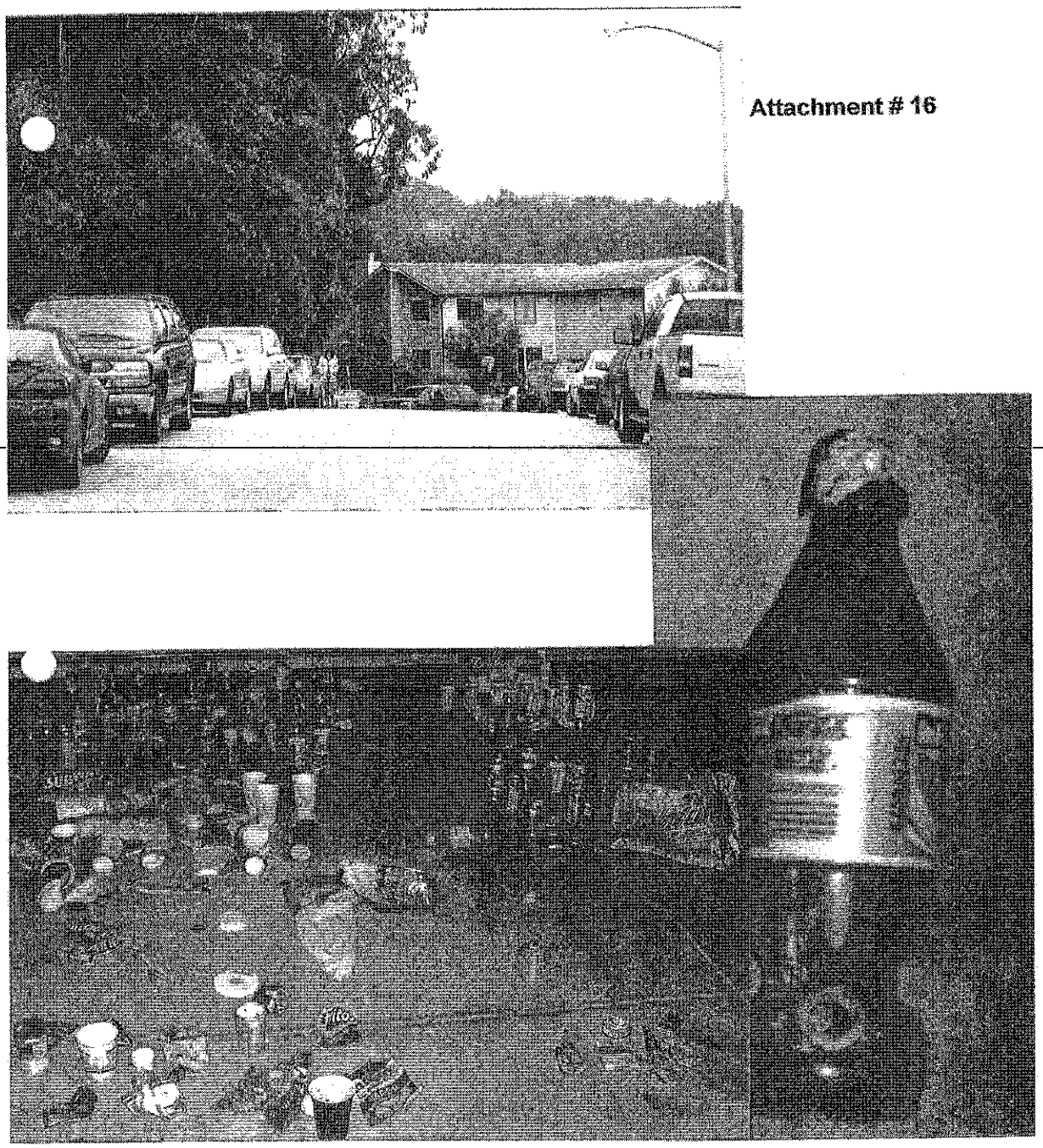
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Attachment # 16



Highland and Silver Avenues being used as a satellite high school parking lot. Litter and drug paraphernalia collected at the top of Highland and Silver Avenues.

Rexing, Stephanie@Coastal

From: Pamela Fisher <pamelafisher@gmail.com>
Sent: Wednesday, April 17, 2013 7:09 AM
To: Rexing, Stephanie@Coastal
Subject: Fwd: Ailanto fence letter

Stephanie:

This letter was sent to me by a neighbor on the lower half of Silver Ave.

---------- Forwarded message ----------
From: **Sally Brice** <sallybrice@gmail.com>
Date: Tue, Dec 11, 2012 at 2:43 PM
Subject: Ailanto fence letter
To: Pamela Fisher <pamelafisher@gmail.com>

---

re: Coastal Development Permit Application
City File # PDP-034-12
APN # 056-350-10
Title: Pacific Ridge / Ailanto Property Fence
Dear Ms. Webb:

On one of our daily walks through Highland Park, my husband and I were "treated"to some disgusting sights at the top of the Highland Avenue, where the proposed fence by Ailanto Properties will be erected. These are items of intimate feminine needs—both large and small—and male contraceptives. Not only are these things unsightly and a health risk, they could pose embarrassing questions by children. Were the fence already in place, the kinds of activities that yield these artifacts would not be taking place because there would no longer be any secluded areas.

In my previous letter in support of the fence, I pointed out that there is a substantial fire risk when presumably young people gather and use mind-altering substances. A fast-traveling fire could threaten my home even though it is farther away from most of the houses in Highland Park. I failed to recognize the extent to which I use the area immediately surrounding the fence site. In addition to walks, I have good friends there whom I visit often.

I am glad to see the signs on upper Highland and Silver asking cars to slow down; however, it is an indication that speeding has been a problem. The other problem of crowded parking has not been addressed, though. Doing away with the root of the problem—the easier access to the high school campus—is the only real solution.

Thank you very much,

Sally Brice

Highland Park Neighborhood

Half Moon Bay, CA

--
Pamela Fisher
659 Highland Avenue
Half Moon Bay, CA 94019
pamelafisher@gmail.com
(Home) 650-712-0370
(Cell) 650 455-1194

Rexing, Stephanie@Coastal

From: Paula Sherman <sherman.paula@gmail.com>
Sent: Wednesday, April 17, 2013 12:39 AM
To: Rexing, Stephanie@Coastal
Subject: Appeal # A-2-HMB-13-001

Dear Coastal Commission,

Appeal # A-2-HMB-13-001

The path from the Highland Park neighborhood to the Half Moon Bay High School that is being appealed is only used for foot access to and from the high school. Most of the use is by people who drive into the neighborhood to use it for arrival and departure from school and for sports activities. They should be using Lewis Foster Drive one block away...not this neighborhood!

The path does not provide access to the beaches or coast side hills or parks or trails or open space. The cars coming into this neighborhood are already on the highway, turn into this neighborhood and exit back onto the highway. The turning off and on the highway may actually negatively impact the flow of traffic! Only a handful of kids from this neighborhood use the path to get to and from school. This does not seem to be a Coastal Commission issue and this appeal should be denied.

The city of Half Moon Bay has already ruled on this city issue and said that the path should be closed because the path itself is dangerous and it causes too much traffic into and out of the Highland Park neighborhood. At the December 18th, 2012 City Council meeting, the City Council even said that if they took ownership of the path, the first thing that they would do would be to fence it off.

The traffic that comes into our neighborhood is often speeding because parents are late and in a rush to drop their kids off or they are high school students. High school students do not always understand the catastrophic consequences that could result from speeding and distracted driving through a residential neighborhood.

The school district has been contacted and wants nothing to do with this path. Unfortunately they also haven't accepted responsibility for our neighborhood traffic problem as Highway 1 and Lewis Foster Drive became very congested when they stopped busing kids to the high school and parents from all over the coast discovered the Highland Ave path.

This issue doesn't seem to be one that the Coastal Commission needed to become involved in. The lack of busing by the high school and the ridiculous congestion on the highway as a result should have been an issue addressed by the Coastal Commission ten years ago!

Again, I request that you deny this appeal.

Thank you very much,

Paula Sherman

Highland Park Neighborhood

Half Moon Bay

September 26, 2012

Pat Webb
Planning Director
City of Half Moon Bay

re: Coastal Development Permit Application
City File # PDP-034-12
APN # 056-350-10
Title: Pacific Ridge / Ailanto Property Fence

We support Ailanto Property's request to put a fence around their property which would block pedestrian access between the Highland Park neighborhood and Half Moon Bay High School.

People from outside the neighborhood, including visiting baseball teams from as far away as Oakland know about cutting through Ailanto's property to get to the high school. This has caused traffic, speeding and congestion problems in our neighborhood.

In October 2011 and in Februrary 2012, multiple Highland Park neighbors met with former Cabrillo Unified School District Superintendent Robert Gaskill, former Half Moon Bay High School Principal Mary Streshly and current Half Moon Bay High School Vice Principal Jarrod Dooley to discuss several issues, including the traffic problems in the Highland Park neighborhood. We voiced the concerns listed below and asked the school district for their help in addressing these concerns. None of the problems listed below have been eliminated and nothing has been done to mitigate their impact on the Highland Park neighborhood. Fencing Ailanto's property would solve these problems. The following are excerpts from the meeting documentation with CUSD.

Road Safety:
The Highland Park Neighborhood is a family neighborhood, heavily populated with children and pets. It has always been a safe neighborhood because it has a single ingress/egress point at Highway 1 and that point is several blocks away from the top of Highland and Silver Avenues. As such, the top of Highland and Silver Avenues are very close to being dead-end, cul-de-sac type streets. You expect this type of street to be safe, with cars moving slowly as they approach the turn-around point at the top. Unfortunately, this is not the case.

Speeding
Speeding is the greatest safety issue in our neighborhood. A neighborhood dog recently came within inches of being hit by a speeding car being driven by a non-neighborhood parent. (Granted the dog should not have been loose, but dogs AND CHILDREN do get loose sometimes and dart into streets.) Recently, a neighbor saw a non-neighbor female high school student speeding up Highland Avenue. The neighbor stood in the middle of the street with hands held high to get the driver to slow down. The driver did not slow down – she kept up her speed and swerved around the neighbor. Other neighbors witnessed a baseball player changing his shirt (pulling it over his head) as he drove down Silver Avenue.

Drop-Off and Pick-Up Zone:
The Highland Park Neighborhood has become a high school drop-off and pick-up zone. This has caused unsafe speeding as parents hurry to drop students off in the morning and pick them up in the afternoon. In addition to the speeding, there is added road congestion at these times. There are also blocked driveways as parents wait for students and a blocked street when parents going in opposite directions stop to talk through their respective driver's windows. Some parents even exit their cars and leave the cars in the street, rendering the street impassible.

These problems are worse this year. We learned that a PTA announcement was made suggesting the Highland Park Neighborhood as a High School drop-off and pick-up zone.

Student and Sports Parking:
The Highland Park Neighborhood has become a satellite parking lot, both for students attending school and for people attending after hours games and practices. Indeed, we understand the High School baseball team has told visiting teams and umpires that parking in Highland Park is closer than parking in the school lot. This parking has caused unsafe speeding, parking congestion, littering, public urination, undressing to change into uniforms, and congregation in front of homes by non-neighborhood teens and young adults.
Please see first two photos

In addition to the traffic problems that were discussed with CUSD, there is another serious concern for the homes at the top of Highland and Silver Avenues:

Flammable Eucalyptus Trees
At the top of Highland Avenue, there is a drainage ditch that is surrounded by and overhung by a grove of flammable eucalyptus trees. This drainage ditch has become a play area for neighborhood kids and a "hang-out" area for high school students. In Spring of 2012, a large "fort" was built in the drainage ditch where we have found evidence of smoking. There have also been at least two homeless encampments in the trees, on which we had to call the Half Moon Bay Police. A fire in these trees would be catastrophic due to their close proximity to homes.
Please see third photo

Again, we support Ailanto Property's desire to build a fence around their property, which would block pedestrian access between the Highland Park neighborhood and Half Moon Bay High School and we respectfully request that you approve their permit to do so.

Thank you very much,

Frank and Doreen Gerrity
Highland Park Neighborhood
Half Moon Bay, CA



Cars parked along Highland and Silver Avenues



Visitors unloading cars along Highland and Silver Avenues



Fort in Ditch at top of Higland Avenue / along Ailanto Path
Cigarette packs were found next to the fort
Students and visitors ignore the yellow "No Trespassing" signs

Frank & Doreen Gerrity's public comments - Planning Director's Meeting - 9-26-12

We are here to support the property owner's right to protect his property and his liability. The property owner has the right, within the boundaries of city codes, to protect and manage their property. It would be a dangerous precedent if the city forced a property owner to use their private property for public use. App 5-6 years ago a new home was built on an empty lot on Highland Avenue. Many neighbors argued that the property owner should not be allowed to build a home on their property, or at least be forced to leave a public easement through it, because people had been using the lot as an access to downtown. The city approved the property owner's plans to build their home with no public easement as we believe they should have.

This path creates safety concerns due to extreme speeding and congestion by non-neighborhood drivers who park here to use the path. This is a family neighborhood with lots of kids and pets. A speeding car could easily get out of control and hit a child or pet, or crash through a home. Who would be held liable if something tragic did occur? We would expect not only the driver but also Ailanto Properties would be held liable, especially if the only reason the driver was in the neighborhood was to use Ailanto's property to gain access to the High School. This extreme speeding and congestion occurs almost daily in the neighborhood.

The ditch by the path is used as a hang-out area, (mostly by high school students) where we have found evidence of smoking and fireworks in the highly flammable eucalyptus grove. Earlier this year, a fairly large fort was built in the eucalyptus grove and there have been two homeless encampments among the trees. With so many homes so close to the trees, a fire would be catastrophic to this neighborhood. Again who would be held liable if a catastrophic fire occurred? We would expect not only the person who was trespassing on Ailanto Property but also Ailanto Properties would be held liable.

Again, we support Ailanto Properies in their desire to fence their property in order to protect their liability.

Thank you.

Frank and Doreen Gerrity
Silver Avenue
Half Moon Bay

Frank & Doreen Gerrity's public comments - Planning Director's Meeting - 9-26-12

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Thank you.

Frank and Doreen Gerrity
Silver Avenue
Half Moon Bay

Frank's comments to City Council Meeting - 12/18/12

My name is Frank Gerrity from the Highland Park Neighborhood.

I am here tonight to ask that the Council deny this appeal and to ask that the council NOT accept the Parcel D donation offered by Ailanto. I have three reasons.

First, Highland Park is a quiet, residential neighborhood full of families with children and pets. The neighborhood has one entrance at Terrace Avenue. This makes the upper part of Highland and Silver Avenues very much like a dead-end cul-de-sac where one would not expect much traffic and one would expect the little traffic that there is to be only neighbors who live near the top. The existence of the path brings a lot of traffic deep into our neighborhood. Most of the traffic is from outside the neighborhood. It is high school students who park at the top, parents dropping off and picking up students, and other people from outside the neighborhood attending athletic events. Along with the traffic comes a great deal of speeding, stop sign running, congestion, loitering, litter. The Highland Park neighborhood was not designed to be a vehicular ingress and egress point and satellite parking lot for the high school and cannot absorb the problems that go along with that role.

Secondly, and closely related to #1, is the traffic effect on our property values. While there is no quantitative data to demonstrate that leaving the path open or closed will either increase or decrease the selling prices of homes, having the path open will make it harder to sell our homes. It is hard to sell a home on a busy street and that is what we have become. If this path is left open as an officially approved city path, we will have to disclose this public nuisance of traffic and speeding in front of our homes to potential buyers. We have the opinion of a well-known coastal real estate agent who stated: "It is undesirable to have regular unwarranted, repetitive, additional traffic versus extra traffic for one weekend per year like the Pumpkin Festival.".

Third, and last, in addition to being a resident of Highland Park, I am a citizen and taxpayer of the City of Half Moon Bay. Our city seems to be very shaky financially and very short staffed. The city recently asked the voters for, and received, a 1/2 cent sales tax increase. The city seems to be having trouble coming up with the funds for the Main Street Bridge, a project that is critical to the success of our downtown businesses and our residents' quality of life. There are many public works and road projects that have been delayed due to lack of funds and staff. I urge the Council to NOT accept the donation of Parcel D because the City does not have the funds nor the staff to finance all the planning, lot subdivisions, permits, EIR including a traffic study, construction and ongoing maintenance and liability of an ADA-compliant, Coastal Commission approved path.

For these three reasons, Safety, Property Value and Costs, I urge the Council to deny this appeal and to NOT accept Ailanto's offer of donation of Parcel D.

Thank You.
Frank Gerrity
Silver Avenue
Half Moon Bay

Doreen's comments to City Council Meeting - 12/18/12

Hello. My name is Doreen Gerrity. I live in the Highland Park Neighborhood.

I am here tonight to ask that the Council deny this appeal and to ask that the council NOT accept Ailanto's offer of donation of Parcel D.

As a mother and a dog owner. We intentionally moved to Highland Park Neighborhood because it was a quite neighborhood with only neighborhood traffic. We thought we moved away from the traffic and speeding. In fact the traffic, speeding or this pathway was NOT disclosed. While we have used the path I am very concerned about safety in my neighborhood. The biggest safety concern in Highland Park is traffic, speeding and stop sign running by people driving to and from the path. Highland Park has become an extension of Highway 1 and people seem to forget that they have left the highway and they continue through our neighborhood at speeds that appear to be almost highway speed. Residents have erected "Slow Down" signs on the streets in front of their homes, these signs don't seem to be working.

The Sheriff's Department cannot station a patrol car every day at school start and dismissal time. We have tried to slow drivers down but it does not work. In November, a cat was sitting in the middle of the street. When two trucks with students driving came speeding down the street, I waved my arms and pointed at the cat but the trucks kept speeding and swerved around the cat while staring at me. This month, a little girl was riding in her battery operated play car when a car ran through the 3-way stop sign at a high rate of speed. The father was approximately 10 feet away from his daughter and could not get to her in time to pull her out of danger if he needed to. Luckily, this time, the car did not lose control and hit the little girl.
It is so bad that I do not even walk my dog at school dismissal time because of the large number of speeding cars and the potential that one could go out of control.

We are a family neighborhood filled with kids. Kids ride their bikes in the streets and make sudden turns without looking. There are several basketball hoops in the street that are used frequently by kids. While small children and pets should not be in the street, the reality is that small children and pets DO dart into the street.

I have talked, informally, to two local Sheriff Deputies, a local Fire Captain and former Fire Chief Ferreira. All four said that, for the safety of the neighborhood, the path should be closed.

For the safety of the Highland Park neighborhood, I urge the Council to deny this appeal and to NOT accept Ailanto's offer of donation of Parcel D.

Thank you.
Doreen Gerrity
Silver Avenue
Half Moon Bay

December 18, 2012

Mayor Kowalczyk
Vice Mayor Muller
Council Member Alifano
Council Member Fraser
Council Member Patridge

re: Appeal of Coastal Development Permit PDP-034-12(A) to Allow the Installation of a Hog Wire Fence along the Southwest Property Boundary of APN# 056-350-010

Mayor Kowalczyk, Vice Mayor Muller, Council Members Alifano, Fraser and Patridge:

We believe that the Planning Director was correct in her approval of Ailanto's CDP and that the ~~Planning Commission was correct to deny the appeal. We respectfully request that the City Council~~ deny this appeal.

We further urge the City to NOT accept the offer of Parcel D from Ailanto because the high costs and effort to gain approval for and to build an approved ADA-compliant path would be prohibitive and the ongoing maintenance costs, effort and liabilities would be an ongoing burden to the City of Half Moon Bay.

The December 12th HMB Review contained a Letter to the Editor written by appellant Monica Rosoff. In her letter, Ms. Rosoff wrote "I am writing to ask for community support to keep the footpath that connects our high school to the Highland Park neighborhood on the east side of Highway 1." She then wrote "Ailanto has publicly stated its willingness to donate the land needed for the path. The school district is supportive". Doreen talked to CUSD Superintendent Tony Roehrick on December 13th to discuss the comment in the letter where Ms. Rosoff wrote "The school district is supportive". Superintendent Roehrick said that CUSD has intentionally stayed out of this because this is a property rights issue between the neighborhood, the City, and the developer. He said the District has NOT met with nor discussed the footpath with any of the appellants. ~~He then said that, because of the risks, he would like the path closed and that he would not take the property, even if it was donated to him. He said he would discuss alternative solutions. Doreen suggested a protective barrier along the east side of Highway 1 and he said that sounds like a good possible solution. Superintendent Roehrick's phone comments were consistent with the email he wrote to Pamela Fisher on December 12th~~. *NOTE TO COASTAL COMMISSION: After this letter was sent to the City Council, the previous statement was corrected by Superintendent Roehrick to say: "We have no interest in obtaining new property or in building said pathway".*

We support the approval of the CDP to fence off the path. This path has become a public nuisance to the Highland Park neighborhood. The existence of the path has negatively impacted our quiet residential neighborhood by creating a vehicular and pedestrian ingress and egress point to the high school. The existence of the path has brought into our neighborhood unwarranted and excessive traffic and congestion, speeding, loitering, litter, suspected drug use and suspected drug dealing, vandalism, and fire danger due to students hanging out and smoking under the eucalyptus trees. In October of this year, two high school students who had parked their car at the top of Silver/Highland for the school day returned to their car after school and blocked the sidewalk with the rear car door and their legs and feet sticking out while the boy was lying on top of the girl. The students were told that they are in a public neighborhood and to stop their inappropriate activity and leave. In September of this year, a fight occurred on Terrace Avenue between two students who were driving

out of our neighborhood during lunch period. The fight and traffic blockage was serious enough that three Sheriff patrol cars responded and the incident was in the HMB Review Police Log. Several years ago, 40-50 high school students came through the path during lunch period and had a massive fight in front of our house at the top of Silver Avenue. There were so many students fighting and watching that they spilled onto our front yards and driveways. When the HMB Police responded, some students jumped over a fence into one neighbor's back yard. When we have called previous high school principals and superintendents about these types of problems, we have been told to call the police because the high school does not have enough staff to monitor the high school property near the path and that any activity on public streets is not CUSD's responsibility.

We recently talked to former Fire Chief Ferreira, a local CalFire Captain and two local Sheriffs deputies and all four said that, for the safety of the neighborhood, this path should be closed.

The following are a few of the statements made in the appeal that we believe are not backed by factual data and our rebuttals to those statements. We will not rebut any of the appellants' references to City and/or Coastal Commission codes because the Planning Staff has already addressed these points in their previous report to the Planning Commissioners.

Page 1, Lines 17 - 23:
Appellant statement:
"Alternately, the City Council should apply the following condition to any approval of the CDP...

- The City of HMBHS through the City's acceptance of the donation of land from Ailanto to City of Half Moon Bay to create an improved pathway..."

Rebuttal:
1) This request can NOT be part of this appeal because the City accepting ownership of land and creating an improved pathway was not part of the original project as applied for by Ailanto and as approved by both the Planning Director and the Planning Commission.
2) The City can NOT accept land and commit to creating an improved pathway with all its costs, liabilities and permitting requirements at the December 18th City Council meeting. The City must file a new Coastal Development Permit to subdivide the land, take ownership of the new subdivision, submit plans to build an ADA (Americans with Disabilities Act) compliant path through land owned by three parties: the City, Cabrillo Unified School District and a private homeowner. The CDP process requires the City to:

- Complete and Submit the CDP application,
- Secure all financing for the path,
- Complete and submit all Environmental Impact Reports because of the proposed pathway's proximity to wetlands and to a quiet residential neighborhood not designed to be a vehicular ingress and egress point for the high school,
- Prepare a city staff report with recommendation to approve/deny the CDP,
- Agendize the issue on City Council and Planning Director/Commission meetings,
- Notice the public and Take public comments.

3) Even if the City did want to take ownership of the land, the offer made by Ailanto is for the ENTIRE Parcel "D", and ONLY the ENTIRE Parcel D, not just the 400 square feet that the appellants diagram on their map.

Page 1, Lines 9, 32, and 40/41:
Appellant statements:
Many times throughout the appeal document, the appellants state that the path is used to access the "high school, town and coastal resources".
Rebuttal:

While we do not have quantitative data, we believe that the major use of the path is to access the high school. We believe that only a small percentage of trips along the path are to access town (over 1 mile each direction) and even fewer trips along the path are used to access coastal resources (almost 2 miles each direction to the two closest beaches).

Page 2, Lines 27-29:
Appellant statement:
"We are concerned for the safety of our children and all other pedestrians and bicyclists in Highland Park, as they would be forced to walk along Highway 1 to reach a crosswalk."
Rebuttal:
We, too, are concerned for the safety of our children and all other pedestrians, bicyclists and pets in Highland Park. That is why we want to eliminate the traffic, speeding and stop sign running that currently occurs in our quiet residential neighborhood. We are also concerned about the safety of pedestrians and bicyclists travelling on the east side Highway 1. We urge the City to install a guardrail or other separation barrier between the vehicular traffic and the pedestrians and bicycles on the east side of Highway 1.

Page 2, Lines 39-42:
Appellant statement:
"If evacuation is required.. residents would be forced to travel into the evacuation zone (Hwy 1) to reach the safety of higher ground..."
Rebuttal:
The most direct and quickest route to" higher ground" would be for residents to walk or drive uphill to the top of Terrace, Silver or Highland Avenues. The fence will be a lightweight hogwire fence so, if access to the high school evacuation center is necessary, the fence could easily be cut with pliers or a wire cutter. There are also Highland Avenue homes that have gates between their back yards and the high school. In case of a true emergency, most of these residents would probably allow their neighbors to use their gates.

Page 2, Lines 3:
Appellant statement:
"Other eastside neighborhoods within the evacuation zone (Frenchman's Creek, Grandview) have better emergency access out of the neighborhood in case of an emergency."
Rebuttal:
In addition to Highland Park, there are three eastside neighborhoods. Grandview, Sea Haven and French-man's Creek all have only one access road to Highway. (Frenchman's Creek does have a traffic light which would allow Highway 1 traffic to stop periodically so they could exit their neighborhood). We have been told that the barrier at the bottom of Silver Avenue is an emergency breakaway barrier. If you count this breakaway barrier at the bottom of Silver Ave, Highland Park actually has TWO access streets onto Hiway 1.

Page 3, Line 3:
Appellant statement:
"The footpath... ... has been in use for at least 30 years. Several longtime HMB residents, now in their 40s and 50s remember using the footpath to get to HMBHS when they were students even before the Highland park neighborhood was developed, and well before Ailanto acquired the Dykstra ranch property in 1985."
Rebuttal:

We talked to three long term residents, two in their 40s and one in his 60s, all of whom walked through what is now the Highland Park neighborhood to get to the high school. They all said that, at that time, the only homes were on the lower block of Terrace and there were no paved streets. They walked through open space but the current footpath was not in existence.

Page 4, Line 14:
Appellant statement:
"...a single notice was nailed to a tree on the foot path, behind a fence, past the entrance and not visible without being on Ailanto property. This clearly does not meet the standard of being conspicuous..."
Rebuttal:
Ailanto Properties posted, and we could see, **two** blue notices stapled to two different trees. Neither was behind a fence. One was at the Highland Avenue entrance to the path and the other was mid-way along the path. The notices were on Ailanto property but they were clearly visible from the street and the notices were in the MOST conspicuous places for people who use the path to see. We have photos of the notices.

Page 5, Lines 38-41:
Appellant statement:
"... road improvements highlighted in the planning staff report do not address the access issue brought forth in this appeal, as none of these improvements would be accessible to Highland Park residents should the footpath be closed."
Rebuttal:
Whether the footpath is closed or not, the City's planned Highway 1 improvements WILL be accessible to Highland Park residents. A traffic light will be installed allowing Highland Park residents to safely cross from the neighborhood on the east side of Highway 1 to the Coastal Trail on the west side of Highway 1.

Page 6, Lines 1-3:
Appellant statement:
(underlined by appellants) "It is evident from the use of the trail by Highland Park residents that most do not have any issue accessing our coastal recreation resources via the footpath."
Rebuttal:
The two nearest beaches (Francis Beach and Kehoe Beach) are both approximately 2 miles from the Highland Park neighborhood via the footpath. While *SOME* residents may access the coastal resources via the footpath, with the typical demographics of a 148-home neighborhood (elderly, handicapped, small children, etc), it is doubtful that *MOST* residents use the footpath to walk or ride bikes 2 miles each direction to the coast. Where is the appellants quantitative data to support the use of the word "most"?

Page 7, Lines 40-42:
Appellant statements:
"Such action (fencing the path) will also serve to reduce property values of the families in the Highland Park development, because access to recreational resources by foot or bicycle will be eliminated."
Rebuttal:
We believe that fencing the path will not reduce the property value of our homes and will actually make them easier to sell. It is tough to sell a house on a busy street and that is what Terrace, Silver and Highland Avenues have become. A local real estate agent told us that, if the path stays open,

we will have to disclose the extra traffic, speeding and other public nuisances associated with the path to potential buyers and it will make it difficult to sell our homes. The agent said "It is undesirable to have regular extra unwarranted, repetitive additional traffic versus extra traffic for one weekend per year like the Pumpkin Festival.".

Page 9, Lines 19-24:
Appellant statements:
"...We hear and respect the neighborhood concerns regarding traffic and litter..." "Consequently , we work continually to improve the safety of our neighborhood by stopping or slowing drivers that go too fast and explaining our concerns to people outside the neighborhood, and collecting trash."
Rebuttal:
We appreciate that the appellants have begun trying to slow traffic and have begun collecting trash, but we do not believe that this is a sustainable plan. Our questions are: Why should any of us have to do this? What happens when the appellants move away from the neighborhood? We, also, have been trying to slow down traffic for several years but speeding (and littering) continues to be a problem. Even since the appellants have been actively working on this, there are examples of speeding such as, in November, 2012, there was a cat sitting in the middle of Highland Avenue at school dismissal time. Two speeding trucks with high school drivers did not slow down when we were waving our arms and pointing at the cat. These trucks proceeded to speed at extremely high speeds and swerved around the cat as the drivers stared at us.

Page 9, Lines 25-28:
Appellant statements:
"Since the hearing that took place on September 26th, the appellants have diligently sought to determine what proportion of Highland Park families support keeping the footpath open. Polling of homes on Silver and Highland Ave. reveal that the majority of families support maintaining this access."
Rebuttal:
Where is the quantitative data to support the use of the word "majority"? Assuming that only individuals can sign a petition and that a "family" cannot sign a petition because there may be a difference in opinion within that family and assuming that only adults can legally sign a petition and assuming that there are two adults per "family", to reach a majority, the petition would have to include 149 signatures (148 homes times 2 adults per home = 296 adults. 50% +1 of 296 = 149). Has a petition with 149 signatures been presented to the City? If there is a petition, does the petition show the "pro & con" background information that was given to the homes that were polled so that they could make an informed decision before signing the petition? Is there a signed petition showing the exact wording of the question that was asked in this "polling"? Furthermore, after reading the appeal document, we did our own small, informal poll of approximately 10 homes on Silver and Highland and learned that none of those homes had been "polled" by the appellants. As the appellants state in their appeal they only "polled" Silver and Highland Avenues. We did talk to some homes on Terrace Avenue and none that we talked to had been polled by the appellants even though every vehicle travelling to and from the path drives up and down Terrace Ave.

Again, we respectfully request that the City Council deny this appeal. We further urge the City to NOT accept the offer of the Parcel "D" donation by Ailanto due to the associated costs and liabilities to the City of Half Moon Bay and the public nuisance this path causes the neighborhood.

Thank you very much,
Frank and Doreen Gerrity
Highland Park Residents

Rexing, Stephanie@Coastal

From: jerry@jerrysteinberg.com
Sent: Monday, April 15, 2013 12:29 PM
To: Rexing, Stephanie@Coastal
Subject: Hog wire fence closing pathway between Highland Avenue and HMB High School on Ailanto Ptoperties

Stephanie Rexing
Stephanine.Rexing@coastal.ca.gov
Coastal Commission Planner
California Coastal Commission
725 Front Street
San Francisco, CA

Subject: HMB PDP-034-12 – Hog wire fence closing pathway between Highland Avenue and HMB High School on Ailanto Properties

Hi Stephanie,

The appeal of the HMB City Council to allow the erection of this fence should be denied by the California Coastal Commission.

This is another subset of the issues surrounding traffic mitigation on Highway One from the Pacific Ridge development by Ailanto Properties which we have been discussing on the Coastal Commission appeal to the City of HMB CDP for widening Highway One in the vicinity of Terrace Avenue.

As a parent having experienced the issues of car-pooling to "get the kids to and from school" living in Belmont, I am disappointed in the reasoning of the appellants. The heavy traffic on Highway One at school time appears to be caused by many of the vehicles carrying one parent and one student to and from school. As a designated car pool driver I got to meet my son and daughters classmates even if my kids warned me not to say anything "dumb" like "how was school today" and embarrass them.

Our concern is that if this pathway is upgraded and accepted by the High School it will encourage many more users to enter Terrace Avenue - a 36 foot wide local street with driveways every 40 feet and parking on both sides with an allowed speed of 25mph - which at present is the only access to Highland Avenue and the Pacific Ridge project that received approval in 2008. The project may under the improving economic conditions start construction soon. The original schedule for completion of the development was for a period of eight years. It would appear that safety would be compromised by mixing additional traffic to an already difficult situation. We have residents even now starting to park cars in their driveways facing forward to the street to ensure they can get out to work in the morning.

Our contracted City Engineer has told me that in recent discussions with CalTrans that "it was not them" that asked for the closing of Silver Avenue at Highway One but apparently the City of HMB. He was investigating how to lighten the load on Terrace and removing some of the traffic between Silver and Terrace on Highway One - eliminating the obvious redundant double back traffic of residents of Silver and Highland. There appears to be some mis-information on this issue which we will be requesting professional clarification from the Coastal Commission in our discussions on the widening of Highway One CDP.

In summary basic safety issues and other solutions appear to show that the appeal of the HMB City Council to allow the erection of this fence should be denied by the California Coastal Commission.

Best Regards,
Jerry Steinberg
jerry@jerrysteinberg.com

Rexing, Stephanie@Coastal

From:	doreen23@comcast.net
Sent:	Sunday, April 14, 2013 11:02 PM
To:	Rexing, Stephanie@Coastal
Cc:	doreen23@comcast.net
Subject:	Coastal Commission Appeal # A-2-HMB-13-001, dated 1/7/13
Attachments:	City Council - Letter to City Council - 12-18-12.docx; Planning Commission - Letter to Commissioners - 11-12-12.docx; Planning Director - Letter to Pat Webb - 9-26-12.docx; City Council Public Comments - Frank - 12-18-12.docx; City Council Public Comments - Doreen - 12-18-12.docx; Planning Director Mtg - Public Comments - 9-26-12.docx

April 14, 2013

Ms. Rexing,

re: Coastal Commission Appeal # A-2-HMB-13-001, dated 1/7/13

We strongly urge the Coastal Commission to deny this appeal just as Half Moon Bay's Planning Director, Planning Commission and City Council has denied all previous identical appeals.

In the appeal document to City Council on 12/18/12, as evidence, the appellants state that "Polling of homes on Silver and Highland Ave. reveal that the majority of families support maintaining this access." We object to this "poll" being a part of this appeal documentation and request that it be stricken from your consideration of this appeal because **this is not a "popularity contest" - this is a legal decision to be made based on whether or not there is a coastal access issue substantive enough to override Half Moon Bay's Planning Director, Planning Commission and City Council.** All three decisions were unanimous - 11 city leaders (who know the community and the issue very well) voted and all of those 11 city leaders voted to deny the appeal.

If the Coastal Commission does consider the "poll" that is in the appeal document to the City Council on 12/18/12, then please know that we dispute this "poll" for three reasons: First, we question the validity of this "poll". We have not seen a petition nor have we seen a list of signatures. If there is, indeed, a petition, does the petition show the "pro & con" background information that was given to the homeowners that were polled so that they could make an informed decision before signing the petition? Furthermore, the appellants' own document shows that they did not poll any residents on Terrace Avenue even though the effect of this path on those homes is dramatic. Residents on Terrace have posted "Slow Down" signs on the street in front of their homes, a pet was hit and killed by a speeding car on Terrace and, to protect their children, one resident of Terrace moved due to the high level of high school traffic and speeding on their residential street. Secondly, the appellants' map showing whether homes want "Maintain Access", "Neutral" or "Fence" is incorrect. There is at least one home marked as "Maintain Access" even though that homeowner wrote three letters and spoke publicly at the Planning Director's meeting in favor of closing the path. This forces us to ask what other errors may be on the map. In addition, we know of one house within the top five homes on Highland that is marked as "Neutral" and, after the appellants entered this map as evidence, the homeowners have since come out in favor of "Fence", even having written a letter in favor of the fence. Third, and last, the appellants' math calculation on their pie chart is incorrect, leading the casual observer to the wrong conclusion.

We support closing this unimproved and dangerous path due to the safety, traffic, speeding, congestion, loitering, litter, and other issues that are a direct result of having this path in our

neighborhood. The Highland Park neighborhood is a quiet, residential neighborhood full of families with children and pets. This neighborhood was not designed to be a vehicular ingress and egress point and satellite parking lot for the high school and cannot absorb the problems that go along with that role.
Only a small number of high school students live in our neighborhood. In fact, to prepare himself for the 12/18/12 City Council meeting, Councilman John Muller surveyed this situation every morning for two weeks and he observed approximately 5 students from Highland Park neighborhood using the path every day. Even though there is ample parking at the high school, Councilman Muller also observed up to 40 car trips off of Highway 1 into our neighborhood every morning. Then, in the afternoon, there are cars leaving Highway 1 and entering our neighborhood to pick up students after school. Because Half Moon Bay High School is an "open campus", some of the approximately 12 cars that park all day, leave at lunch, go onto Highway 1 and then return to park in our neighborhood all afternoon. On many days, both weekdays and weekends, there are also drop offs and pick ups and parking for athletic practices and games (approximately 15). We estimate that there are approximately 80 car trips entering and leaving our neighborhood from other areas of the coast each weekday to drop off and pick up students or to park all day plus additional trips on the weekends. All of these cars, seven days per week, have already been on Highway 1 and will re-enter Highway 1. Closing the path will NOT eliminate these approximately 80 weekday (plus weekend) car trips on Highway 1.

We also support Ailanto Properties' request to put a fence around their property which would block pedestrian access between the Highland Park neighborhood and Half Moon Bay High School because we support the property owner's right to protect his property and his liability. The property owner has the right, within the boundaries of City and Coastal Commission codes, to protect and manage their property.

This path has become a public nuisance to the Highland Park neighborhood because the existence of the path, has created traffic, congestion, speeding, and parking issues, and, according to a well known local real estate agent, has the potential to negatively affect our property values. Closing this path, which is two blocks EAST of Highway 1 would not block access to the Coast or any other coastal open space. For these reasons, we strongly urge you to deny this appeal and to allow Ailanto Properties to fence off the path to the high school.

We have attached letters that we have submitted and transcripts of public comments that we have made to the Half Moon Bay Planning Director, Planning Commission and City Council.

Respectfully,
Frank and Doreen Gerrity
689 Silver Avenue
Half Moon Bay, CA 94019

Rexing, Stephanie@Coastal

From: Philip Torre <torre_phil@yahoo.com>
Sent: Saturday, April 13, 2013 9:16 AM
To: Rexing, Stephanie@Coastal
Subject: Highland Park pathway to high school, Half Moon Bay

Dear Ms. Rexing, Coastal Commission Planner,

My name is Philip Torre and I reside at 677 Highland Ave, Half Moon Bay, which is one home down from the illegal access point for people making their way to the HMB High School property. This access creates undue traffic and safety issues because of the speed achieved by cars when they reach to top of the rise for the access point and has turned the front of my home into a parking annex for those who should be parking at the official high school parking lot. I know that some proponents of maintaining the current access have put forth the notion that if closed, Highland Park would flood Hwy1 with cars driven by those attending the high school. This is absolute nonsense of a desperate group of people grasping at straws to achieve their desired outcome. A quick check of the high school census for Highland Park would verify this and show the low number of students living in this area.

I know that the bulk of those vehicles that park and congest the area at the top of Highland Ave are from all over the coastside and are merely taking advantage of the shortcut much to the detriment of the neighborhood and residents at the top of Highland and Silver avenues. Even if their argument had a kernel of truth to it, maintaing an illegal access for the student body is not an acceptable remedy for traffic issues between Caltrans and the Cabrillo Unified School District. Traffic congestion on the coast is a well known fact of life given our sole source of travel on Hwy1 and the lack of improvements over many years.

This access point has been described as a neighborhood amenity for residents and students of Highland Park, the use it receives from other activities and outside users eclipses that many times over. This is used 7 days a week by organized sport groups, little league, Pop Warner, organized track meets from all over the bay area because the high school has moved towards being a regional sports facility to capture revenue. Parking in front of my home is nonexistent and when I have people coming to my home I must park my vehicles in front of my house as a place holder. I have been in this home for 3 years at a cost that I shouldn't have to deal with this level of constant disruption by those not parking in the official area provided for them.

Traffic issues created by ALL the high school students living on the coastside can only be resolved by Caltrans and Cabrillo Unified School District, much of which was created when they discontinued student busing for all schools in the district several years ago. Caltrans could lengthen the left turn pocket for cars going to the high school, the school could investigate staggered start times but a dirt and broken concrete path at the top of an upper income neighborhood should not be considered as a viable solution to any perceived traffic or access shortcomings. I urge the commission to allow Ailanto Properties to install their proposed fence, securing the area limiting their liability exposure to a myriad of possibilities.

Respectfully,
Philip Torre

Philip Torre
677 Highland Ave
Half Moon Bay. CA 94019
discontinued

Rexing, Stephanie@Coastal

From: Monica Rosoff <Monica.Rosoff@gilead.com>
Sent: Wednesday, April 10, 2013 5:19 PM
To: Rexing, Stephanie@Coastal
Cc: 'Fran M. Layton'; amyw; P Wooliever; teresa mcwhirt; Ken Kennedy; 'marclrosoff@coastside.net'
Subject: Follow Up to Your Visit Regarding Appeal A-2-HMB-13-001
Attachments: Redacted Petitions.pdf; Petition Distribution in HMB Area v2.pptx; Route to Beaches.pptx

Dear Stephanie,

We would all like to thank you again for taking the time to come out to Half Moon Bay and to gain a first-hand understanding of the coastal access and traffic issues that relate to the appeal of the proposed Ailanto fence.

- As agreed, I have attached the petitions (redacted) that we provided you in hard copy, and the summary presentation that maps where the signatories are walking to/from. Please do not hesitate to reach out if you have any further questions regarding the high school walkers.

- Also, you had indicated that it would be helpful if we could provide a map outlining the exact route taken from the path to the beach access points. I have attached a second presentation that provides this. We will also try to make a video, but hopefully this will help in the meantime.

- I am still working on a summary of the conversion of pedestrian/bike to car trips for Highland Park residents based on the use of the HMB high school facilities during the weekends, which would have a direct impact on tourist beach traffic on Highway 1. I will send it your way as soon as I am done (tonight likely).

Finally, as we discussed when we met, we are actively seeking to find a solution that might keep the path open. Our current focus is to identify an entity that will accept the parcel D, and we are scheduling meetings to achieve this goal. This is a task that takes time, and careful communication. Over the past months, after having formulated our appeal to the Coastal Commission, we have been collecting additional information, such as the petitions and the letters, that will bolster our arguments for keeping the path open. We ask you to please consider that minimal time was given to us by the City of HMB to achieve a positive compromise solution, and ask that you recommend an extension that will allow for the necessary negotiations to take place.

If there is any useful information that we can provide, please let me know.

Best regards,

Monica

****
Monica Rosoff, Ph.D.
Director, Alliance Management - Gilead Sciences
office (650) 522-4876 - bb (650) 223-9152
monica.rosoff@gilead.com

Rexing, Stephanie@Coastal

From: Fran M. Layton <Layton@smwlaw.com>
Sent: Thursday, April 11, 2013 4:37 PM
To: Cavalieri, Madeline@Coastal
Cc: Rexing, Stephanie@Coastal; Monica Rosoff; 'amyw@lhpusd.com'; 'teresamcwhirt@gmail.com'; 'Ken_Kennedy@gap.com'; 'marclrosoff@coastside.net'; 'pwooliever@yahoo.com'
Subject: Request for Extension of Hearing on Commission appeal No. A-2-HMB-13-001
Attachments: Request for CC Hearing Extension.PDF; Maps of Route to Beaches.PPTX; Powerpoint of Petition Distribution in HMB Area.PPTX; Weekend pathway trips and Recreation Uses at High School.PDF; Pathway Petitions (Redacted version).PDF; Cabrillo USD ltr re pathway (12-10-12).PDF

Dear Ms. Cavalieri,

Please find attached appellants' letter requesting an extension of the hearing on the above-entitled appeal. In addition, I am attaching for your consideration the following documents:

1) Powerpoint showing Access Routes to Beaches, via Foot or on Bike, in vicinity of the fence and pathway at issue in the appeal;
2) Powerpoint showing where individuals who signed petition to keep pathway open live and how each accesses the path;
3) Pedestrian and Bicycle Trips on Path During Weekends and Recreation Uses of Half Moon Bay High School After School Hours;
4) Petitions (with addresses redacted) in Support of Keeping Pathway Open; and
5) December 10, 2012 letter from Superintendent of Cabrillo Unified School District regarding willingness to participate in partnership to maintain the pathway.

Please do not hesitate to contact me if you have any questions regarding these materials.

Fran Layton

Fran M. Layton
Shute, Mihaly & Weinberger LLP
396 Hayes St.
San Francisco, CA 94102
(415) 552-7272
(415) 552-5816 (fax)
layton@smwlaw.com

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Access Routes to Beaches

From Highland Park Path to North and South Access Points

On Foot or on Bike

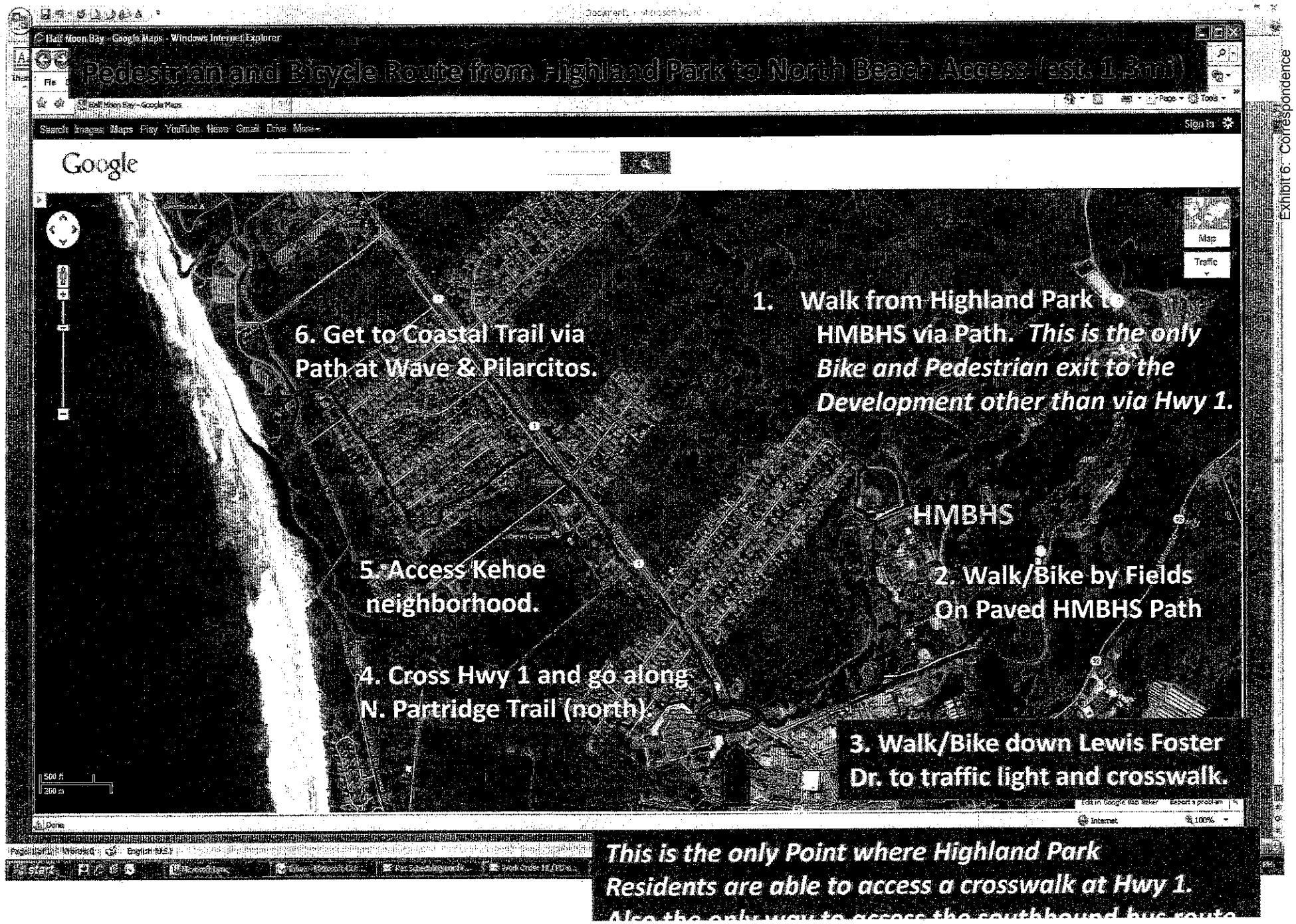
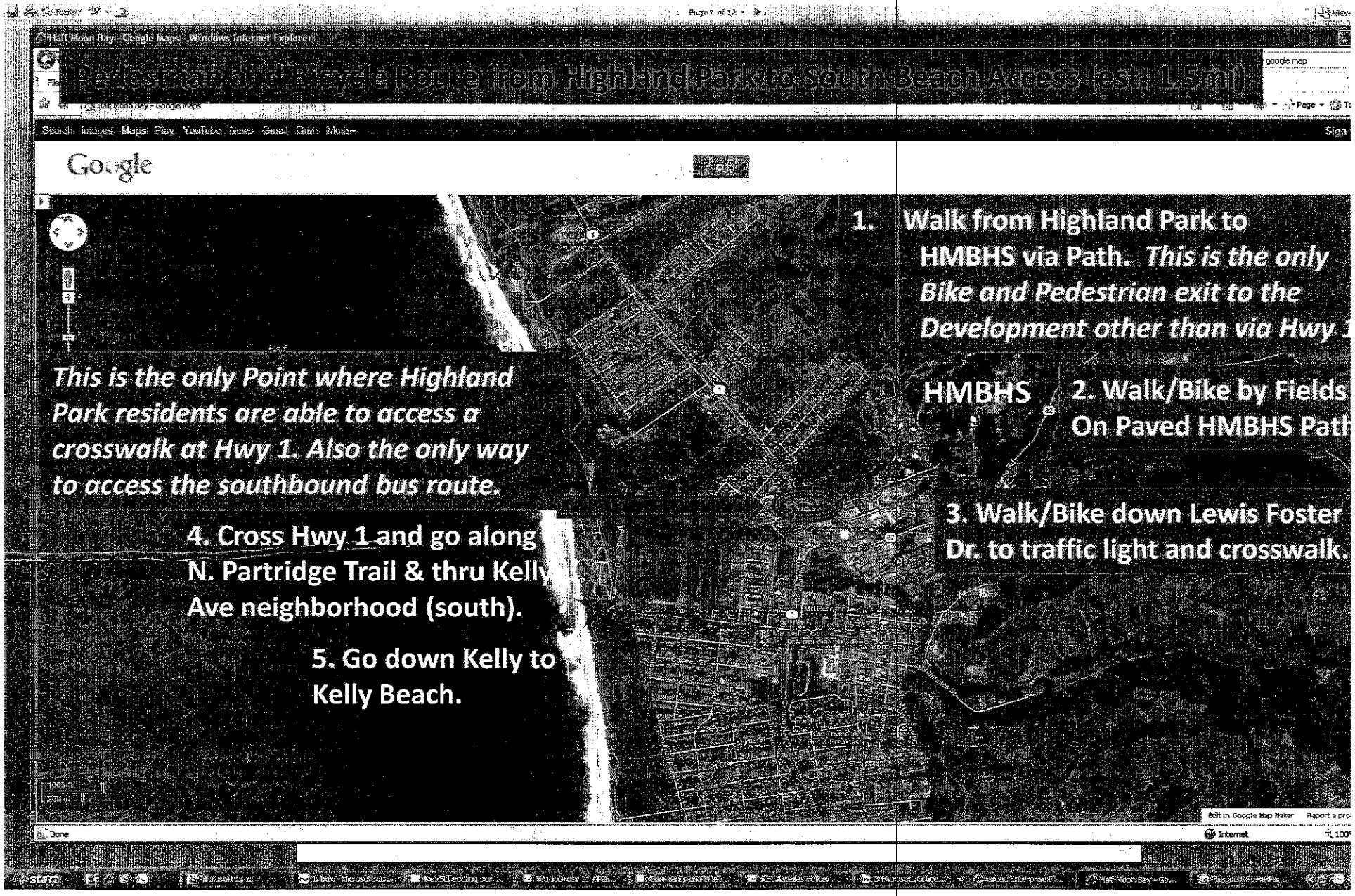


Exhibit 6: Correspondence
Page 194 of 205


Pedestrian and Bicycle Route from Highland Park to South Beach Access (est. 1.5mi)
Half Moon Bay - Google Maps - Windows Internet Explorer
Google
1. Walk from Highland Park to HMBHS via Path. This is the only Bike and Pedestrian exit to the Development other than via Hwy 1
This is the only Point where Highland Park residents are able to access a crosswalk at Hwy 1. Also the only way to access the southbound bus route.
HMBHS
2. Walk/Bike by Fields On Paved HMBHS Path
3. Walk/Bike down Lewis Foster Dr. to traffic light and crosswalk.
4. Cross Hwy 1 and go along N. Partridge Trail & thru Kelly Ave neighborhood (south).
5. Go down Kelly to Kelly Beach.

SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: 415 552-7272 F: 415 552-5816
www.smwlaw.com

FRAN M. LAYTON
Attorney
layton@smwlaw.com

April 11, 2013

Via E-Mail and U.S. Mail

Madeline Cavalieri
District Manager
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
E-Mail: Madeline.Cavalieri@coastal.ca.gov

Re: Request for Extension of Time for Hearing on
Commission Appeal No. A-2-HMB-13-001

Dear Ms. Cavalieri:

This firm represents Appellants Marc and Monica Rosoff, Teresa McWhirt and Ken Kennedy, and Patrick and Amy Wooliever in regard to the Coastal Commission's review of the coastal development permit ("CDP") that the City of Half Moon Bay issued to Ailanto Properties, Inc. ("Ailanto") for the construction of a fence in the Highland residential neighborhood. The fence will effectively eliminate a pathway that has been used for decades by numerous students and residents to reach Half Moon Bay High School and downtown Half Moon Bay, and to access the coast.

We understand that the Commission staff is anticipating scheduling this matter for the May Commission meeting in Marin County. Appellants request that the appeal instead be heard in August when the Commission will meet on the Central Coast. The remainder of this letter identifies the basis for the requested extension.

First, the proposed development of the Pacific Ridge subdivision did not include the construction of the fence that is the subject of the pending appeal. In fact, the Pacific Ridge 2008 CDP does not mention the pathway, despite both its intensive use over many years and the fact that the path is located on Parcel D, the 1.9 acre area that Pacific Ridge CDP Special Condition 3.A. requires Ailanto to dedicate in fee for a public

park and recreation purposes. Because development of the property for residential use did not include the proposed fence, the environmental review for the project did not consider the significant impacts that will result from closure of the pathway, particularly the effect of the closure on the already severely congested Highway One and public access to the coast.

Appellants have provided petitions and letters to Commission staff member Stephanie Rexing evidencing the intensive use of the pathway, both during peak weekday commute periods and on weekends. This information demonstrates that eliminating the path will have a potentially significant impact on coastal access. The Commission should require the applicant to submit a traffic study that, at a minimum, identifies the number of new vehicle trips per day, both when school is in session and on weekends, that will be added to Highway One if the path is no longer accessible. The study should also assess the cumulative impact of these trips combined with the vehicle trips generated from development of the 63 single family homes in the Pacific Ridge subdivision. The hearing should be extended to provide adequate time for this critical information to be presented to the Commission before it acts on the appeal.

In addition, Ailanto's application for a permit to construct the fence and close the existing pathway has generated substantial community interest and concern as the materials submitted by Appellants demonstrate. The public interest will be best served by setting this matter for the August meeting on the Central Coast in a location convenient to the many individuals who will then be able to attend and participate in the Commission proceedings.

Finally, and most significantly, Appellants are working diligently to find a solution that will allow the existing pathway to remain accessible to the public. This will require the cooperation of Ailanto, neighborhood residents, community non-profit organizations, and a public agency that will agree to hold title to the Parcel D public park. In addition, Appellants are pursuing potential sources of funds for the restoration and maintenance of the pathway. Extending the hearing on this matter to the Commission's August meeting will provide Appellants with a realistic opportunity to achieve a solution that benefits both the residents who use the path and the members of the public who use Highway One to access the coast.

In closing, Appellants note that although Ailanto has indicated that its application to construct the fence is motivated by liability concerns, there do not appear to be any incidents related to the path that compel the Commission to act on the appeal without an adequate record and the time needed to determine if a solution is achievable. Please do not hesitate to contact the undersigned if you have any questions about

Appellants' request or if we can provide any additional information. We thank you in advance for your consideration of this extension request.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Fran M. Layton

469604.1

Conversion of Highland Park Pedestrian and Bicycle Trips to Driving Trips on Weekends

4/10/13, compiled by Monica Rosoff in support of Regarding Appeal A-2-HMB-13-001

Highland Park families use the foot path to the Half Moon Bay High School and beyond on the weekends. We have summarized these trips below, and have estimated the number of converted pedestrian and bike to car trips that would result from the closure of the path. *These additional car trips would enter Hwy 1 at the intersection of Hwy 1 and Terrace, which currently has level F service, and which experiences stop and go conditions on the weekends due to visitor traffic.*

Family Who Wrote Letter	**Activity**	**Estimated *Weekend* Trip Conversions Should Path be Closed**
Dupree	Open Swim, Go to Church in Downtown HMB	Est. 2-4 round trips
Kennedy-McWhirt	Basketball, Baseball, Go to Coastal Trail, attend events at HMBHS	Est. 4-6 round trips
Blais	Baseball, swimming, track, attend events at HMBHS	Est. 2-4 round trips
Garcia	Baseball, football, softball	Est. 4-6 round trips
Howard	Track, tennis, pool	Est. 1-2 round trips
King	Track	Est. 1-2 round trips
Olivero	Track, pool, attend events at HMBHS	Est. 2-4 round trips
Rosoff	Track, Baseball, Tennis, Pool, Go to Coastal Trail	Est. 4-6 round trips
Zanger-Williams	Tennis	Unknown
Rogren	Track	Est. 2 round trips
Connell	Use open space and go to town or coastal trail	Est. 2-4 round trips
Giacotto	Basketball, track, tennis, pool, access town and coastal trail	Est. 4-6 round trips
Keaney/O'Brien	Pool, track, attend HMBHS events, go to town and coastal trail	Est. 1-2 round trips
Rupert	Volleyball, track, baseball, basketball, attend HMBHS events, go to town	Est. 4-6 round trips
Sullivan	Tennis, attend HMBHS events, go to coastal trail	Est. 1-2 round trips
Wooliever	Go to coastal trail and town, attend HMBHS events	Est. 8-10 round trips
		Total driving trips converted from weekend walking and biking trips: 42-66 incremental car round trips per weekend

Club/Non-school Related Activities

Sport	Description	Saturday Use	Sunday Use	Highland Park Neighborhood Involvement with Use of Foot Path
Pop Warner Football	Daily practices as of Aug. 1st. 2 practices per week in evenings as of start of school year.	Games all day Saturday for 11 weeks.		Yes-kid participation and spectators
Pop Warner Cheer	2 practices per week in evenings as of start of school year.	Cheers at football games all day Saturday for 11 weeks.		Yes-kid participation
Soccer (various organizations)	Tournaments	2 soccer tournaments	2 soccer tournaments	Spectators
Soccer (various organizations)	AYSO summer camp for 10 days			Unknown
Soccer (various organizations)	Men's league (10 events total)	League play	League play	Yes-adult participation
Tennis Club	Weekly club lessons	Lessons from 9-2pm and community use of courts	Community Use of Courts	Yes-kid and adult participation
Running/Track	Early am and evening use week days	All day community use	All day community use	Yes-adult participation
Maverick's Swimming	Early am (5-6:30am) and evening (6-7pm) lap swim and Master's practices week days. Mavericks Club practices 4:45-6pm weekdays.	Maverick's Adult Lap Swim 10am-1pm. Mini-Mavericks practice 1-2pm.	Youth club water polo 1-3pm.	Yes-kid and adult participation
Community Open Swim	Summertime open swim weekdays	1-4pm in Summer	Est. 10am-3pm	Yes-kid and adult participation
Roller Hockey	Youth Practice weekday evenings		League games	Unknown
Baseball	Weekday evening	Season games and	Season games and	Yes-kid

	practices and games	occasional tournament games	occasional tournament games	participation
Softball	Weekday evening practices and games	Season games and occasional tournament games	Season games and occasional tournament games	Yes-kid participation
Basketball	Evening community play on outdoor courts	All day sporadic community play, especially evenings	All day sporadic community play, especially evenings	Yes-kid and adult participation
Bicycling	Evening community cycling on high school blacktop	All day sporadic community play, especially evenings	All day sporadic community play, especially evenings	Yes-kid participation

470106.1

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CABRILLO UNIFIED SCHOOL DISTRICT

498 Kelly Ave, Half Moon Bay, CA 94019 • 650 712-7100 • Fax 650 726-0279 • www.cabrillo.k12.ca.us

SUPERINTENDENT
Tony Roehrick, Ed.D.

GOVERNING BOARD
Michael Ahern
Kate Livingston
Freya McCamant
Robert Pappalardo
Kirk Riemer

RECEIVED

JAN 24 2013

California Coastal Commission,
Central Coast Area

December 17, 2012

To whom it may concern:

The Cabrillo Unified School District is a neutral third party to the various discussions and negotiations between the Highland neighborhood community and Ailanto Properties concerning retaining a connecting pedestrian pathway linking the neighborhood to the Half Moon Bay High School property. As such, we have refrained from entering into these negotiations.

In the past week, I have read a letter to the editor stating the District supports retaining the pathway, heard a community member thank me at a Board meeting for my support of retaining the pathway, and read an email stating that I opposed the retention of the pathway. Let me be crystal clear; I, nor the Governing Board, have taken any position related to whether or not the pathway should be retained or eliminated.

What I have consistently stated is the negotiations between the City, the Highland community, and Ailanto Properties is one of property rights and the District has no intention of becoming involved in settling that issue.

The District also understands the closing of the current pathway will result in students needing to walk along Highway 1 to Main Street in order to access Lewis Foster Drive. This route is an unacceptable alternative in its current condition. The amount of space between cars and the roadside divider is extremely narrow. From the divider, the topography slopes significantly onto other private property.

Should the decision be made to shut off access to the current pathway, the District would then urge the City to provide an alternate safe pedestrian pathway linking the Highland neighborhood and the high school. Our preference is for the City of Half Moon Bay and/or the Highland neighborhood to assume ownership of this pathway. We have no interest in obtaining new property or in building said pathway.

It is the District's hope that the Highland neighborhood community, the City of Half Moon Bay, and Ailento Properties come to a resolution that resolves the access and safety issues for our students. To this limited end, the District is willing to partner with those involved.

Sincerely,

Tony Roehrick, Ed.D.
Superintendent