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# Th16a

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Hearing Date: 8/15/2013

## APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

**Appeal Number:** A-2-HMB-12-005

**Applicant:** Mark Stoloski

**Appellants:** Commissioners Mary Shallenberger and Jana Zimmer; Jane Gorman and Marc Gradstein

**Local Government:** City of Half Moon Bay

**Project Location:** 2700 block of North Cabrillo Highway on the west side of Highway 1, south of Washington Boulevard and adjacent to Pullman Ditch in the City of Half Moon Bay, San Mateo County (APN 048-133-10).

**Project Description:** Subdivision of one parcel, totaling 2.1 acres, into 4 residential lots, with associated infrastructure improvements, including utilities, two road extensions with cul-de-sacs, and the construction of a new on-site underground drain system to accommodate Pullman Ditch.

**Staff Recommendation:** Substantial Issue Exists; Denial

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### SUMMARY OF STAFF RECOMMENDATION

The City of Half Moon Bay approved a coastal development permit (CDP) for the subdivision of a 2.1 acre lot into 4 residential lots with associated improvements including utilities, construction of two road extensions and cul-de-sacs, and an underground storm drain culvert to replace an existing stream, located on the 2700 block of North Cabrillo Highway (Highway 1) (APN048-133-10) in the City of Half Moon Bay, San Mateo County. The Appellants contend that the City-approved project raises Local Coastal Program (LCP) conformance issues related to biological resources, land use, public services, public access, and hazards. Specifically, the Appellants contend that the City-approved development: 1) eliminates the riparian and environmentally sensitive habitat area

associated with Pullman Ditch, and does not provide adequate setbacks; 2) allows development without the Specific Plan required by the City's LCP for the PUD-zoned district in this area; 3) results in the creation of new lots for residential development in an area that is highly constrained in terms of the availability of public services, including traffic capacity, leading to potential public access impacts; 4) creates a flooding hazard to the nearby coastal trail and nearby residences in an area located on a flood plain.

Staff believes the appeals raise substantial issues related to the approved development's consistency with the City's certified LCP with regard to biological resources, land use, public services, and public access.<sup>1</sup> Staff recommends the Commission find that the project, as approved by the City, raises a substantial issue with regard to conformity with the City's certified LCP, and take jurisdiction over the CDP application.

With respect to the CDP determination in a de novo review, Pullman Ditch is an intermittent stream, riparian corridor, and sensitive habitat under the LCP to which LCP-required buffers apply. Although the Applicant has proposed to revise the project to no longer underground Pullman Ditch in a culvert, but rather to span this intermittent stream with two bridges placed across Pullman Ditch, even with this proposed change, the proposed subdivision is inconsistent with the LCP because the proposed bridge, road, utilities, and residential development envelopes are not allowed within the sensitive habitat/riparian corridor and the required buffers. In addition, the proposed project is located within a larger PUD area, and the LCP requires a specific plan to be developed for the entire PUD area before development on individual parcels can be approved. No such specific plan has been prepared or approved in this case. For these reasons, staff recommends that the proposed project be denied. Project denial does not preclude the Applicants from applying for a project that addresses site constraints and conforms to the requirements of the LCP. Therefore, denial is not a final adjudication of the potential for development on this site, but instead is a finding that the proposed project is inconsistent with the LCP and so cannot be approved.

Staff recommends that the Commission deny the CDP application. The motions and resolutions to act on this recommendation are provided on page 4.

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<sup>1</sup> With regard to hazards, the Applicant has revised the proposed project description to eliminate the proposed culvert, and therefore, the hazards contentions are no longer applicable to the project.

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### APPENDICIES

Appendix A – Substantive File Documents

### EXHIBITS

- Exhibit 1. Project Location Maps
- Exhibit 2. Project Plans
- Exhibit 3. Tentative Parcel Map
- Exhibit 4. Notice of Final Local Action
- Exhibit 5. Notice of Commission Appeal
- Exhibit 6. Commissioners Shallenberger and Zimmer Appeal
- Exhibit 7. Gorman and Gradstein Appeal
- Exhibit 8. Location of LCP Required Buffers

## **I. MOTIONS AND RESOLUTIONS**

### **A. SUBSTANTIAL ISSUE DETERMINATION**

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-2-HMB-12-005 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act. I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-2-HMB-12-005 presents 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 Program and/or the public access and recreation policies of the Coastal Act.*

### **B. CDP DETERMINATION**

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the CDP and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number A-2-HMB-12-005 pursuant to the staff recommendation. I recommend a no vote.*

***Resolution to Deny a CDP:** The Commission hereby denies Coastal Development Permit Number A-2-HMB-12-005 and adopts the findings set forth below on grounds that the development does not conform with the policies of the City of Half Moon Bay certified Local Coastal Program and/or with the public access policies of Chapter 3 of the Coastal Act.*



## II. FINDINGS AND DECLARATIONS

### A. PROJECT LOCATION AND DESCRIPTION

#### Project Location

The proposed project is located on a 2.1 acre parcel at the 2700 block of North Cabrillo Highway (Highway 1) (APN048-133-10) on the west side of the highway in the upper northern area of the City of Half Moon Bay in San Mateo County. The project site is triangular. It is approximately 130 feet wide at the eastern end of the site adjacent to the Highway 1 right-of-way, extending westward approximately 940 feet before tapering off to approximately 20 feet wide at the westernmost boundary, which is located adjacent to the City's coastal trail and Naples State Beach. Site elevations range from approximately 40 feet above mean sea level (MSL) at the eastern end to approximately 30 feet MSL at the westernmost and seaward boundary. The western boundary of the site lies approximately 600 feet landward of the ocean. The entire site is located between the first public road and the sea (see **Exhibit 1**).

The project site is adjacent, and parallel along the northern boundary, to a watercourse known locally as Pullman Ditch. Pullman Ditch is considered an intermittent stream by the City's certified LCP, and flows east to west toward the ocean. Adjacent to Pullman Ditch, and further to the north, is an existing and residentially developed subdivision known as the 'City of Naples'. Pullman Ditch is located between the City of Naples subdivision to the north and the project parcel located to the south. In addition, the project parcel is adjacent to, and north of, the 'Surf Beach/Dunes Beach' tract, which is a "paper" subdivision created through a recorded 1906 tract map.<sup>2</sup> According to the City, the 'Surf Beach/Dunes Beach' subdivision contains many small parcels with multiple owners.<sup>3</sup> The 'Surf Beach' tract currently has no residential development but the area appears to be used for agricultural purposes.

The subject property includes several existing shed structures on it, and some of the land appears to be used for agricultural and storage purposes. Part of the property is being used to store numerous construction and agricultural vehicles and related equipment (such as tires, oil, containers, paint, electronics, drums, generators, propane tanks and an above-ground fuel storage tank ).<sup>4</sup> In recent years, this area has also been used seasonally for Christmas tree sales and as a pumpkin patch. The lot otherwise contains coastal scrub vegetation and non-native ruderal herbaceous grassland. Coastal scrub exists along the westernmost boundary while the land to the south appears dominated by agricultural row crops. Access to the site is currently from the Highway 1.

According to the City's LCP, the subject parcel is located in an area zoned for Planned Unit Development (PUD) and designated Planned Development (PD).

See **Exhibit 1** for project location information.

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<sup>2</sup> As per Subdivision Law of 1901. Recorded on February 26, 1906 in the San Mateo County Recorder's office.

<sup>3</sup> There are approximately 200 lots with 30 owners; the lots are substandard according to the City's current zoning regulations.

<sup>4</sup> According to the ENGEO Inc Limited Phase II Environmental Site Assessment dated June 7, 2010

### **Project Description**

The City approved a coastal development permit (CDP) for a subdivision of a 2.1 acre lot into four residential lots with associated project related improvements including: i) installation of utilities; ii) extension of public streets into two cul-de-sacs; and iii) installation of a culvert to accommodate Pullman Ditch water flows. The approved lots range in size from approximately 15,000 square feet to approximately 19,000 square feet (see **Exhibit 2**). The City's approval did not extend to residential development, which would follow and be subject to its own CDP process.

The culvert for Pullman Ditch would be 930 feet long, and would incorporate a 4-foot wide drainage and sewer pipe placed along the northern boundary of the property, which would be located parallel to, and south of, the existing Pullman Ditch. The system is designed to replace the intermittent stream located in Pullman Ditch and divert the stream flow into a buried culvert. The new culvert would connect to the existing two 24-inch CalTrans culverts and box culvert which run underneath Highway 1 (see **Exhibit 2**).

In terms of street improvements, the existing site access from Highway 1 would be closed, and two new access roads would be constructed. Existing Pullman Avenue would be extended 60 feet, crossing the Pullman Ditch culvert, to end in a cul-de-sac on the project site. Similarly, Washington Boulevard would also be extended across the Pullman Ditch culvert to end at a cul-de-sac on the project site (see **Exhibit 2**).

Additional City-authorized improvements include: water main extensions to the southern ends of the access roads; construction of a new on-site sanitary sewer connection; sidewalks and gutters; onsite utilities placed underground; and earthwork for street and infrastructure improvements with less than 200 cubic yards of soil to be balanced on-site. In addition, the City-approved Tentative Parcel Map identifies the removal of four heritage trees, specifically two Monterey Pine and two Monterey Cypress trees (see **Exhibit 3**).

Please refer to Project Location (**Exhibit 1**), Project Plans (**Exhibit 2**) and City-approved Tentative Parcel Map (**Exhibit 3**).

### **B. CITY OF HALF MOON BAY APPROVAL**

On February 16, 2010, the Applicant applied to the City for a CDP for the proposed project. On December 13, 2011, the Planning Commission adopted Resolution No. P-24-11 and recommended City Council approval of CDP PDP-009-10. On January 17, 2012, the City Council adopted a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program, and approved a CDP for the project (including a Planned Unit Development Plan, Use Permit and Tentative Parcel Map) (Resolution No. C-04-12). Notice of the City Council's final action on the CDP was received in the Coastal Commission's North Central Coast District Office on January 26, 2012 (see **Exhibit 5**). The Coastal Commission's ten-working day appeal period for this action began on January 27, 2012 and concluded at 5 p.m. on February 9, 2012. During the appeal period, two valid appeals were received (see below and **Exhibits 6 and 7**).

### **C. 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; 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 because it involves development that is located between the sea and the first public road paralleling the sea and lies within 100 feet of Pullman Ditch.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or 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. Under Section 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 located between the nearest public road and the sea, and thus this additional finding would need to be made if the Commission were to approve a project following a de novo hearing.

The only person qualified to testify before the Commission on the substantial issue questions 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. Any person may testify during the de novo CDP determination stage of an appeal.

### **D. SUMMARY OF APPEAL CONTENTIONS**

The Appellants contend that the City-approved project raises LCP conformance issues related to biological resources, public services, and public access, and hazards. Specifically, the Appellants contend that the City-approved development: 1) eliminates the riparian area and environmentally sensitive habitat associated with Pullman Ditch, and does not provide adequate setbacks; 2) allows development without the Specific Plan required by the City’s LCP for the PUD-zoned district in this area; 3) results in the creation of new legal lots for residential development in an area that is highly constrained in terms of the availability of public services, including traffic capacity, leading to potential public access impacts; 4) creates a flooding hazard to the nearby coastal trail and nearby residences in an area located on a flood plain. See **Exhibits 6 and 7** for the complete appeal documents.

## **E. SUBSTANTIAL ISSUE DETERMINATION**

### **Substantial Issue Background**

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has generally been guided by the following factors in making such determinations:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP;
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even where the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission determines that the development as approved by the City presents a substantial issue.

### **Biological Resources**

The City-approved project would eliminate the riparian area associated with Pullman Ditch at this location, which is also an area that supports sensitive habitats. In making this decision, the City did not adequately determine the location of such resources, including the degree to which they constitute sensitive habitats, and the types of required buffers that would be associated in such case. Pullman Ditch has previously been identified as an important habitat resource, including in relation to habitat for California red-legged frog, and this assessment is still applicable. The certified LCP protects such biological resources, including by requiring new development to avoid sensitive habitat and riparian areas and to be set back an adequate distance from such areas to minimize impacts on biological resources. In conflict with these requirements, the approved project would cover the Pullman Ditch watercourse area, and relegate it to an underground culvert system. Further, the project would subdivide an area that contains related sensitive habitat resources. The City deferred the requirement for protocol-level surveys for sensitive species and the determination of the location of sensitive habitats and related buffer areas until after the approval, and therefore it did not have sufficient information to determine the project's consistency with LCP policies protecting such sensitive habitats. Thus, this project raises a substantial issue of conformance with the biological resource protection policies of the LCP, including because it would eliminate the riparian area associated with the Pullman Ditch watercourse and because it would place new development within sensitive habitat and sensitive habitat buffers.

### **Land Use**

According to the City's LCP, the subject parcel is located in an area zoned for Planned Unit Development (PUD) and designated Planned Development (PD) (see **Exhibit 1**). The Appellants contend that the City's approval is inconsistent with the LCP because it authorizes development without first meeting the City's LCP requirements for the PUD-zoned area, which require the preparation of a specific plan for the entire PUD area (i.e., this site and the Surf Beach/Dunes Beach tract in that context, together) before development can be considered for approval in this area. The LCP intent is that the specific plan would dictate allowable development in such areas prior to consideration of CDPs. In contrast with this requirement, the City approved the subject development with a specific plan for the project site alone, not for the entire PUD area, as required. Therefore, the appeal raises a substantial issue of conformance with the certified LCP's land use policies.

### **Public Access**

The City-approved project would result in the creation of new lots for residential development in an area that is constrained in terms of the availability of public services, including traffic capacity. The City's LCP includes strong protections for public access to the coast and specifies that new development shall not be permitted in the absence of adequate infrastructure. In addition, because the project site is located between the shoreline and the first public road, the project must be consistent with the public access policies of the Coastal Act, including those requiring maximum public access be provided and requiring that new development not interfere with the public's right of access to the shoreline. According to recent traffic analysis, the existing level of service on Highway 1 near the project, which is the primary access road to the region's coastal areas, is rated at level of service E. This level of congestion on Highway 1 interferes with the public's ability to access the Half Moon Bay and San Mateo County coastal area. The City-approved project would create new legal lots for residential development which will cumulatively add to the level of congestion on Highway 1, further impacting the public's ability to access the coast, and the City-approved project does not include any measures to offset such impacts. Therefore, the appeal raises a substantial issue of conformance with certified LCP policies related to public access and adequate infrastructure.

### **Conclusion: Substantial Issue**

In conclusion, the City-approved project raises substantial issues regarding biological resources, public services and public access. With regard to hazards, the Applicant has revised the proposed project description to eliminate the proposed culvert, and therefore, the hazards contentions are no longer applicable to the project. Therefore, the Commission finds that a **substantial issue** exists with respect to the approved project's conformance with the policies of the certified Half Moon Bay LCP, and takes jurisdiction over the CDP application for the proposed project.

## **F. COASTAL DEVELOPMENT PERMIT DETERMINATION**

The standard of review for this application is the Half Moon Bay certified LCP and the public access and recreation policies of the Coastal Act. All Substantial Issue Determination findings above are incorporated herein by reference. The Applicant has modified the proposed project in the time since it was appealed to eliminate the proposed culvert for Pullman Ditch. Instead, the Applicant now proposes to construct two free-span bridges to cross the stream corridor of Pullman Ditch, providing access to the project site. The project evaluated herein is the project as so revised.

## 1. Biological Resources

### Applicable LCP Policies

The City's LCP includes strong protections for biological resources, including the preservation and protection of sensitive habitats. In terms of sensitive habitats, the LCP states as follows:

#### 3-1 Definition of Sensitive Habitats

*(a) Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and as those areas which meet one of the following criteria: (1) **habitats containing or supporting “rare and endangered” species...**, (2) all perennial and intermittent streams and their tributaries, ... (6) lakes and ponds and adjacent shore habitat ...[Emphasis added]*

#### 3-3 Protection of Sensitive Habitats

*(a) Prohibit any land use and/or development which would have significant adverse impacts on Sensitive Habitat areas. (b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the Sensitive Habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.*

#### 3-4 Permitted Uses

*(a) Permit only resource-dependent or other uses which will not have a significant adverse impact in sensitive habitats. (b) In all sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife Service and State Department of Fish and Game regulations.*

#### 3-5 Permit Conditions

*(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, and recommend the most feasible mitigation measures if impacts may occur.*

*The report shall consider both any identified sensitive habitats and areas adjacent. Recommended uses and intensities within the sensitive 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.*

*(b) When applicable, require as a condition of permit approval the restoration of damaged habitat(s) when, in the judgment of the Planning Director, restoration is partially or wholly feasible.*

There are applicable sections in the Implementation Plan (IP) related to the protection of sensitive habitat areas and biological resources:

18.38.010 Purpose and Intent. *The specific purpose and intent of these Coastal Resource Conservation Standards are to:*

- ...B. ensure that the siting and design of developments in the City does not significantly degrade sensitive habitat areas and maintains the biological productivity of those habitats;  
 ...D. limit access into sensitive habitats where necessary to preserve their biological productivity;  
 E. identify and protect the habitats of rare, endangered or unique species, as defined in state and federal law, within the City;

18.38.020 *Coastal Resource Areas. The Planning Director shall prepare and maintain maps of all designated Coastal Resource Areas within the City. Coastal Resource Areas within the City are defined as follows:*

A. *Sensitive Habitat Areas. Areas in which plant or animal life or their habitats are either rare or especially valuable, and/or as designated on the Habitat Areas and Water Resources Overlay Map. Areas considered to be sensitive habitats are listed below.*

<i>Sensitive Habitat</i>	
1.	<i>sand dunes</i>
2.	<i>marine habitats</i>
3.	<i>sea cliffs</i>
4.	<i>riparian areas;</i>
5.	<i>wetlands, coastal tidelands and marshes, lakes and ponds and adjacent shore habitats</i>
6.	<i>coastal and off-shore areas containing breeding and/or nesting sites or used by migratory and resident water-associated birds for resting and feeding</i>
7.	<i>areas used for scientific study and research concerning fish and wildlife, and existing game or wildlife refuges and reserves</i>
8.	<i>habitats containing or supporting unique species or any rare and endangered species defined by the State Fish and Game Commission</i>
9.	<i>rocky intertidal zones</i>
10.	<i>coastal scrub community associated with coastal bluffs and gullies</i>

B. *Riparian Area and Corridor. Any area of land bordering a perennial stream or their tributaries, or around a lake or other body of fresh water, including its banks and land at least up to the highest point of an obvious channel or enclosure of a body of water. Riparian Corridors are the areas between the limits of riparian vegetation, where limits are determined by vegetative cover, at least 50% of which is comprised of a combination of the following plant species: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, **arroyo willow**, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder. These areas are sensitive habitats requiring protection... (Emphasis added)].*

18.38.050 *Environmental Evaluation Standards* *Projects proposed within Coastal Resource Areas shall be evaluated in an Initial Study and any necessary subsequent California Environmental Quality Act (CEQA) documents according to the following general standards (in addition to those set forth in CEQA guidelines):*

A. *Development and Land Use:*

- 1. Shall be prohibited when significant adverse impacts on coastal resource areas would occur as a result.*
- 2. Shall be sited and designed to prevent impacts that could significantly degrade adjacent sensitive habitat areas or significantly degrade areas adjacent to sensitive habitat areas.*
- 3. Shall be compatible with the maintenance of biologic productivity of any adjacent sensitive habitat areas.*
- 4. Shall be permitted within sensitive habitat areas only if they are resource-dependent uses or other uses which will not have any significant adverse environmental impacts, and if the uses comply with U.S. Fish and Wildlife Service and State Department of Fish and Game regulations.*
- 5. Shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliff, and shall minimize risks to life and property in hazard areas.*
- 6. Shall comply with the restrictions listed in this Title for each coastal resource area, and with all other applicable sections of the City's Local Coastal Program Land Use Plan.*

18.38.085 Habitats for Rare and Endangered Species.

*A. Rare and Endangered Species. The potential exists for any of the following Rare and Endangered Species to be found within the San Mateo County Coastal Area and therefore within the City of Half Moon Bay:*

*1. Animals: the San Francisco Garter Snake, California Least Tern, California Black Rail, California Brown Pelican, San Bruno Elfin Butterfly, San Francisco Tree Lupine Moth, Guadalupe Fur Seal, Sea Otter, California Brackish Water Snail, Globose Dune Beetle...*

*D. Buffer Zones. **The minimum buffer surrounding a habitat of a rare or endangered species shall be 50 feet.** [Emphasis added.]*

18.37.045 Significant Plant Communities

*A. Preservation of Significant Plant Communities. Significant plant communities including riparian vegetation along stream banks and bodies of water, notable tree stands, and unique species shall be preserved wherever possible.*

In terms of riparian areas, the LCP states as follows:

LCP Section 3.3 General Background

RIPARIAN HABITATS

Definitions

Riparian Area

*The Local Coastal Plan defines “riparian area” as any area of land bordering a stream or lake, including its banks. It includes land at least up to the highest point (in cross section)*



*of an obvious channel or enclosure of a body of water. Such areas extend to the outer edge of appropriate indicator plant species (see Riparian Vegetation).*

*Although water rights laws considers riparian rights only on natural watercourse, the definition included here extends riparian area to all bodies of water, intermittent or perennial, man-made or natural. Vernal pools or naturally wet areas are excluded except when accompanied by riparian vegetation.*

### 3-7 Definition of Riparian Corridors

*(a) Define riparian corridors by the “limit of riparian vegetation” (i.e. a line determined by the association of plant and animal species normally found near streams, lakes, and other bodies of fresh water: red alder, jaumea, pickleweed, big leaf maple, marrowleaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.*

### 3-8 Designation of Riparian Corridors

*(a) Establish riparian corridors for all perennial and intermittent streams and lakes and other bodies of fresh water in the Coastal Zone. Designate those corridors shown on the Habitat Areas and Water Resources Overlay and any other riparian area as sensitive habitats requiring protection, except for manmade irrigation ponds over 2,500 square feet surface area.*

### 3-9 Permitted Uses in Riparian Corridors

*(a) Within corridors, permit only the following uses: (1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish and wildlife management activities, (4) trails and scenic overlooks on public land(s), and (5) necessary water supply projects. When no feasible or practicable alternative exists, permit the following uses:...(3) bridges when supports are not in significant conflict with corridor resources..., (5) improvement, repair or maintenance of roadways or road crossings, ...*

### 3-11 Establishment of Buffer Zones

*(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 riparian corridors, extend buffer zones 50 feet from the bank edge for perennial streams and 30 feet from the midpoint of intermittent streams...*

### 3-12 Permitted Uses in Buffer Zones

*(a) Within buffer zones, permit only the following uses: (1)uses permitted in riparian corridors, (2) structures on existing legal building sites, set back 20 feet from the limit of riparian vegetation only if no feasible alternative exists, and only if no other building site on the parcel exists, (3) crop growing and grazing consistent with Policy 3.9...(5) no new parcels shall be created whose only building site is in the buffer area except for parcels created in compliance with Policies 3.3, 3.4, and 3.5 if consistent with existing development in the area and if building sites are set back 20 feet from the limit of riparian vegetation or if no vegetation 20 feet from the back edge of a perennial and 20 feet from the midpoint of an intermittent stream.*

3-13 Performance Standards in Buffer Zones

(a)Require uses permitted in buffer zones to: (1) minimize removal of vegetation, (2) conform to natural topography to minimize erosion potential, (3) make provisions to (i.e. catch basins) to keep runoff and sedimentation from exceeding pre-development levels. (4) replant where appropriate with native and non-invasive exotics, (5) prevent discharge of toxic substances, such as fertilizers and pesticides into the riparian corridor, (6) remove vegetation in or adjacent to man-made agricultural ponds if the life of the pond is endangered...

**Biological Resources Analysis**

The City's LCP includes strong protections for biological resources, including the preservation and protection of sensitive habitats and species through siting and design provisions. These LCP provisions require the identification and buffering of riparian corridors and sensitive habitats, and standards for development within such areas. For sensitive habitats, uses are limited to those that won't have a significant adverse impact on such habitats (and are consistent with California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) regulations), and adjacent uses must be sited and designed to prevent impacts that could significantly degrade the habitat; all uses must be compatible with maintaining the biological productivity the habitat. Buffers from sensitive habitats are required to be at least 50 feet. For streams and their riparian corridors, uses are somewhat broader, but are still focused on protection and preservation of such resources. Riparian corridor buffers are required to be 30 feet for intermittent streams.

Pullman Ditch is a watercourse with intermittent flows that carries water from lands located east of Highway One out to the ocean that is considered an intermittent stream per the LCP. Although heavily vegetated in the project area, the majority of Pullman Ditch does not contain riparian vegetation. There is a small area of riparian arroyo willow at the western end of the project site, and in the middle of the project area Pullman Ditch has been undergrounded. As a result, the riparian corridor associated with Pullman Ditch is primarily from bank to bank on the portion nearest Highway One and slightly wider to the west where the arroyo willow are located (see **Exhibit 1**).

Pullman Ditch is also sensitive habitat area as defined by the LCP due to the fact that it is an intermittent stream (LCP Policy 3.1(a)(2)), and because it provides habitat for rare and especially valuable species (LCP Policy 3.1(a)(1)). In terms of the latter, biologists from the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) indicate that Pullman Ditch and its associated riparian areas serve as habitat for the San Francisco Garter Snake (SFGS) and California Red-Legged Frog (CRLF), both of which are sensitive species per the LCP, as well as per Federal and State listings (SFGS is listed as endangered under both Endangered Species Acts, and CRLF are federally listed as threatened and listed in California as a Species of Special Concern). This area has been previously identified by USFWS as habitat for CRLF and SFGS<sup>5</sup> and as a migration corridor between breeding populations and feeding areas for CRLF.<sup>6</sup> According to the CDFW, this area is "definitely habitat and corridor for SFGS and CRLF".<sup>7</sup>

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<sup>5</sup> USFWS indicate that habitat for CRLF and SFGS exists in Pullman Ditch in response to the City of Half Moon Bay's approval for construction of a single-family residence along Pullman Ditch, stated in email correspondence from Lucy Triffleman, dated March 27, 2007.

<sup>6</sup> USFWS comments provided to the City and Commission staff in response to the Pullman Ditch Biological Resources Assessment dated November 3, 2005, stated in email correspondence from Lucy Triffleman, dated March 14, 2006.

<sup>7</sup> Email correspondence to Commission staff sent by Suzann Deleon, CDFW, dated March 16, 2012.

According to the Applicant's biological report "no sensitive habitats were observed in the project area or within surrounding study area. Furthermore, habitat for rare, endangered or unique species is not present in the Project Area". However, as discussed above, the site is known habitat for CRLF and SFGS. The Commission's Senior Ecologist, Dr. John Dixon, has reviewed the Applicant's report and relevant information from USFWS and CDFW and concurs with these resource agencies that the site is habitat for CRLF and SFGS. Such conclusion is further substantiated by previous Commission determinations that Pullman Ditch is sensitive habitat at this location.<sup>8</sup>

The LCP requires a 30-foot buffer area for intermittent streams like Pullman Ditch, which is measured from riparian vegetation (to the west) and from the midpoint of the stream otherwise. The LCP also requires a minimum 50-foot buffer from sensitive habitats like Pullman Ditch. In this case, Dr. Dixon concluded that a 50-foot buffer (i.e., the minimum LCP required sensitive habitat buffer) is appropriate in this case, and that a wider buffer would not be necessary to protect SFGS and CRLF habitat in Pullman Ditch. Thus, Pullman Ditch has several protected areas under the LCP, including as both a riparian corridor and a sensitive habitat (corresponding to the bank to bank arroyo in the east nearest the Highway, to the culvert edges where undergrounded nearer the middle of the project area, and to riparian vegetation to the west), to which 30-foot (riparian) and 50-foot (sensitive habitat) buffers areas are required under the LCP (see graphic depiction in **Exhibit 8**).

As indicated above, the LCP limits development within the riparian corridor/sensitive habitat area, the riparian buffer, and the sensitive habitat buffer. In this case, the project includes bridges and utilities in the riparian corridor/sensitive habitat area, and includes roads, utilities, and lots for residential development envelopes in both riparian corridor and sensitive habitat buffer areas (see **Exhibit 8**).

With respect to the bridges and utilities in the riparian corridor/sensitive habitat area, Dr. Dixon has indicated that these developments, although not resource-dependent, will not have a significant adverse impact on the sensitive habitat,<sup>9</sup> and will be compatible with maintaining the biologic productivity of this area. The bridges may increase shading somewhat, and increase noise, lights, and activities audible and visible from within Pullman Ditch, but not to such a degree as to inappropriately affect the resource, including because there are already significant existing uses that currently affect Pullman Ditch in this areas in the same way. Thus, this part of the development is not inconsistent with the LCP with respect to sensitive habitat policies (per LCP Policies 3.3 and 3.4(a)). And based on an understanding that such bridges comply with USFWS and CDFW regulations, they would also not be inconsistent with LCP Policy 3.4(b), thus making them allowed uses in this area per the sensitive habitat policies of the LCP.

In terms of riparian corridor policies, bridges such as these where supports do not conflict with protection of corridor resources are allowed, but only when no feasible or practicable alternative exists. In this case, there is an existing access route off Highway One that is currently used and which does not impact the riparian corridor/sensitive habitat area. This accessway appears both feasible and practicable in this case, including as it is currently functioning to provide access in this

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<sup>8</sup> See A-2-HMB-07-015 (Oliva).

<sup>9</sup> Note that this LCP does not limit development in such sensitive habitat areas to resource-dependent uses, as is required by the Coastal Act for ESHA, and which would prohibit the bridges altogether. Rather, it allows both resource-dependent uses as well as uses that won't have a significant adverse impact on such habitats.

way, and thus the bridges are not allowed under the LCP in this case.<sup>10</sup> The utilities are not explicitly called out as an allowed use in the riparian corridor, and are not allowed in that respect in any case. Thus, the proposed project is inconsistent with the LCP's riparian corridor allowed use policies.

In terms of the riparian corridor and sensitive habitat buffer areas, as indicated above the proposed project includes roads, utilities, and residential development envelopes in both the riparian corridor buffer and the sensitive habitat buffer areas (see **Exhibit 8**). With respect to the sensitive habitat buffer area, the LCP does not explicitly identify allowed uses, rather it is predicated on ensuring that development be sited and designed to prevent impacts that could significantly degrade the habitat, and requires all uses to maintain the biologic productivity of the habitat area (LCP Policy 3.4). Again, as with the bridge development, Dr. Dixon indicates that the road and utilities in the sensitive habitat buffer area may lead to increased noise, lights, and activities in these areas, but not to such a degree as to significantly degrade the habitat beyond the existing baseline present currently, and these portions of the project are not inconsistent with the LCP's sensitive habitat buffering policies. However, the same cannot be said for the future residential development facilitated by the subdivision and residential development envelopes. The introduction of residential noise, lights, and activities (including in terms of pets, etc.) within and adjacent to these buffers is problematic, and could lead to degradation of the sensitive habitat area if not properly designed, constrained, and restricted. The proposed project does not provide any explicit parameters in this regard, and a finding of LCP consistency with LCP Policy 3.3 for the residential development envelopes cannot be made in this case.

With respect to the riparian corridor buffer areas, the LCP identifies allowed uses and performance standards for such buffer areas (LCP Policies 3.12 and 3.13). However, roads,<sup>11</sup> utilities, and residential development envelopes are not allowed. In fact, LCP Policy 3.12 expressly prohibits new parcels with building sites in the buffer area if not created in compliance with Policies 3.3, 3.4, and 3.5, and the project is not consistent with these policies, as described above. As a result, the proposed project is inconsistent with the riparian corridor buffer requirements of the LCP.

For the above reasons the project is inconsistent with several LCP policies as shown above and must be denied. There may be project alternatives that could lead to development that would not impact the sensitive habitat/riparian corridor area and the required buffers inconsistent with the LCP, but such project would need to be significantly redesigned from that that is proposed, and it would be required to meet all of the LCP policies designed to protect the sensitive habitats and riparian corridors associated with Pullman Ditch. Thus, the project as proposed will adversely impact both sensitive habitats and riparian corridors at the site, and it is inconsistent with the biological resource protection policies of the LCP. Therefore, the project is inconsistent with the LCP and must be denied.

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<sup>10</sup> Even if it weren't feasible and practicable, another feasible alternative to constructing two bridge crossing in the riparian corridor/sensitive habitat area would be to reduce or redesign the project to provide access from one bridge crossing, as opposed to two. Thus, two bridge crossings would be inconsistent with the allowed use provisions in the riparian corridor in such a scenario as well.

<sup>11</sup> Note that the LCP Policy 3.9 description speaks to allowing "improvement, repair or maintenance of roadways and road crossings" where there no other feasible practicable alternatives, but this applies to existing roads, and not new roads. It also requires an infeasibility and impracticable finding, which does not appear possible to make here given the exiting use of access from Highway One in this case.

## 2. Land Use

### Applicable LCP Policies

The City's LCP LUP designates the project site as Planned Development (PD) and is located in the LCP's Planned Unit Development (PUD) Zoning District. The 'City of Naples' subdivision shares a boundary with and is located to the north of the project site. It is currently developed with residences and streets (zoned R-1). The southern boundary of the project site is located along the northern most limit of the paper subdivision known as 'Surf Beach/Dunes Beach'. Thus, the approved project site lies between the two subdivisions. According to the certified LUP zoning map, the entire 'Surf Beach/Dunes Beach' subdivision and the proposed project site are combined in an area that is zoned PUD (see **Exhibit 1**).

The City's LCP provides guidelines regarding development in PUD zoned areas, and specific requirements as affect the proposed project site, as follows:

#### 9.3.3 Surf Beach/Dunes Beach

*The Surf Beach/Dunes Beach areas is a partially undeveloped area totaling about 50 acres, bisected by Young Avenue and bounded by Half Moon State Beach on the west and south, Highway 1 on the east, and the partially developed City of Naples subdivision on the north. The old unimproved Surf Beach subdivision situated to the north of Young Avenue. Young Avenue is a primary access route to the State Beach. The area south of Young Avenue is used primarily for stabling and rental of horses and horseback riding until now. Occasional farming occurs, either informally or under short term rental agreements. The tract north of Young Avenue is currently zoned for single-family development on 6,000 square foot lots, with a theoretical development potential for 91 units. South of Young Avenue, the theoretical development potential is for about 150 units. Dunes State Beach access via Young Avenue, is heavily used and horseback riding is a high activity use originating from Friendly Acres Stables.*

*In addition to conditions described in 9.3.2 (Policies 9-8 to 9-14: see below), development of the Surf Beach/Dunes Beach areas shall be subject to the following conditions:*

*(a) A specific plan shall be prepared for the entire area which incorporates all of the conditions listed below and conform to all other policies of the Land Use Plan. The specific plan shall show the locations of roads and structures, and indicate the amount and location of open spaces, public recreation, and commercial recreation. The specific plan shall be subject to environmental review under City CEQA guidelines.*

*The specific plan and accompanying environmental documents shall be submitted to the Planning Commission, who may recommend additional conditions for development of the site. The Planning Commission may reduce the allowable density if it is determined that Highway 1 and access routes to the beach are inadequate to accommodate the amount of proposed residential development in addition to the public and commercial recreation. In adopting the specific plan, the Planning Commission shall specify the number and type of housing units and open space requirements for each of the parcel which are under separate ownership or for each group of parcel which is to be developed as a unit.*

*(b) A maximum of 150 residential units may be developed on the site.*

*(c) As a condition of approval, a right-of way of at least 25 feet in width in addition to the existing Young Avenue right-of-way shall be dedicated to the State Department of Parks and Recreation. A pedestrian and bicycle trail shall be constructed along such right-of-way from Highway 1 to the State Beach property line, in accordance with standards to be established by the City and State.*

*(d) As a condition of approval, structures shall be clustered, maintained low in height, or constructed at low elevations to the maximum extent feasible and specific view corridors shall be established (including the Young Avenue right-of-way) and protected by easements so as to maintain views of the ocean from Highway 1.*

*(e) At least 20 acres of the site, preferably south of Young Avenue, shall be reserved for future commercial recreation or visitor-serving development, with potential access from Young Avenue or Highway 1 or both, but such development shall not occur until the City has determined that there is a need for such use.*

*(f) At least the same amount of land now devoted to horse stabling, rentals, training, and riding shall be maintained in such use or for other recreational purpose.*

*(g) Suitable landscaping, fencing, and other means shall be used to ensure that direct pedestrian access to the State Beach property is controlled and limited from the new residential development and that an adequate buffer is provided between the Young Avenue right-of-way and residential use.*

*(h) Vehicular access from residential development to Young Avenue shall be limited to protect beach access and no more than one opening onto Highway 1 north and south of Young Avenue shall be permitted to provide access to residential development; a frontage road may be required along Highway 1 to assure that residential traffic does not congest Highway 1.*

#### *Policy 9.8*

*The entire site shall be planned as a unit. Preparation of specific plans (Government Code Section 65450) may be required for one or more separate ownerships, individually or collectively, when parcels comprising a site designated Planned Development (PD) are in separate ownerships.*

### **Land Use Analysis**

The City's LCP zoning map identifies the project as located in an area for Planned Unit Development (PUD). Per LCP subsection 9.3.3, the project site is part of the area that makes up the "Surf Beach/Dunes Beach areas", including as evidenced by the LCP language identifying the northern boundary of this area as the City of Naples subdivision, which is the area immediately north of the project site. The LCP requires that a "specific plan shall be prepared for the entire area" and that it "shall be planned as a unit", whether by the City and/or by all of the collective owners coming together to help prepare a specific plan for the area. The LCP includes explicit guidance on what such a specific plan for this area must accomplish, including that a certain number of lots must be consolidated and retired, areas of development must be clustered, and open space and sensitive resources must be protected. This policy ensures that any proposed development in this area incorporates the design concepts and meets specific goals related to protection of coastal resources

including scenic qualities, sensitive habitat areas, and prime agricultural lands as well as ensuring the avoidance of siting structures in hazardous areas, and allowing for the provision of public open space and beach access.

LCP subsection 9.3.3 describes the potential for development in this PUD area. The area to the north of Young Avenue is allocated a total of 91 residential units, based on a zoning designation that allows 6,000 square-foot lots; the area to the south of Young Ave is allocated a total of 150 units with 7,500 square-foot lots. However, in an effort to avoid this level of intensity and pattern, the LCP describes the appropriate development potential for the entire subdivision tract and PUD area, and allows for the maximum development of 150 residential units as part of any future planned development. In order to address future development, Policy 9-8 states that the entire site located in the PUD district “shall be planned as a unit” and requires the “preparation of a specific plan” prior to any approval for development. Therefore, any proposed development within the PUD area, which includes the project site and the ‘Surf Beach/ Dunes Beach’ subdivision, is subject to the specific plan requirements and related Planned Development (PD) requirements (9.3.2).

A specific plan for the entire area has not been prepared or approved, and therefore, the proposed development cannot be approved consistent with the LCP. Therefore, the Commission finds the project is inconsistent with the LCP’s Specific Plan requirements that apply to the overall PUD area of which the project is a part. Thus, the proposed project is not approvable under the LCP, and must be denied.

### **3. De Novo Review Conclusion**

The proposed project is inconsistent with LCP requirements related to biological resources. Therefore, the Commission must deny the proposed project. As stated above, some of the project’s biological resource inconsistencies could likely be addressed by changes in the project development proposal and the imposition of conditions. Project denial does not preclude the Applicants from applying for a project that addresses site constraints and is supported by the information necessary to fully evaluate the project’s conformity with the LCP. For example, the project could be redesigned so that necessary roads are located outside of biological resource areas and parameters for residential development appropriately developed and applied. In addition, the Applicant could work with the City to address the LUP’s existing requirement for Specific Plan for the entire PUD area, either through development of the required Plan, or through amendments to the LUP to modify this requirement.

Thus, denial of this project is not a final adjudication of the potential for development on this site, but is instead a finding that the project as proposed is inconsistent with the LCP and cannot be approved.

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

Public Resources Code (CEQA) Section 21080(b)(5) and Sections 15270(a) and 15042 (CEQA Guidelines) of Title 14 of the California Code of Regulations (14 CCR) state in applicable parts:

***CEQA Guidelines (14 CCR) Section 15042. Authority to Disapprove Projects.** [Relevant Portion.] A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.*

***Public Resources Code (CEQA) Section 21080(b)(5). Division Application and Nonapplication.*** ...*(b) This division does not apply to any of the following activities: ... (5) Projects which a public agency rejects or disapproves.*

***Public Resources Code (CEQA) Section 21080.5(d)(2)(A).*** *Require that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.*

***CEQA Guidelines (14 CCR) Section 15270(a). Projects Which are Disapproved.*** *(a) CEQA does not apply to projects which a public agency rejects or disapproves.*

Section 13096 (14 CCR) requires that a specific finding be made in conjunction with CDP applications about the consistency of the application with any applicable requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All above LCP conformity findings are incorporated herein in their entirety by reference. As detailed in the findings above, the proposed project would have significant adverse effects on the environment as that term is understood in a CEQA context.

Pursuant to CEQA Guidelines (14 CCR) Section 15042 “a public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.” Section 21080(b)(5) of the CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal resources that would occur if the project were approved as proposed and is necessary because there are feasible alternatives and mitigation measures available which would substantially lessen any significant adverse effect the project may have on the environment. Accordingly, the Commission’s denial of this project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, does not apply.

## **Appendix A - Substantive File Documents**

1. City of Half Moon Bay certified Local Coastal Program (LCP)
2. Administrative File Record for City of Half Moon Bay CDP Application Number PDP-009-10, received May 11, 2012
3. North Cabrillo Highway Subdivision Project, Draft Initial Study for City of Half Moon Bay, WRA Environmental Consultants, dated May 2011
4. North Cabrillo Highway Subdivision Project, Recirculated Initial Study, WRA Environmental Consultants, dated October 2011



5. North Cabrillo Highway Subdivision Biological Resource Assessment, Half Moon Bay, California, dated January 2010
6. Modified Phase I Environmental Site Assessment, ENGEO Inc. (Project No. 8970.000.000) dated August 3, 2011
7. Preliminary Hydrology Report, prepared by Michael D. Ashley, February 2010
8. Geology/Soils Study Report, Sigma Prime Geosciences, Inc., dated May 26, 2010



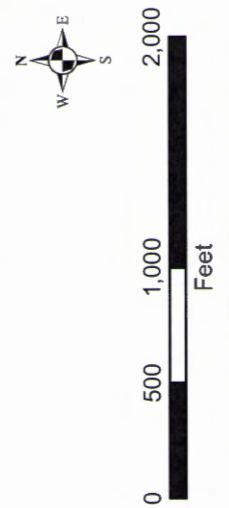
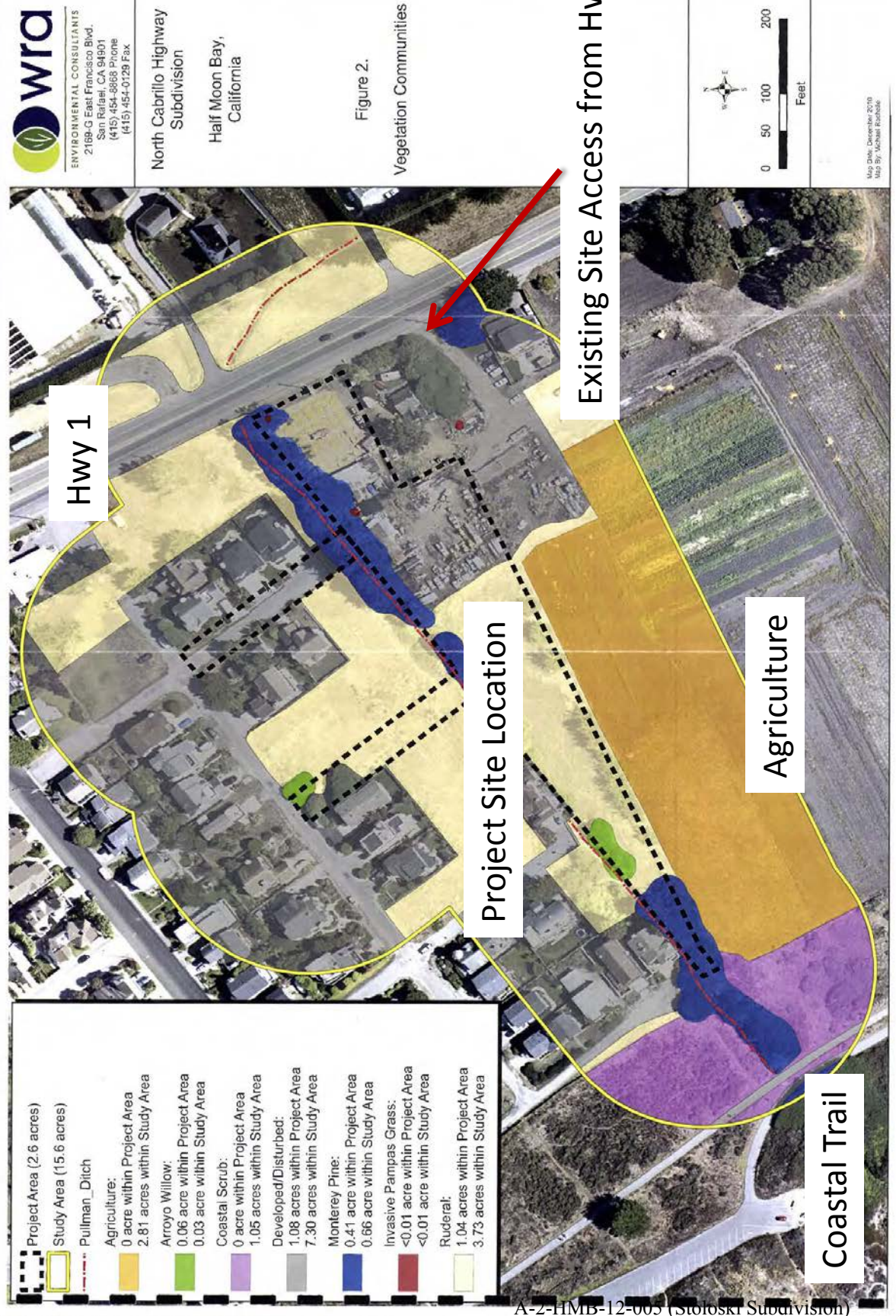


Figure 1. Location Map

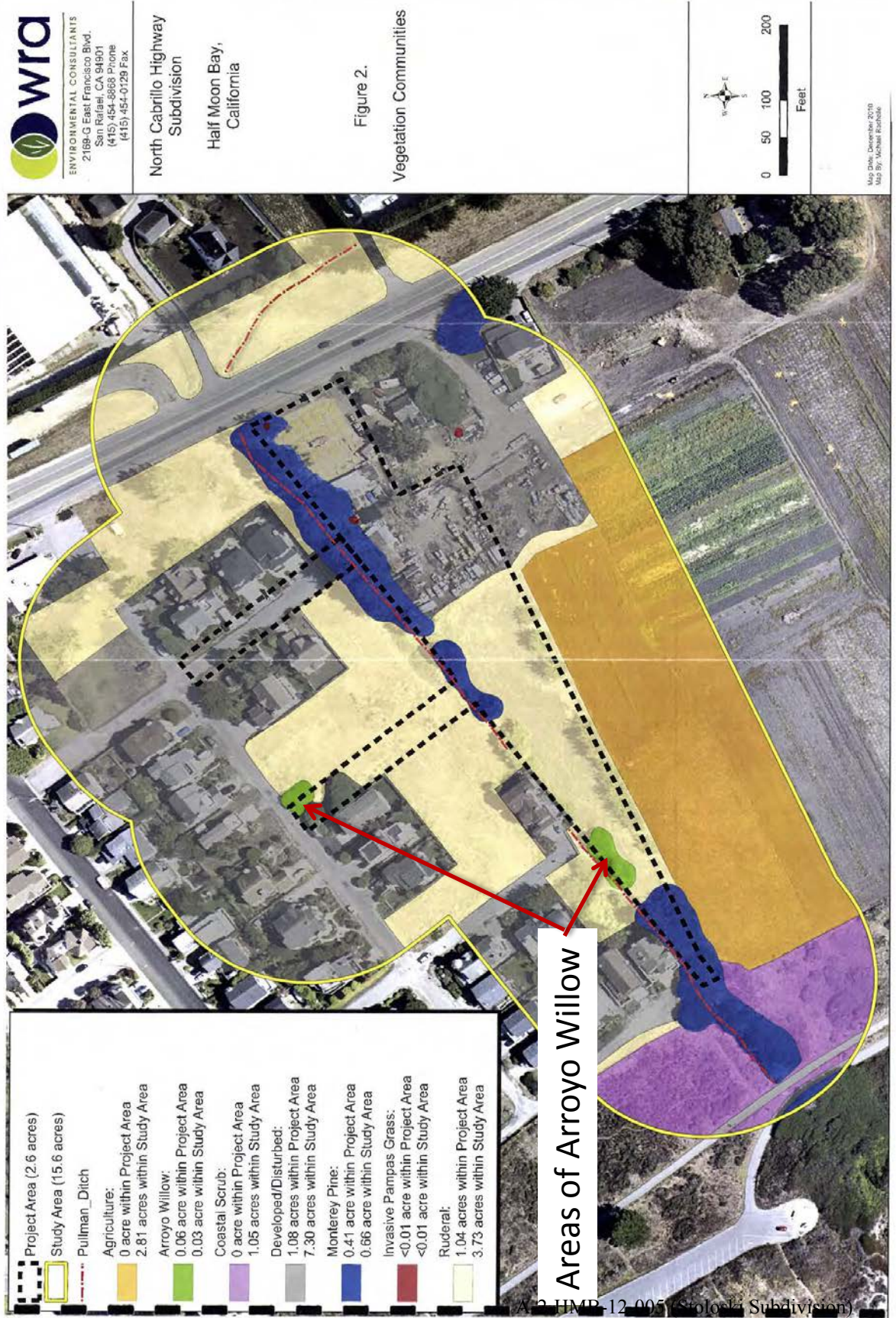
North Cabrillo Highway Subdivision  
Half Moon Bay, California



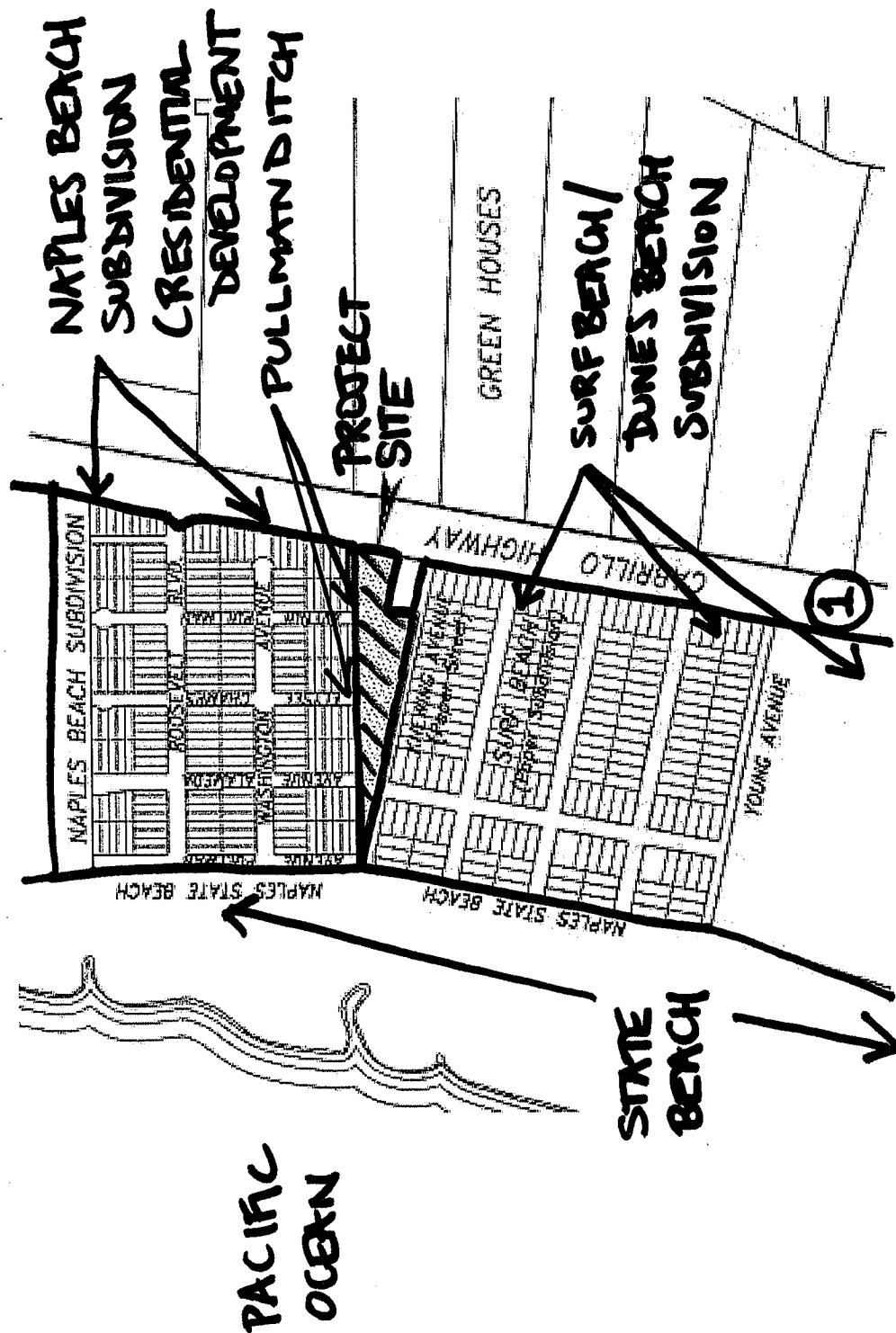




# A-2-HMB-12-005 (Stoloski) Location of Arroyo Willow within Project Site



A - 2 - HMB - 12 - 005 (STOLOSKI SUBDIVISION)



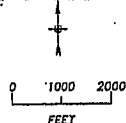
**PLANNED  
UNIT  
DEVELOPMENT  
PUD AREA  
inc project site**

**ZONING LEGEND**

- R-1--Single Family Residential (5,000 sq. ft. lot)
- R-1-B-1--Single Family Residential (6,000 sq. ft. lot)
- R-1-B-2--Single Family Residential (7,500 sq. ft. lot)
- R-1-B-3--Single Family Residential (10,000 sq. ft. lot)
- R-2--Two Family Residential
- R-3--Multiple Family Residential
- C-D--Commercial, Downtown
- C-R--Commercial, Residential
- C-G--Commercial, General
- C-VS--Commercial, Visitor Serving
- P-S--Public Service
- IND--Industrial
- U-R--Urban Reserve
- OS-R--Open Space Reserve
- OS-A--Open Space-Active
- OS-P--Open Space-Passive
- OS-C--Open Space-Conservation
- A-1--Exclusive Floriculture
- A-2--Agriculture and Agricultural Reserve
- PUD--Planned Unit Development

**HALF MOON BAY  
ZONING MAP**

Adopted by the Half Moon Bay City Council March 19, 1996.  
Certified by the California General Counsel April 10, 1996.

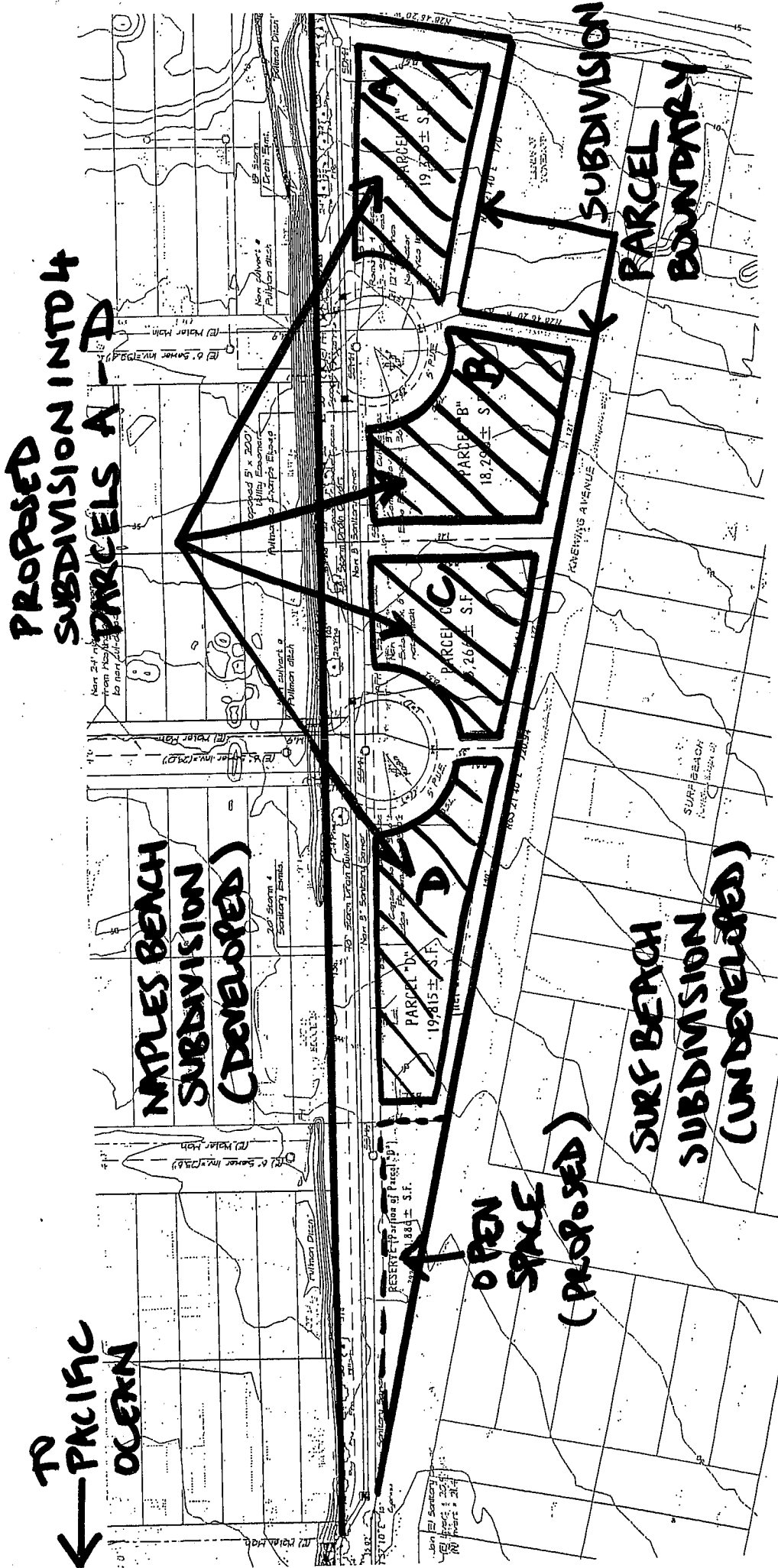


Prepared by LYNX Technologies, February 1998

**HALF MOON BAY  
ZONING MAP**

[illegible]





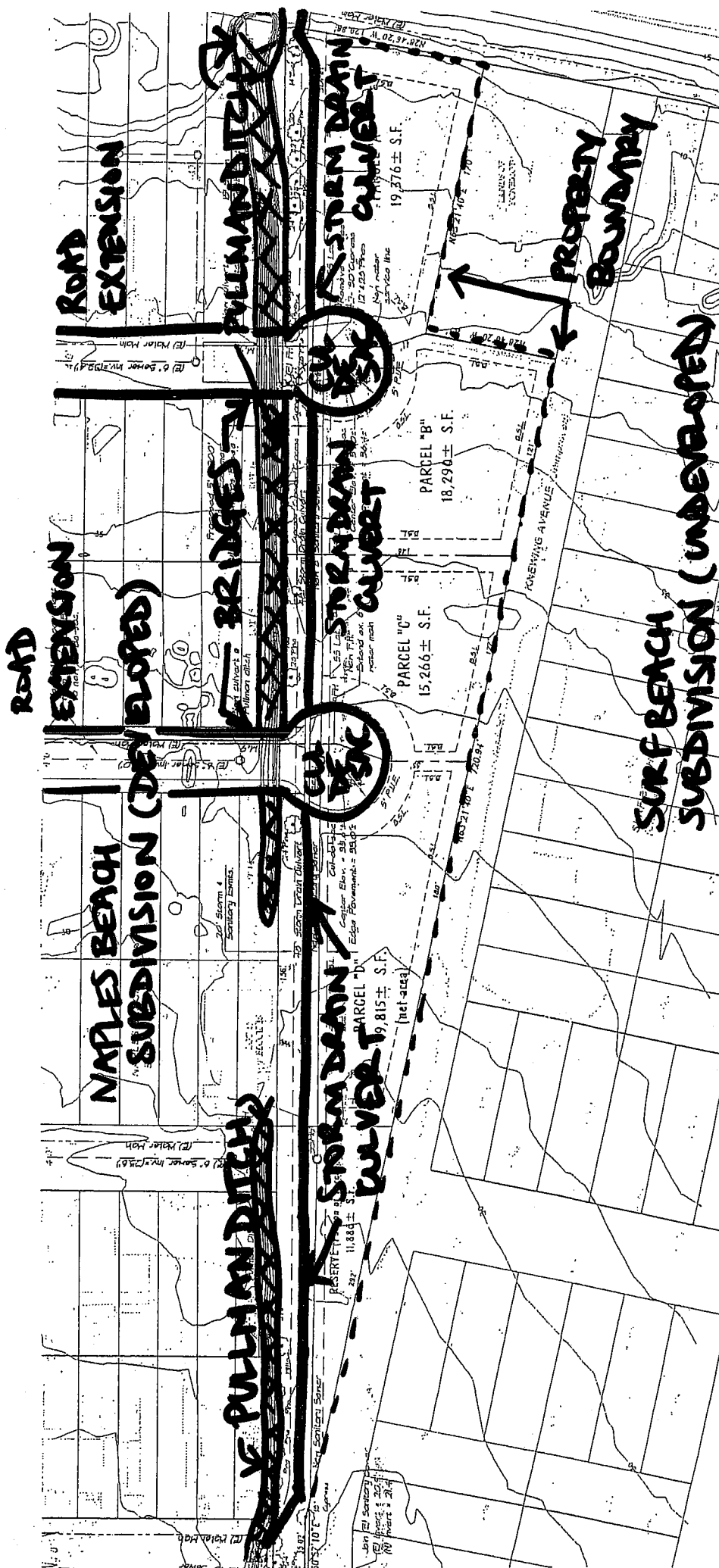
**A-2-HMB-12-005 (STOLOSKI)**

**PROJECT PLANS : SUBDIVISION INTO 4 PARCELS**



# LOCATION OF INTERMITTENT STREAM &

# CULVERT

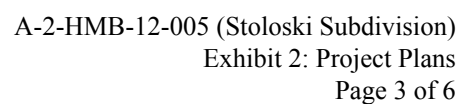


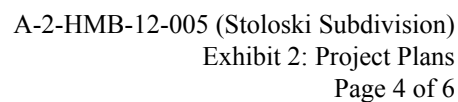
TENTATIVE PARCEL MAP  
STOLOSKI SUBDIVISION

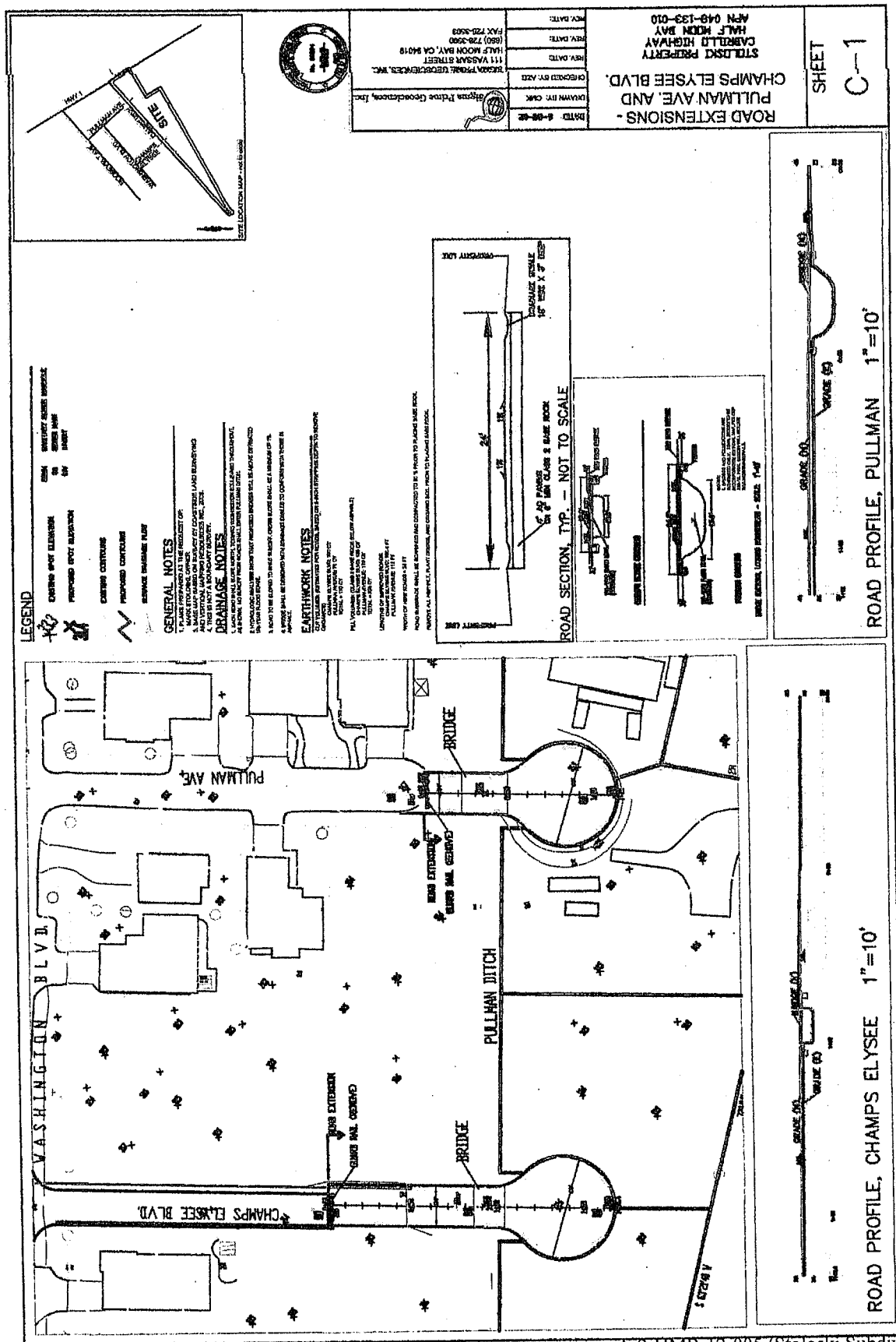
A-2-HMB-12-005

PROJECT PLANS: STORM DRAIN CULVERT

~~PULLMAN~~  
PULLMAN  
DITCH AREA  
& LOCATION OF  
INTERMITTENT  
STREAM

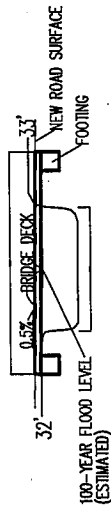




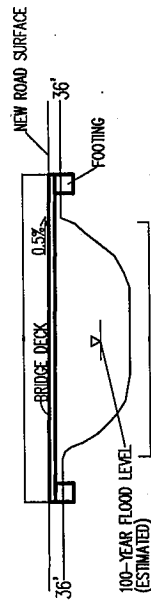


A-2-HMB-12-005 (Stoloski Subdivision)  
Exhibit 2: Project Plans  
Page 1 of 2

A-2-HMB-12-005 (Stoloski)  
PROJECT PLANS: ROAD EXTENSIONS, BRIDGES & CUL-DE-SACS



CHAMPS ELYSEE CROSSING



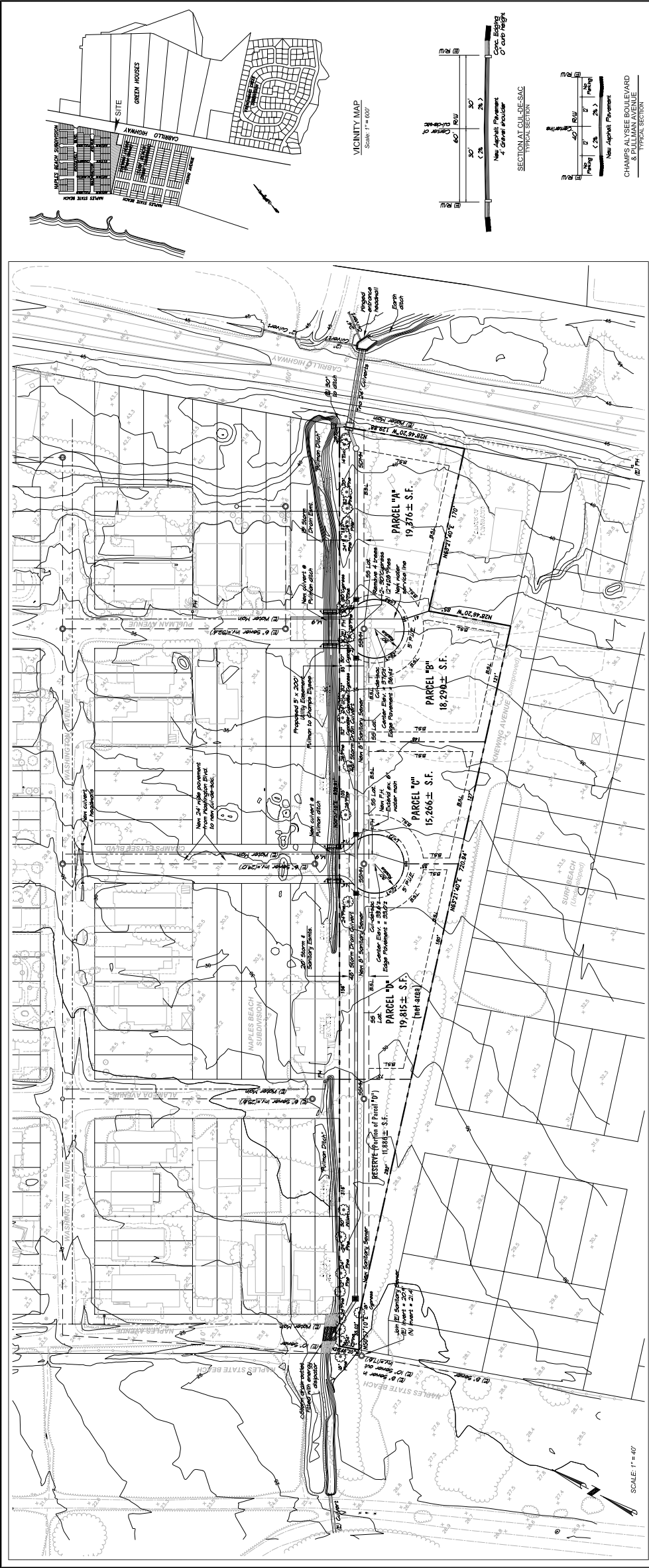
PULLMAN CROSSING

BRIDGE SECTIONS, LOOKING DOWNSTREAM - SCALE: 1"=1'

#### NOTES:

1. BRIDGES AND FOUNDATIONS ARE SCHEMATIC ONLY. FINAL DESIGN TO BE INCORPORATED ON FINAL MAP, PER CDP 009-10. FINAL DESIGN WILL INCLUDE RAILINGS/GUARDRAILS.

# A-2-HMB-12-005 (STOLOSKI) PROJECT PLANS: BRIDGE CROSSINGS



LEGEND:

BOUNDARY	---
NEW LOT LINE	---
EXISTENT	---
CENTERLINE	---
EXISTING	---
APN	---
FILE	---
PLAT	---
RECORD	---
RECORD SUBDIVISION MAP	---
INVEST OF FIVE	---
SALES TAX EXEMPT	---
SALES TAX EXEMPT (PROPOSED)	---
SD	---
SD	---

SURVEY CREDIT:

THE AERIAL SURVEY SHOWN HEREON WAS PREPARED BY:  
VERTICAL MAPPING RESOURCES, INC.  
10000 Highway 100, Suite 200  
Palo Alto, CA 94304  
1994-07-14/96

BOUNDARY AND UTILITIES SURVEYING WAS PROVIDED BY:  
COURTESY AND SURVEYING  
785 Main Street  
Half Moon Bay, CA 94028  
(650) 776-7176

BENCH MARK:  
A BENCH MARK WAS SET IN TOP OF CONCRETE  
MONUMENT LOCATED E 500 FT. & THE INTERSECTION  
OF Highway 1 and Francisco Creek Road  
Elevation = 564.65

PROJECT STATEMENTS:

- A. EXISTING ZONING P.U.D.  
B. THE PROJECTED ZONING P.U.D.  
C. THE PROJECTED ZONING P.U.D. IS BASED ON THE DESCRIPTION OF THE PROJECTED ZONING P.U.D. AND THE PROJECTED ZONING P.U.D. IS BASED ON THE DESCRIPTION OF THE PROJECTED ZONING P.U.D.  
D. THE PROJECTED ZONING P.U.D. IS BASED ON THE DESCRIPTION OF THE PROJECTED ZONING P.U.D. AND THE PROJECTED ZONING P.U.D. IS BASED ON THE DESCRIPTION OF THE PROJECTED ZONING P.U.D.  
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PROJECT DESCRIPTION:

THE APPLICANT IS PROPOSING A FOUR LOT TRACT SUBDIVISION ON THE PROJECTED ZONING P.U.D. MAP. THE PROJECTED ZONING P.U.D. IS BASED ON THE DESCRIPTION OF THE PROJECTED ZONING P.U.D. AND THE PROJECTED ZONING P.U.D. IS BASED ON THE DESCRIPTION OF THE PROJECTED ZONING P.U.D.  
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UTILITY AND SERVICE INFORMATION

WATER	WASTEWATER	CABLE TELEVISION
CHANDLER COUNTY WATER DISTRICT 10000 Highway 100, Suite 200 Palo Alto, CA 94304 (650) 776-4604	GRANDVIEW SANITARY DISTRICT P.O. Box 135 El Granada, CA 94028 (650) 776-1026	CITY OF HALF MOON BAY 10000 Highway 100, Suite 200 Palo Alto, CA 94304 (650) 776-4604
GAS AND ELECTRIC	FIRE PROTECTION	TELEPHONE
PACIFIC GAS & ELECTRIC 10000 Highway 100, Suite 200 Palo Alto, CA 94304 (650) 776-4604	CHANDLER FIRE PROTECTION DISTRICT 10000 Highway 100, Suite 200 Palo Alto, CA 94304 (650) 776-4604	AT&T 3475 North First Street, Suite 200 Half Moon Bay, CA 94028 (650) 776-4604

ZONING:

EXISTING ZONING	P.U.D.	PROPOSED ZONING	P.U.D.
Parcel A	19,376 ± S.F.	Parcel A	19,376 ± S.F.
Parcel B	15,266 ± S.F.	Parcel B	15,266 ± S.F.
Parcel C	18,270 ± S.F.	Parcel C	18,270 ± S.F.
Parcel D	19,376 ± S.F.	Parcel D	19,376 ± S.F.
Reserve	11,666 ± S.F.	Reserve	11,666 ± S.F.
Street	6,327 ± S.F.	Street	6,327 ± S.F.
Total	40,160 ± S.F.	Total	40,160 ± S.F.

PROJECT SUMMARY:

PROPOSED PARCELS	Area
Parcel A	19,376 ± S.F.
Parcel B	15,266 ± S.F.
Parcel C	18,270 ± S.F.
Parcel D	19,376 ± S.F.
Reserve	11,666 ± S.F.
Street	6,327 ± S.F.
Total	40,160 ± S.F.

OWNER:

Stoloski & Gonzalez, Inc.  
725 Main Street  
Half Moon Bay, CA 94028  
(650) 776-7176

APPLICANT:  
Michael Ashley  
725 Main Street  
Half Moon Bay, CA 94028  
(650) 776-7176

CIVIL ENGINEER:  
Michael Ashley  
RCE 15004  
San Mateo, CA 94402  
(650) 341-0665

TENTATIVE PARCEL MAP

Prepared for: Stoloski & Gonzalez, Inc.  
APN 048-133-010  
Cabrillo Highway (State Rte. 1)  
Land described in Doc. # 92122041

HALF MOON BAY  
SAN MATEO COUNTY  
Michael D. Ashley  
Civil Engineer  
(650) 341-0665

JUNE 2010 revised SEPTEMBER 15, 2010 SHEET 1 OF 1

Figure 2 - Tentative Parcel Map

North Cabrillo Highway Subdivision  
City of Half Moon Bay, California



ENVIRONMENTAL CONSULTANTS

Date: February 2011  
Source: Michael D. Ashley, Civil Engineer



2-HMB-11-010  
**RECEIVED**  
JAN 26 2012  
CALIFORNIA  
COASTAL COMMISSION

**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

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Date: January 24, 2012

File: PDP-009-10

Applicant:

Kerry Burke  
Burke Land Use  
34 Amesport Landing  
Half Moon Bay, CA 94019

Owner:

Mark Stoloski  
727 Main Street  
Half Moon Bay, CA 94019

Planner: Steve Flint, 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 as determined by the local agency.

The City Council approved the Coastal Development Permit, Planned Unit Development Permit Plan, Use Permit and Tentative Parcel Map on January 17, 2012, based on the Findings and Evidence and subject to the Conditions of Approval contained in the attached City Council Resolution for Approval, C-04-12.

**Project Description:** Coastal Development Permit, Planned Unit Development Plan, Use Permit, and Tentative Parcel Map to divided approximately 2.1 acres into four lots, including extension of utilities and public streets, and construction of a new on-site storm drain system to replace an existing open channel (Pullman Ditch), located on adjoining properties along the northern boundary of the Project Area.

**Project Location:** Located in the 2700 block on the west side of North Cabrillo Highway (Highway 1), south of Washington Boulevard, 600 feet landward of the Pacific Ocean and 2.0 miles north of the intersection of Highways 1 and 92.

**APN:** 048-133-010

Local Review of this Coastal Development Permit Application is now complete. The City's approval of this Coastal Development Permit application may be appealed to the California Coastal Commission in accordance with California Public Resources Code Section 30603. A 10 working-day appeal period for appeal of this action to the Coastal Commission will commence the next working day following the Commission's receipt of this notice of final local action. Please contact the Coastal Commission's North Central Coast District Office at (415) 904-5200 for further information about the Commission's appeal process.

**Resolution No. C- 04 -12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND  
MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING A  
COASTAL DEVELOPMENT PERMIT, PLANNED UNIT DEVELOPMENT PLAN,  
USE PERMIT AND TENTATIVE PARCEL MAP TO CREATE FOUR  
RESIDENTIAL PARCELS ON 2.1 ACRES LOCATED IN THE 2700 BLOCK  
OF NORTH CABRILLO HIGHWAY (APN 048-133-010) WITHIN THE  
PLANNED UNIT DEVELOPMENT ZONING DISTRICT**

**WHEREAS**, Kerry Burke on behalf of Mark Stoloski, Stoloski and Gonzalez Inc. submitted an application requesting approval of a Coastal Development Permit, Planned Unit Development Plan, Use Permit and Tentative Parcel Map to create four residential parcels on 2.1 acres located in the 2700 block of North Cabrillo Highway (APN 048-133-010) within the Planned Unit Development zoning district; and

**WHEREAS**, the City processed the application in accordance with the Permit Streamlining Act and with the requirements of the California Environmental Quality Act (CEQA) as set forth in California State Public Resources Code Section 21000; and

**WHEREAS**, the project was determined to be subject to CEQA, and an Initial Study/Mitigated Negative Declaration (IS/MND) State Clearinghouse No. 2011052007 was prepared for the project by the City of Half Moon Bay; and

**WHEREAS**, the MND was circulated for a public review from October 31, 2011 through November 30, 2011 in accordance with Section 21091 of the Public Resources Code and all those desiring to comment were given the opportunity; and

**WHEREAS**, the City received written comments on the MND during the public review period which have been addressed in the final MND and presented to the Planning Commission; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the matter on December 13, 2011, at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

**WHEREAS**, following the close of the public hearing, the Planning Commission adopted a resolution recommending that the City Council approve the Coastal Development Permit, Planned Unit Development Plan, Use Permit and Tentative Parcel Map on 2.1 acres located in the Planned Unit Development (PUD) Zoning District (APN 048-133-010); and

**WHEREAS**, the Coastal Development Permit has been reviewed in accordance with Chapter 18.20 of the Municipal Code, which defines development, in part, as a change in the density and intensity of use of land, including, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with 66410 of the Government Code); and

**WHEREAS**, the City Council has determined that the Mitigated Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable Guidelines; and

**WHEREAS**, the City Council has determined that, on the basis of the whole record, including the Initial Study and comments hereto, there is no evidence that the project, subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment; and

**WHEREAS**, the Mitigated Negative Declaration reflects the independent judgment of the City of Half Moon Bay; and

**WHEREAS**, the City Council has determined that the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation Monitoring and Reporting Program in conformance with California Public Resources Code Section 21081.6; and

**WHEREAS**, documents and other material constituting the record of the proceedings upon which the City's decision and its findings are based are located at the City of Half Moon Bay Planning Department, located at 501 Main Street, in Half Moon Bay.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Half Moon Bay hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approves PDP-009-10, an application for a Coastal Development Permit, Planned Unit Development Plan, Use Permit and Tentative Parcel Map to create four residential parcels with associated improvements and utilities, on 2.1 acres located in the Planned Unit Development (PUD) Zoning District (APN 048-133-010), based on the Findings and Evidence (Exhibit A), and subject to the Conditions of Approval (Exhibit B) attached to this Resolution.

\*\*\*\*\*

I, the undersigned, hereby certify that the forgoing Resolution was duly passed and adopted on the 17<sup>th</sup> day of January, 2012 by the City Council of Half Moon Bay by the following vote:

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

NOES, Councilmembers:

ABSENT, Councilmembers:

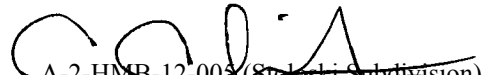
ABSTAIN, Councilmembers:

ATTEST:

APPROVED:



Siobhan Smith, City Clerk

  
A-2-HMB-12-009 (Stolinski Subdivision)  
Exhibit F: Notice of Final Local Action  
Allan Alifano, Mayor

**EXHIBIT A  
FINDINGS AND EVIDENCE  
PDP-009-10**

**Coastal Development Permit, Planned Unit Development Plan,  
Use Permit and Tentative Parcel Map to Create Four Residential Parcels on 2.1  
Acres Located in the 2700 block of North Cabrillo Highway (APN 048-133-010)  
Within the Planned Unit Development Zoning District**

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

**Evidence:** The proposed project will not restrict or otherwise adversely affect public coastal access or public coastal recreational opportunities because the project will not alter points of access or access ways, or opportunities for recreational opportunities. The project will not interfere with the public's access to the coastal trail, beach or sea. The project has been reviewed for conformance with all policies of the LCP Land Use Plan and has been determined to be consistent.

- 2. Local Coastal Program – Finding:** The development as proposed or as modified by conditions, conforms to the Local Coastal Program.

**Evidence:** The City's Local Coastal Program (LCP) Land Use Plan designates the project area as Planned Development (PD). The project area is located in a Planned Unit Development zoning district, which is consistent with the LCP. The LCP designation allows for a maximum of two dwelling units per acre. The project proposes the creation of four residential parcels on 2.1 acres, which is consistent with the LCP and Zoning Code.

**Policy 3-3:**

*(a) Prohibit any land use and/or development which would have significant adverse impacts on sensitive habitat areas.*

*(b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.*

**Compliance:** The project is not located adjacent to or within a suitable habitat for special status species such as the California Red Legged Frog or the San Francisco Garter Snake. All construction activities are designed and conditioned to avoid any potential impacts the project could have on potential nearby habitats or species.

**Policy 4-9:** *All development shall be designed and constructed to prevent increases in runoff that would erode natural drainage courses. Flows from graded areas shall be kept to an absolute minimum, not exceeding the normal rate of erosion and runoff from that of the undeveloped land. Storm water outfalls, gutters, and conduit discharge shall be dissipated.*

**Compliance:** The net increase in impervious area resulting from the project is approximately 0.31 acres (WRA, 2011). The proposed project includes the construction of a storm drain parallel to and south of Pullman Ditch as well as a storm drain outlet that would flow into the western end of the ditch. The new storm drain would be connected to two existing 24-inch Caltrans culverts which currently discharge runoff into Pullman Ditch near Highway 1. The new storm drain has been sized to accommodate post project flows as well as runoff from the drainage basin east of Cabrillo Highway.

**Policy 6-3:** *In that portion of any development of 1 acre or more, as indicated on the Land Use Plan Map, which is also within an area designated on the Map of Potential Archaeological Resources, an archaeological survey shall be undertaken as a part of the preparation of a specific plan for development. The survey shall include findings on actual and potential resources on the site, impacts of the development proposed, and recommended mitigation measures. All feasible mitigation measures shall be incorporated in the specific plan or development plan prior to the issuance of a permit for development.*

**Compliance:** The project area is not designated as containing potential archaeological resources, but is surrounded by such areas. However, the Half Moon Bay region has not undergone an exhaustive archaeological survey, and it is possible there are other sites occur within the City. Therefore, the proposed project could result in potentially significant impacts to unknown cultural resources. Mitigation measures are recommended that would lessen potentially significant impacts to a less-than-significant level. Staff is recommending a condition to require that the construction of the project cease if any artifacts are found during construction, and that a study be performed on such artifacts.

**Policy 9-2:** *No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities, including such improvements as are provided with the development.*

**Finding:** Upon completion of the development, water, sewer, schools, and road facilities, including such improvements as are provided with the development will be available to serve the project.

**Policy 9-4:** *All new development, other than development on parcels designated Urban Reserve or Open Space Reserve on the Land Use Plan Map permitted while such designations are effective, shall have available water and sewer services and shall be accessed from a public street or shall have access over private streets to a public street. Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources will be available to serve the proposed development upon its completion and that such development is located within and consistent with the policies applicable to such an area designated for development. The applicant shall assume full responsibility for costs incurred in the service extensions or improvements that are required as a result of the proposed project, or such share as shall be provided if such project would participate in an improvement or assessment district. Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the Land Use Plan.*

**Adequate Services – Finding:** adequate services and resources will be available to serve the proposed development upon its completion and that such development is located within and consistent with the policies applicable to such an area designated for development.

**Compliance:** The project site currently has 10 sewer connections purchased through Granada Sanitary District and Coastside County Water District has sufficient water connections available to accommodate future development on four residential lots. Access shall be provided by the extension of existing city rights-of-way, the improvement of which will be required of the applicant.

**Policy 9-5:** *The base permitted residential density for any parcel located within an area designated Planned Development (PD) District shall be no more than 2 units per acre, except as provided with respect to such District under Subsections 9.3.3 through 9.3.16.*

*This "base density" policy may be revised upward as a result of compliance with other conditions which limit the area which may be developed. However, the total amount of development permitted by the LUP shall not exceed the amount programmed in the Phasing Section of this Plan (see Table 9.3 and related text).*

**Compliance:** The project proposes four residential parcels on 2.1 acres, which is less than two units per acre. Subsection 9.3.3 addresses the Surf Beach/Dunes Beach area where the theoretical development potential in the tract north of Young Avenue is 91 residential units, based on a zoning designation that allows 6,000 square foot lots. The Parcel Map proposes four parcels that average 20,000 square feet per parcel.

**Policy 9-8:** *The entire site located in the Planned Unit Development district shall be planned as a unit. Preparation of specific plans (Government Code section 65450)*



*may be required for one or more separate ownerships, individually or collectively, when parcels comprising a site designated PD are in separate ownerships.*

**Compliance:** The subject parcel is not a part of an existing subdivision, but exists as a separate 2.1 acre parcel under single ownership located between the Surf Beach Tract and City of Naples subdivisions and is planned as a unit.

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

**Evidence:** The proposed project does not propose any new residential units; therefore, it is not subject to the City's growth management system.

- 3. Zoning Provisions – Finding:** 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:** Chapter 18.15 of the Zoning Ordinance requires a minimum site area for a Planned Unit Development Plan of one acre. The project site is 2.1 acres in area. The Planned Unit Development Plan includes a detailed description of the proposed development standards, including but not limited to proposed minimum site requirements, setbacks, parking requirements, building heights, and any other criteria related to the physical development of the site as required by Section 18.15.035. This Planned Unit Development Plan is established to accommodate detached, single-family residential development and land uses based on the standards of the R-1 zoning district with certain modifications.

**4. Planned Unit Development Plan – Findings:**

- A. The Planned Unit Development Plan is consistent with the adopted General Plan, this chapter, and all other applicable policies and ordinances of the City;
- B. The Planned Unit Development Plan is compatible with surrounding land uses;
- C. The adoption and implementation of the Planned Unit Development Plan will result in superior design and development of the site;
- D. The Planned Unit Development Plan meets the requirements of any annual dwelling unit allocation system adopted by the city;
- E. Adoption and implementation of the Planned Unit Development Plan will not exceed the capacity of existing or planned infrastructure systems, including but not limited to sewer, water, natural gas, electricity, police and fire protection;
- F. If adequate utilities, infrastructure, and public services are not available to serve all of the proposed development possible under the Planned Unit Development Plan, the plan contains phasing controls or requirements for utility improvements that ensure that demands from proposed development does not exceed utility capacity;

G. The applicant, or Planning Commission and City Council, have incorporated all appropriate measures and conditions in the Planned Unit Development Plan necessary to mitigate any potential adverse impacts identified during the public review process.

- 5. Use Permit – Finding:** The establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

**Evidence:** Single family residential uses are compatible with the surrounding residential uses and the development of residential properties development is in conformance with the provisions of the adopted plan.

- 6. Tentative Parcel Map – Finding:** The tentative parcel map is in conformity with the general plan and its elements, the local coastal plan, the zoning ordinance, the provisions of the Subdivision Map Act, and this title as to design, drainage, utilities, road improvements and offers of dedication or deed.

**Evidence:** The tentative parcel map is designed in accordance with the provisions of Chapter 18.15 that regulate a Planned Unit Development Plan in the PUD zoning district.

- 7. CEQA – Finding:** On the basis of the whole record, including both initial study and any public comments received, the project is consistent with CEQA guidelines and will not have a significant effect on the environment.

**Evidence:** The mitigation measures contained in the Mitigated Negative Declaration (MND) serve to mitigate any and all potentially significant environmental impacts that have been established either by threshold of significance in the MND, incorporated through comments received on the MND by responsible agencies, or by direction of the Planning Commission. All mitigation measures have been incorporated into the conditions of approval that accompany the attached resolution.

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**  
**PDP-009-10**

**Coastal Development Permit, Planned Unit Development Plan, Use Permit and Tentative Parcel Map to Create Four Residential Parcels on 2.1 Acres Located in the 2700 Block of North Cabrillo Highway (APN 048-133-010) Within the Planned Unit Development (PUD) Zoning District**

**Authorization:** Approval of this permit authorizes a Coastal Development Permit, Planned Unit Development Plan, Use Permit and Tentative Parcel Map to create four residential parcels on 2.1 acres located in the 2700 Block of North Cabrillo Highway (APN 048-133-010) within the Planned Unit Development (PUD) Zoning District as shown on plans City date stamped September 27, 2011, except as modified by the conditions of approval set forth herein. Improvement work shall not be commenced until after the Final Map is approved and recorded and not until after all improvement plans and profiles for such work have been submitted to and approved by the City Engineer.

**A. The following Conditions shall be met prior to recording a Final Map:**

1. **CONFORMANCE WITH APPROVED PLANS.** Development shall be in substantial conformance with the approved plans, City date stamped **September 27, 2011**, 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 Planning Commission or City Council review and approval, the Applicant shall submit the revised plans for consideration at a public hearing. \_\_\_\_\_ (Planning)
2. **CONSTRUCTION PLANS.** All plans, specifications, engineering calculations, diagrams, reports, and other data for construction of required improvements shall be submitted with the appropriate permit application to the Building Department for review and approval. Computations and back-up data will be considered a part of the required plans. Structural calculations and engineering calculations shall be prepared, wet stamped, and signed by an engineer or architect licensed by the State of California. A geotechnical report shall be prepared, wet stamped, and signed by an engineer licensed by the State of California. \_\_\_\_\_ (Building)
3. **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.
4. **CONSTRUCTION STAGING AREAS.** Bid documents shall include standards for construction staging areas, including equipment and materials storage. These standards shall require the contractor to obtain all necessary permits and approvals that are required by various state, regional, and local agencies. Environmental Performance Standards shall also be included which address dust and other types of air pollution: erosion, sedimentation and other water quality issues; protection of biotic

resources and habitat areas; and other environmental resources as appropriate. The contract documents shall include these performance standards and shall specify remediation requirements and penalties for any violations. All staging areas shall be outside of any buffer for protected coastal resources. \_\_\_\_\_ (Public Works)

5. U.S. ARMY CORPS OF ENGINEERS. The Applicant shall obtain any necessary approvals that may be required from the U.S. Army Corps of Engineers. It is the Applicant's responsibility to make sure the project is in compliance with all of the Corps' requirements. \_\_\_\_\_ (Planning)
6. U.S. FISH AND WILDLIFE SERVICE. The Applicant shall obtain any necessary approvals that may be required from the U.S. Fish and Wildlife Service. It is the Applicant's responsibility to make sure the project is in compliance with all of the Service's requirements. \_\_\_\_\_ (Planning)
7. CA FISH AND GAME. The Applicant shall obtain any necessary approvals that may be required from the California Department of Fish and Game. It is the Applicant's responsibility to make sure the project is in compliance with all of Fish and Game's requirements. \_\_\_\_\_ (Planning)
8. CA PARKS AND RECREATION. The applicant shall work with the Supervisor of the San Mateo County Coast sector of the California Department of Parks and Recreation in the preparation of the Storm Drainage Improvement Plan to ensure adequate capacity is provided on the section of the drainage system that is located on state park land. \_\_\_\_\_ (Planning)

**B. The following Conditions shall be met prior to any development activity or site disturbance:**

1. BIOLOGICAL ASSESSMENT (BIO-1). Seasonally-appropriate protocol-level plant surveys in the study area are recommended to account for the 19 species. These surveys should cover the blooming periods of all species listed in Section 4.2.1 of the Biological Resource Assessment (WRA, 2011). If any special status plant species are identified in the study area or project area, development activities shall avoid these areas and appropriate buffer areas established around such species. A qualified biologist shall determine the size and location of any buffer. Fencing or other barriers shall be installed to prevent disturbance of the special status species ESHA and buffer area until project construction is complete. If a suitable protective ESHA buffer cannot be preserved, mitigation shall include restoration and improvement of habitat within the remaining buffer area or other suitable areas on the project site. Restoration shall include removal of invasive species that threaten the continuance of the special status species and its habitat. \_\_\_\_\_ (Planning)

2. IMPACTS TO RAPTORS AND TREE-NESTING RAPTOR NESTS (BIO-2A). A

qualified biologist shall conduct a pre-construction survey for tree-nesting raptors (e.g., hawks, falcons, owls, etc.) in all trees occurring within 250-feet of project building envelopes within 30 days of the onset of ground disturbance, if such disturbance will occur during the breeding season (1 February through 31 August). If nesting raptors are detected on the site during the survey, a construction buffer of 250 feet shall be established around each active nest for the duration of the breeding season or until it has been confirmed that all young have fledged and are independent. A biological monitor would monitor the site to ensure nesting raptors are not adversely affected by construction activities and to determine when young are independent. Pre-construction surveys during the non-breeding season are not necessary for tree-nesting raptors, as they are expected to abandon their roosts if disturbed by construction. \_\_\_\_\_ (Planning)

3. IMPACTS TO OTHER NESTING BIRDS (BIO-2b). To avoid impacting nesting birds (including CDFG Species of Special Concern), **one** of the following shall be implemented:

Conduct grading and construction activities, including the removal of Monterey pine trees from September 1<sup>st</sup> through January 31<sup>st</sup>, when birds are not likely to be nesting on the site;

OR -

Conduct pre-construction surveys for nesting birds if construction is to take place during the nesting season (February 1 through August 31). A qualified wildlife biologist shall conduct a pre-construction nest survey no more than 5 days prior to initiation of grading to provide confirmation of the presence or absence of active nests on or immediately adjacent to the study area. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. A minimum exclusion buffer of 50 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report prepared by the qualified biologist shall verify that (1) no active nests are present, or (2) that the young have fledged, shall be submitted to the City prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. \_\_\_\_\_ (Planning)

4. IMPACTS TO BATS (BIO-3). If construction occurs during the roosting season then pre-construction surveys for bats shall take place. Additionally, unused buildings may provide winter roost habitat and shall be surveyed for roosts if removed between November and March. If special status bat species are detected during surveys, appropriate, species and roost specific mitigation measures shall be developed.

Such measures may include postponing removal of trees, snags or structures until the end of the maternity roosting season or construction of species appropriate roosting habitat within, or adjacent to the study area. Consultation with CDFG may be warranted to determine appropriate mitigation measures if roosts are disturbed or destroyed. \_\_\_\_\_ (Planning)

5. IMPACTS TO SAN FRANCISCO DUSKY-FOOTED WOODRAT (BIO-4).

Conduct pre-construction surveys. If stick houses are found and if avoidance is not feasible, the houses shall be dismantled by hand under the supervision of a biologist. If young are encountered during the dismantling process, the material shall be placed back on the house, a buffer of 25 feet using orange construction fencing shall be erected, and the house shall remain unmolested for two to three weeks in order to give the young enough time to mature and leave the house. After two to three weeks, the nest dismantling process may begin again. Nest material shall be moved to suitable adjacent areas that will not be impacted. \_\_\_\_\_ (Planning)

6. IMPACTS TO MONARCH BUTTERFLY (BIO-5). If construction activities or vegetation removal is scheduled during the winter from October through February, then a monarch winter roost survey shall be conducted. Detection of a roost may require consultation with CDFG. \_\_\_\_\_ (Planning)

7. HYDROLOGY (HYD-1). The applicant shall prepare a SWPPP subject to the review and approval by the City Engineer (See Condition C.4). \_\_\_\_\_ (City Engineer)

8. DRAINAGE PLANS (HYD-2). Upon submittal of improvement plans, the applicant shall submit a Drainage Plan to include all existing and proposed drainage improvements on and off the project site. The Drainage Plan shall demonstrate that all stormwater is retained on-site with no off-site release (100 percent containment). Drainage improvements shall be carried out to the satisfaction of the Director of Public Works or City Engineer. The Drainage Plan shall include a drainage system maintenance program. The applicant shall prepare and submit an Operations and Maintenance for the drainage facilities to the City for review and approval. The Drainage Plan shall be prepared by a licensed professional engineer. Any portion of the drainage system that is located on state park land shall be approved by the state Department of Parks and Recreation prior to any construction, on- and off-site. The final Drainage Plan will be presented to the Planning Commission for review prior to construction. \_\_\_\_\_ (City Engineer)

9. EROSION CONTROL. An Erosion Control Plan shall be provided by the Applicant for review by the City to ensure that erosion is reduced to the maximum extent practicable. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also



limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters and retain sediment on-site during and after construction. The Erosion Control Plan shall incorporate the Best Management Practices (BMPs) subject to the approval of the City Engineer. \_\_\_\_\_ (City Engineer)

10. U.S. ARMY CORPS OF ENGINEERS (BIO-6). Prior to the issuance of a grading permit, a permit shall be obtained from the Army Corps of Engineers for the discharge of any dredged or fill material into Waters of the United States, as required by Section 404 of the Clean Water Act of 1972. \_\_\_\_\_ (City Engineer)

**C. The following Conditions shall be met during the construction of on-site and off-site improvements:**

1. AIR QUALITY (AQ-1). The Applicant shall assure that the following practices are followed during all phases of site preparation and construction activities at the site:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. \_\_\_\_\_ (Public Works)

2. CULTURAL RESOURCES (CULT-1). If potentially significant cultural resources are encountered during project excavation or construction, all activity in the vicinity of the suspected resources shall be immediately suspended and the City and a qualified archaeologist shall be contacted to evaluate the situation. Project personnel shall not alter any of the uncovered materials or their context. The project developer, in consultation with a qualified archaeologist, shall complete a resource inventory, declaration, and mitigation plan and submit it to the City's Planning Department for review and approval prior to the continuation of any on-site grading or construction activity. Any previously undiscovered resources found during construction shall be recorded on appropriate significant cultural resources consist of, but are not limited to, stone, bone, wood, and shell artifacts; fossils; and features including hearths, structural remains, and historic dumpsites. \_\_\_\_\_ (Planning)
3. HAZARDOUS MATERIALS (HAZ-1). The project applicant shall remove the affected soil to an anticipated depth of 6 inches across this area (6,500 ft<sup>2</sup>; ±120 cubic yards). A minimum of four confirmation samples shall be collected from the base of the excavation and analyzed for TPH as motor oil following excavation. The excavated material could be either analyzed and off hauled to an appropriate disposal facility or encapsulated beneath a pavement section within the planned development. \_\_\_\_\_ (Public Works)
4. HYDROLOGY (HYD-1). The applicant shall prepare a SWPPP subject to the review and approval by the City Engineer. The SWPPP shall be implemented during construction and the following San Mateo County Storm Water Pollution Best Management Practices (BMPs) shall be included in the SWPPP to ensure that water quality of surface runoff is maintained and no siltation of downstream waterways would occur:
  - All project grading would take place in the dry season between April 1 and October 31 to minimize immediate erosion/siltation effects.
  - Construction materials and waste shall be handled and disposed of properly in compliance with applicable law to prevent their contact with stormwater.
  - Discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses shall be controlled and prevented.
  - Sediment controls such as straw mulch, silt fences, sediment basins or traps and/or other measures shall be employed during construction.
  - Tracking dirt or other materials off-site shall be avoided and off-site paved areas and sidewalks shall be cleaned regularly using dry sweeping methods.
  - The contractor shall train and provide instruction to all employees and subcontractors regarding construction BMPs. \_\_\_\_\_ (Public Works)

5. NOISE (NOISE-1). In addition to compliance with existing local, State and federal regulations, the following measures shall be required for new construction associated with the project:
- Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday; 8:00 a.m. to 6:00 p.m. Saturdays; and 10:00 a.m. to 6:00 p.m. Sundays and holidays. (City of Half Moon Bay Ord. 8-89 §1(part), 1989). However, the director of public works/city engineer may, upon written application, modify the hours of construction whenever, in his/her reasonable judgment, there is good cause for such modification due to emergency or impracticality. (Ord. 8-89 §1(part), 1989).
  - All construction vehicle and equipment shall be fitted with working mufflers.
  - All stationary noise generating equipment, such as compressors, should be located as far as possible from existing houses.
  - Machinery, including motors, shall be turned off when not in use.
  - Mobile equipment shall not run idle near existing residences.
  - A "disturbance coordinator" shall be designated who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be a member of City staff or employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site. \_\_\_\_\_ (Public Works)
6. DISRUPTION OF UTILITIES. During construction, underground utility alert services (USA) shall be used to identify the location of all underground services and to avoid the unplanned disruption of pipes or services lines during excavation and other activities. \_\_\_\_\_ (Public Works)
7. RECYCLING OF WASTE MATERIALS. Concrete, asphalt, soil, and wood waste materials shall be reused in the project or shall be recycled. \_\_\_\_\_ (Public Works)
8. TEMPORARY SIGNAGE. Whenever feasible, temporary signage shall be installed to notify the public of closures or detours and the expected duration of closures or detours. \_\_\_\_\_ (Public Works)
9. STORMWATER POLLUTION PREVENTION. Discharge of storm water runoff from the project shall comply with the San Mateo County NPDES Storm Water Management Plan. \_\_\_\_\_ (Public Works)

10. RESTORATION OF DAMAGED HABITAT. In the unlikely occurrence that any habitat area will be damaged during the course of the project, the Planning Director shall make a judgment if restoration is partially or wholly feasible pursuant to Policy 3-5(b) of the Local Coastal Program. \_\_\_\_\_ (Planning)
11. HOURS OF CONSTRUCTION. The hours of construction shall be limited to a work schedule that is approved by the Public Works Director. \_\_\_\_\_ (Public Works)
12. CONSTRUCTION TRAILERS. 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 inhabitation 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 from the site within 10 days of issuance of a Certificate of Occupancy or final inspection, whichever occurs first.  
\_\_\_\_\_ (Public Works)
13. 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 Department of Health.
14. ADDITIONAL ENVIRONMENTAL PROTECTION MEASURES.
  - a. Project activities shall be conducted when Pullman ditch is dry, but no earlier than July 1 and no later than October 15.
  - b. A pre-construction survey for the California Red Legged Frog (CRLF) and the San Francisco Garter Snake (SFGS) shall be conducted within 24 hours prior the beginning of construction activities.
  - c. The Applicant shall obtain a Biological Opinion (BO) for the project, if required.
  - d. A qualified and U.S. Fish and Wildlife Service (USFWS) approved biologist will conduct a worker training for all personnel involved in construction activities. This training will include CRLF and SFGS identification, basic natural history and instructions on what to do if a CRLF is observed during construction activities.
  - e. Environmental Sensitive Area (ESA) trenched-in silt fencing shall be placed along the perimeter of the project area to minimize the potential for the CRLF or SFGS to enter work areas. The biological monitor shall visually inspect the perimeter fencing at the start of each work day to ensure that no CRLF or SFGS are present prior to the onset of construction activities.

- f. Only adapted native or non-invasive exotic plant species are used for replanting.  
\_\_\_\_\_ (Planning)
15. TREE REMOVAL AND REPLACEMENT. Any Heritage Tree (as defined in Chapter 7.40 of the Municipal Code) that is removed as a result of this project shall be replaced on a one-for-one basis with a tree of a species and in a location approved by the public works director, and with minimum size of a twenty-four-inch-box specimen, or an alternative size as directed by the Public Works Director. \_\_\_\_\_ (Public Works Director)
16. UTILITIES. All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys, or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when service connections are made thereto. \_\_\_\_\_ (City Engineer)
17. PARCEL MAP. All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys, or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when service connections are made thereto.
18. MAXIMUM BUILDING AREA. The maximum amount of lot coverage shall not exceed 30% or provide no more than a total of 6,000 square feet of building area, whichever is greater.
19. NO ACCESS EASEMENT. A one-foot no access easement shall be granted to the City along the east property line on Parcel "A" to prevent vehicular access to and from Highway 1.
20. FINAL MAP. The subdivision improvement work shall not be commenced until after the final map is approved and recorded and not until after all improvement plans and profiles for such work have been submitted to and approved by the city engineer.
21. SUBSEQUENT SUBDIVISIONS. The four parcels created by this Tentative Parcel Map and recorded on the Final Map shall not be split or otherwise modified by lot line adjustment, lot merger or subdivision. A note to this effect shall be placed on the Final Map prior to recording.
22. SITE IMPROVEMENTS. Requirements for the construction of off-site and on-site improvements shall be noted on the Final Map prior to recording.

23. **EFFECTIVE DATE.** The Coastal Development Permit shall take effect 10 working days after receipt of the Notice of Final Action by the Coastal Commission, unless an appeal is filed.
24. **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.
25. **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, representatives, employees and agents, from and against any 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 21000 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, representatives, employees and agents. The Applicant's duty to defend the City shall not apply in those instances when the Applicant has asserted one or more Claims against another party or other parties, although the Applicant shall still have a duty to indemnify, protect and hold harmless the City.

**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(S):

\_\_\_\_\_  
(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](http://www.coastal.ca.gov)

**COMMISSION NOTIFICATION OF APPEAL**

DATE: February 13, 2012

TO: Steve Flint, Planning Director  
City of Half Moon Bay, Planning Department  
501 Main Street  
Half Moon Bay, CA 94019

FROM: Madeline Cavalieri, District Director

RE: Commission Appeal No. A-2-HMB-12-005

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-009-10  
Applicant(s): Mark Stoloski  
Description: Land division of approximately 2.1 acres into four lots, including extension of utilities and public streets, and construction of a new on-site storm drain system to replace an existing open channel (Pullman Ditch), located on adjoining properties along the northern boundary of the project area.  
Location: south of Washington Boulevard directly west of Highway 1 (North Cabrillo Highway), Cabrillo (San Mateo County) (APN(s) 048-133-10)  
Local Decision: Approved  
Appellant(s): Marc Grandstein; Jane Gorman; Commissioner Mary Shallenberger; Commissioner Jana Zimmer  
Date Appeal Filed: 2/9/2012

The Commission appeal number assigned to this appeal is A-2-HMB-12-005. 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 Central Coast District office, 725 Front St., Suite 300, Santa Cruz, Ca 95060, phone number

cc: Mark Stoloski

(831) 427-4863.

Burke Land Use, Attn: Kerry Burke

A-2-HMB-12-005 (Stoloski Subdivision)

Exhibit 4: Commission Notification of Appeal

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060-4508  
VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

**SECTION I. Appellant(s)**

Name: California Coastal Commission; Commissioners Mary Shallenberger and Jana Zimmer

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 94105

Phone: (415) 904-5200

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

City of Half Moon Bay

2. Brief description of development being appealed:

Land division of approximately 2.1 acres into four parcels, including extension of utilities and public streets, and construction of a new on-site storm drain system to replace an existing open channel (Pullman Ditch), located on adjoining properties along the northern boundary of the project area.

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

2700 block of Cabrillo Highway, south of Washington Boulevard directly west of Highway 1, San Mateo County

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

- ☐ Approval; no special conditions  
☒ Approval with special conditions:  
☐ Denial

**RECEIVED**  
FEB 09 2012  
CALIFORNIA  
COASTAL COMMISSION  
GENERAL COAST AREA

**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-12-005
DATE FILED	2/9/2012
DISTRICT	North Central Coast

**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: 1/17/2012

7. Local government's file number (if any): PDP-009-10

**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:

Mark Stoloski  
727 Main Street  
Half Moon Bay, CA 94019

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) Marc Grandstein and Jane Gorman

2895 Naples Avenue  
Half Moon Bay, CA 94019

(2) Kerry Burke Lane Use

10180 Sycamore Landing  
Half Moon Bay, CA 94019

(3) Steve Flint, City of Half Moon Bay Planning Director

501 Main Street  
Half Moon Bay, CA ~~94109~~ 94019

(4)

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.)

See Attached.

Note: The above description 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.

**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 2/9/2012

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 FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT  
Page 3

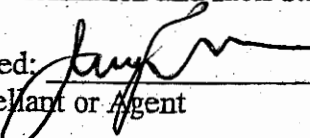
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

Note: The above description 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.

SECTION V. Certification

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

Signed:   
Appellant or Agent

Date: 2/9/2012

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

(Document2)

## Attachment A: Appeal Reasons

The City of Half Moon Bay approved a coastal development permit to subdivide 2.1 acres into four residential lots along with related improvements including extension of public streets, installation of utilities, and construction of a new on-site drain system to replace an existing open watercourse (known locally as Pullman Ditch). The project is located on the 2700 block of Cabrillo Highway (Highway 1), on the west side of the highway, south of Washington Boulevard and approximately 600 feet landward of the ocean. The City-approved project raises Local Coastal Program (LCP) conformance issues related to biological resources, public access, and the provision of public services, as follows:

First, it appears that the City-approved project would eliminate the riparian area associated with Pullman Ditch at this location; an area that appears to support sensitive habitats. In making this decision, it appears that the City did not adequately determine the location of such resources, including the degree to which they constitute sensitive habitats, and the types of required buffers that would be associated in such case. Pullman Ditch has previously been called out as an important habitat resource, including in relation to habitat for California red-legged frog, and there is little indication that that assessment is not longer applicable. Therefore, it appears that the project will adversely impact both riparian resources and sensitive habitats at the site. The certified LCP protects such biological resources, including by requiring new development to avoid sensitive habitat and riparian areas and to be set back an adequate distance from such areas to minimize impacts on biological resources. In conflict with these requirements, the approved project would cover the Pullman Ditch watercourse area, and relegate it to an underground culvert system. Further, the project would subdivide an area that appears to contain, or potentially contain, related sensitive habitat resources. The City deferred the requirement for protocol-level surveys for sensitive species and the determination of the location of sensitive habitats and related buffer areas until after the approval, and therefore it did not have sufficient information to determine the project's consistency with LCP policies protecting such sensitive habitats. Thus, the City's approval appears to be inconsistent with the biological resource protection policies of the LCP, including because it would eliminate the riparian area associated with the Pullman Ditch watercourse and because it would potentially place new development within sensitive habitat and/or sensitive habitat buffers.

Second, the City-approved project would result in the creation of new legal lots for residential development in an area that is highly constrained in terms of the availability of public services, including traffic capacity. The City's LCP includes strong protections for public access to the coast and specifies that new development shall not be permitted in the absence of adequate infrastructure, including roads such as Highways 1 and 92. In addition, because the project site is located between the shoreline and the first public road, the project must be consistent with the public access policies of the Coastal Act, including those requiring maximum public access to be provided and requiring that new development not interfere with the public's right of access to the shoreline. According to recent traffic analysis, the existing level of service on Highways 1 and 92, which are the primary access roads to the region's coastal areas, is rated at level of service F at numerous bottleneck sections. Level of service F is defined as heavily congested flow with traffic demand exceeding capacity, resulting in stopped traffic and long delays. This level of congestion on these highways significantly interferes with the public's ability to access the Half Moon Bay and San Mateo County coastal area. The City-approved project would create new

legal lots for residential development which will cumulatively add to the level of congestion on Highways 1 and 92, further impacting the public's ability to access the coast. Further, the new lots would not be served by adequate public services, including traffic capacity, in conflict with LCP requirements.

In summary, the City-approved project appears to be inconsistent with the policies of the LCP related to biological resources, public access, and adequacy of public services, and the City did not have sufficient information to determine the project's consistency with LCP policies related to sensitive habitats. The City-approved project warrants further Commission review and deliberations regarding these issues.



## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060-4508

VOICE (831) 427-4863 FAX (831) 427-4877



## 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 Gradstein and Jane Gorman

Mailing Address: 2805 Naples Avenue

City: Half Moon Bay

Zip Code: 94019

Phone: 650 703-2644

SECTION II. Decision Being Appealed

1. Name of local/port government:

Half Moon Bay (City Council and Planning Commission)

2. Brief description of development being appealed:

PDP-009-10 Mitigated Negative Declaration, and Mitigation Monitoring Program; Coastal Development Permit, Planned Unit Development Plan, Use Permit and Tentative Parcel Map to Create Four Residential Parcels on 2.1 acres, located in the 2700 Block of North Cabrillo Highway (APN 048-113-010).

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

2700 Block of North Cabrillo Highway, West (APN 048-133-010)

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

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

**RECEIVED**

FEB 06 2012

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**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-12-005DATE FILED: 2/9/2012DISTRICT: North Central

A-2-HMB-12-005 (Stoloski Subdivision)

Exhibit 7: Gradstein and Gorman Appeal

Page 1 of 64

**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: January 17, 2012

7. Local government's file number (if any): Resolution No.: C-04-12

**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:

Mark Stoloski  
727 Main Street  
Half Moon Bay, CA 94019

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) A list of names and addresses of interested parties at the Planning Commission is attached as Exhibit L.

(2)

(3)

(4)

## 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.

Exhibit A Two page appeal

Exhibit B E-mail from U.S. Fish & Wildlife Service to City Planning Director, 3/27/07

Exhibit C E-mail from U.S. Fish & Wildlife Service to City Planning Director, 3/14/06

Exhibit D Letter from California Coastal Commission to City Planning Director, 3/22/07

Exhibit E Appellants' letter to City Council, 1/12/12

Exhibit F City Council Resolution No. C-04-12 approving project

Exhibit G Notice of Final Action, Coastal Development Permit, 1/24/12

Exhibit H Tentative Parcel Map

Exhibit I Aerial View of Affected Area, Google Maps, 2/4/12

Exhibit J Biotic Assessment

Exhibit K Declaration of Marc Gradstein

Exhibit L Speakers at the 12/13/11 meeting of the Planning Commission, some of whom also spoke at the City Council Meeting of 1/17/12

This subdivision in a riparian corridor approves a water diversion plan, which would allow for the digging of a six foot wide, six foot deep, trench between and/or under two rows of heritage trees, one Monterey Pine and Willow, the other Cypress, to accommodate a 48 inch water drainage pipe and a smaller sewer pipe. The 48 inch pipe would then dump the water into the western end of the Pullman Ditch, on Naples Avenue, immediately in front of appellants' home. The water would then flow west in the Pullman Ditch into California State Park land and under the Coastal Trail. The State Park maintenance workers already are required to constantly remove sand, plants, branches, and other debris from this section of the Ditch in an effort to try to prevent the water that flows there from backing up. The pipe presently emptying water into that area is only 28 inches wide, and the two pipes under the Coastal Trail are 18 and 24 inches wide. This area of the Pullman Ditch has in past years of heavy rainfall, backed up east of the Coastal Trail and flooded.

The Army Corps of Engineers ("ACOE") has not approved this project, and appeals are pending with the ACOE regarding whether it has jurisdiction over the Pullman Ditch. The Pullman Ditch carries runoff water from the land to the east of the Cabrillo Highway, westerly through a recently installed pipe under the Cabrillo Highway--which was approved by the ACOE--and ultimately into the Pacific Ocean.


The area may be home to endangered species (Exhibit J), and is definitely habitat to owls, hawks and other raptors. The effect on the heritage trees and the wildlife habitat is minimized in the City Council Resolution and is not accurately shown on the Tentative Parcel Map; in fact, the map shows the pipe going under land with no trees, when it would actually go under many if not all of them, causing them to be either cut down or to die after their root systems are destroyed.

Naples Avenue is on a flood plain which drains to the north, so that excess water would impact all residents of Naples Avenue, in addition to appellants.

**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.

  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: 2-6-2012

**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: \_\_\_\_\_

# Exhibit A

January 27, 2012

2700 block of North Cabrillo Highway West  
Pullman Ditch  
Half Moon Bay, CA 94019

APN# 048-133-101 – Approved by HMBCC January 17, 2012

CDP 009-10

This project is a four single-family subdivision located west of Cabrillo Highway, south of Washington Blvd and Naples subdivision in the City of Half Moon Bay and north of the Surf Beach Tract. The development would occur on either sides of the Pullman Watercourse, previously identified by USFWS as potential habitat for California Red Legged Frog (CRLF), and the San Francisco Garter Snake, (SFGS). (Initial Study Biological Resources Assessment dated November 3, 2005) Habitat does exist in the area along and adjacent to the Pullman Ditch.

This project is development and is located in the appeal zone. The proposed subdivision is adjacent to an ESHA (riparian) and West of the western-most through highway. The staff discussion and actual project include the placement of a conduit, removal of material from the bank of the ditch and the discharge of fill materials into the ditch.

The area of the Pullman Ditch is an ESHA habitat as defined in Policy 3-1 of the City's certified Local Coastal Program because it is both a riparian area and a habitat supporting or containing listed species.

The LCP policy 3-3 prohibits any land use and or development which would have significant adverse impact on sensitive habit areas. Two separate previous communications from USFWS attesting to habitat are attached, dated March 14, 2006 (Enclosure 1) and March 27, 2007 (Enclosure 2). The California Coastal Commission staff wrote a letter to the Planning Director of HMB saying that it appears there is strong evidence to suggest that the California red-legged frog or the San Francisco garter snake are present in the Pullman Ditch (Enclosure 3) Even though there are letters from this agency and the CCC, there aren't any permits, biological opinions or incidental take permits from USFWS, or CDFG. In fact, in the IS/MND, there is a complete contradiction to the assessments from USFWS, saying that the project would not have an adverse effect on endangered species (see Recirculated IS Report, pages 17 & 18 and Enclosure 3). These habitat issues were brought up at the Half Moon Bay City Council meeting, January 17, 2012

This project violates Chapter 4 of the City's LCP, Coastal Act section 30253 which addresses flooding and erosion hazards and is adopted in the LCP. In addition, Policy 4.8 says that no new permitted development shall cause or contribute to flood hazard. The neighbors have testified to flooding problems in the Naples neighborhood during winter months even with the two existing 24" Caltrans culverts already in existence. The project manager has discussed with neighbors the addition of a 48" conduit, which, although not part of the written project, creates its own arena of environmental violations. There has also been public discussion of filling in the ditch once the diversion of water occurs. This project takes water out of an ESHA and there is no comment in the Initial Study on how much water would remain to nourish the ESHA, and how that impact aspect of the project will be monitored to prevent adverse impacts.

The diversion of water associated with this project from this ditch will have significant impact on a natural drainage course and contribute once more to the already present flood hazard and sensitive riparian corridor. "Riparian area" definition (pg. 42 of the LCP) specifically spells out that the origin of a riparian area (man-made or natural) does not exempt the area from protection unless it is a "vernal pool or vernal wet area", and even those are protected when riparian vegetation is also present (willow is such riparian vegetation).

Local appeals have been exhausted. The flooding concerns and the sensitive habitat issues were addressed to the Planning Commission on December 13, 2011 and to the Half Moon Bay City Council on January 17, 2012.

The Coastal Commission and other regulatory agencies have expressed concern over the impact this subdivision will have on the biological resources at the project site. We see no evidence of these concerns addressed in the IS/MND.

The City of Half Moon Bay is improperly approving this development when there is no Specific Plan for that area, and the environmental documents are incomplete.

We request that this project be denied or modified to avoid violating these policies. We would like our appeal subject to revision with additional information.



# Exhibit B

To

sflint@ci.half-moon-bay.ca.us

cc

"YinLan Zhang" <yzhang@coastal.ca.gov>, <SGLUSHKOFF@dfg.ca.gov>

Subject

Few: Pullman Ditch Biotic Assessment

Steve-

I'm sure your getting sick of emails from me by now but I have been informed recently that the City approved the construction of a single family residence adjacent to Pullman ditch. Below is an email I sent to Don a year ago stating the Service's belief that this area is habitat both for the California red-legged frog and the San Francisco garter snake. This sentiment was also relayed to the City by my predecessor Mary Hammer as well as the former recovery branch chief Harry McQuillen. Therefore, the administrative record shows that the precedent has been set regarding the Service's position on the availability of habitat in the Pullman ditch area. The Service continues to maintain the position that habitat does exist in the area along and adjacent to Pullman Ditch. Although it is still unclear whether the Corps will take jurisdiction of these waters, take under the Endangered Species Act of 1973 (as amended) and as described in previous emails, is not limited to projects requiring a federal nexus or an HCP. Take may occur through private citizens or a government entity. Under the law, any and all parties can be held responsible for their actions. It is the personal responsibility of the individual not to perform or allow these actions to occur, much like a robbery or theft. I only mention this portion of the law as it seems, based on previous emails and conversations that I have had with the City and their various applicants, that there is continuing confusion as to the purpose and role of the Service and its involvement in the area.

I encourage you to contact the Service to work to develop a strategy to implement this and the other projects in Half Moon Bay and to work toward the conservation of listed species. I am available to meet with you and your various staffers to develop a plan that will coordinate with everyone's interest. Please feel free to contact me at any time.

Lucy Triffleman  
US Fish and Wildlife Service  
Coast-Bay Delta branch  
2800 Cottage Way room W-2605  
Sacramento, CA. 95825  
Ph. (916) 414-6628  
Fax (916) 414-6712  
----- Forwarded by Lucy Triffleman/SAC/R1/FWS/DOI on 03/27/2007 01:00 PM -----  
Lucy Triffleman/SAC/R1/FWS/DOI

# Exhibit C

ATTACHMENT 2

3/14/2006 12:28 PM

To

<ddakins@ci.half-moon-bay.ca.us>

cc

<DJOHNSTON@dfg.ca.gov>, "R3 HabCon Secretary" <HCSECTYR3@dfg.ca.gov>, "Serge Glushkoff" <SGLUSHKOFF@dfg.ca.gov>, yzhang@coastal.ca.gov

Subject

Re: Pullman Ditch Biotic AssessmentLink

Don-

Having briefly visited the site on my own on 2/28/06 and reviewing the submitted Biological Resources Assessment, the US Fish and Wildlife Service (Service) does not feel that they have been provided with sufficient information to comment on this project at this time. We require additional information including:

- summary of previous ditch maintenance projects at the proposed location
- a description of the location where sediment removed as a result of the proposed action will be placed
- a description of the other phases of the proposed project (the report only refers to this as being phase one but fails to elaborate on future phases of the project)
- Discussion of monitoring plans proposed for during and after the completion of the proposed project
- Discussion of the impacts of the project on San Francisco Garter Snake populations (the Service does not agree with the conclusion that SFGS are not found in the area and in fact proposes that the Pullman ditch corridor is almost certainly used by this species as well as the California red-legged frog as a migration corridor between breeding populations and feeding areas).

In order to accurately comment on the Pullman Ditch Biological Resources Assessment, dated November 3, 2005, the Service requests a response to these missing items. The Service will

make official comments once these segments are complete. If you have any questions, feel free to contact me using the information provided below.

Sincerely,

Lucy Triffleman  
US Fish and Wildlife Service  
Coast-Bay Delta branch  
2800 Cottage Way  
Sacramento, CA. 95825  
Ph. (916) 414-6628  
Fax (916) 414-6712

# Exhibit D



## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-3266  
FAX (415) 904-5485



March 22, 2007

PLANNING DEPT.

MAR 22 2007

RECEIVED

Steve Flint  
Planning Director  
City of Half Moon Bay  
501 Main Street  
Half Moon Bay, CA 94019

RE: PDP-004-06—Single Family Residence at 2788 Pullman Avenue

Dear Mr. Flint:

Thank you for the opportunity to comment on the above coastal development permit application for a single family residence at 2788 Pullman Avenue. The City's staff report for the March 22, 2007 Planning Commission meeting recommends the approval of the development that would be located less than 50 feet away from the riparian habitat at Pullman Ditch, which would not be consistent with the LCP policy that requires 50 feet buffer from habitat of rare and endangered species (Zoning Code Section 18.38.085.D).

The City staff report states:

The bio report does specify that below the stream bank there may be vegetation that provides habitat or cover for wildlife, it does not specify that that is the habitat of a rare or endangered species. In fact, the bio report concludes that no wildlife species listed as threatened or endangered under the Federal Endangered Species Act are likely to occur on the project site. Therefore, the requirement in the LCP that a buffer zone of a minimum of 50 feet surrounding a habitat of a rare or endangered species would not apply to the proposed project site.

Staff from the Coastal Commission, Department of Fish and Game, and the U.S. Fish and Wildlife Service have all commented on the November 3, 2005 Pullman Ditch biological report referenced in the above finding, and have disputed the report's conclusion that neither California red-legged frogs nor San Francisco garter snakes are likely to be present on site.

It is Commission staff's position that California red-legged frogs and San Francisco garter snakes should be assumed present due to the proximity of Pullman Ditch to other known habitat of the above species (February 22, 2006 letter from Commission Staff YinLan Zhang to Don Dakins).

Dave Johnston from CDFG states in his March 9, 2006 email to City staff:

We can't completely concur with the assessment's conclusion that California red-legged frogs (CRLF) would be very uncommon on the site and San Francisco

garter snakes will not be present at all. The ditch is within the known range of these species and unsurveyed aquatic habitat is within easy dispersal distance. We do concur that the species are not resident and that individuals seen here would be dispersing and/or foraging.

...  
For any portions of this ditch or any other ditches in the area that contain ponded water or native riparian vegetation, we recommend a more in-depth biological evaluation, conducted with input from the Department and the United States Fish and Wildlife Service.

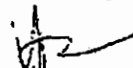
Lucy Triffleman from US Fish and Wildlife also states in her email March 14, 2006 email to City staff:

The Service does not agree with the conclusion that SFGS are not found in the area and in fact proposes that the Pullman ditch corridor is almost certainly used by this species as well as the California red-legged frog as a migration corridor between breeding populations and feeding areas.

Based on the above comments, it would seem that the Pullman Ditch biological report should not be relied on to make the finding that Pullman Ditch and associated riparian area near the project site do not provide habitat for the California red-legged frog or the San Francisco garter snake. In addition, based on habitat requirements of these two species and the available information regarding their presence throughout the City, it appears that there is strong evidence to suggest that the California red-legged frog or the San Francisco garter snake are present in the Pullman Ditch area. Moreover, to date, there has not been any detailed biological survey of the project area to contradict assertions by Commission, Fish and Game, and Fish and Wildlife staff. Thus, commission staff recommends that the City require the proposed development to conform with the 50-foot buffer requirement in Section 18.38.085.D of the Zoning Code.

Commission staff appreciates this opportunity to comment on the above coastal development permit applications. Please do not hesitate to contact me at (415) 904-5267 with any questions.

Sincerely,



Yin Lan Zhang  
Coastal Program Analyst  
North Central Coast District

# Exhibit E

## Law Office of Gradstein & Gorman

80 Stone Pine Road, Suite 101  
Half Moon Bay, California 94019

Telephone: (650) 560-0123  
Fax: (650) 560-0124

January 12, 2012

City Council Members

Allan Alifano

Rick Kowalczyk

Marina Fraser

John Muller

Naomi Patridge

501 Main Street

Half Moon Bay, CA 94019

**Hand Delivered on January 12, 2012**

Dear City Council Memembers:

We are writing to express our concern with the item on your agenda for the meeting on January 17, 2012, dealing with your approval of the planning commission's decision to allow the application of Mark Stoloski for Gonzalez & Stoloski for a subdivision which would permit the creation of four residential parcels on 2.1 acres located at the 2700 block of North Cabrillo Highway.

We expressed our concerns at the Planning Commission meeting on December 13, 2012, primarily that the plan as currently drafted and approved does not require the property owner to provide adequate drainage of the water that currently runs from Cabrillo Highway west, through the Pullman Ditch, through a pipe under our property in which we reside, and then empties into an open extension of the ditch onto State Park land, and exits the ditch through a pipe under the Coastal Trail, and into the Pacific Ocean.

The current plan has several problems that have not been completely addressed as of this time:

1. The proposal would divert the water from the ditch into a 48" pipe that would carry the water from the ditch to a point to the west of our house. The net result of this would be that more water would enter the ditch just to the west of our house than has ever come through the much narrower pipe under our property.

2. Although there have been discussions with the Park Department and the City Planner and the applicant about having the water enter the Ditch further west, on State Park land and that Mr. Stoloski would install a 48" pipe under the Coastal Trail, that is not a condition of obtaining your or the planning commission's approval. We believe that such a requirement, or a requirement that the pipe be extended all the way to and under the Coastal Trail, is necessary to protect us and our neighbors on Naples Avenue from flooding.
3. In the ten plus years that we have lived in our house, even with the much narrower entry point into the Ditch it has backed up during periods of high rainfall, from the Coastal Trail, eastward towards Naples Avenue. On at least two occasions, I can recall the Fire Department intervening to help ease the flow of water backing up from the Coastal Trail.
4. Last Monday, there was a meeting between the local interested parties, the City Planner and representatives of the U.S. Army Corps of Engineers ("ACOE") at the north end of the Ditch on Pullman Avenue. Apparently, there is an appeal pending by one of the property owners to the exercise of jurisdiction by the ACOE over the ditch. It appeared from what was said at the meeting, that it was likely that the ACOE would assert jurisdiction and that it well might disapprove of the underground pipe solution.
5. It is, therefore, in our opinion, premature for the City Council to act on this matter. First, the ACOE position should be made clear, officially. Second, if the pipe is going to be allowed, there should be conditions included in the plan, before the City Council approves it, which will guarantee that the residents of Naples Avenue will be protected from flooding, caused by the subdivision.

For the foregoing reasons, we respectfully ask that the matter be continued until the conditions set forth above have been made requirements, not merely suggestions.

Sincerely,



Marc Gradstein and Jane Gorman

Residents of 2805 Naples Avenue, Half Moon Bay

# Exhibit F

**Resolution No. C- 04 -12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND  
MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING A  
COASTAL DEVELOPMENT PERMIT, PLANNED UNIT DEVELOPMENT PLAN,  
USE PERMIT AND TENTATIVE PARCEL MAP TO CREATE FOUR  
RESIDENTIAL PARCELS ON 2.1 ACRES LOCATED IN THE 2700 BLOCK  
OF NORTH CABRILLO HIGHWAY (APN 048-133-010) WITHIN THE  
PLANNED UNIT DEVELOPMENT ZONING DISTRICT**

**WHEREAS**, Kerry Burke on behalf of Mark Stoloski, Stoloski and Gonzalez Inc. submitted an application requesting approval of a Coastal Development Permit, Planned Unit Development Plan, Use Permit and Tentative Parcel Map to create four residential parcels on 2.1 acres located in the 2700 block of North Cabrillo Highway (APN 048-133-010) within the Planned Unit Development zoning district; and

**WHEREAS**, the City processed the application in accordance with the Permit Streamlining Act and with the requirements of the California Environmental Quality Act (CEQA) as set forth in California State Public Resources Code Section 21000; and

**WHEREAS**, the project was determined to be subject to CEQA, and an Initial Study/Mitigated Negative Declaration (IS/MND) State Clearinghouse No. 2011052007 was prepared for the project by the City of Half Moon Bay; and

**WHEREAS**, the MND was circulated for a public review from October 31, 2011 through November 30, 2011 in accordance with Section 21091 of the Public Resources Code and all those desiring to comment were given the opportunity; and

**WHEREAS**, the City received written comments on the MND during the public review period which have been addressed in the final MND and presented to the Planning Commission; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the matter on December 13, 2011, at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

**WHEREAS**, following the close of the public hearing, the Planning Commission adopted a resolution recommending that the City Council approve the Coastal Development Permit, Planned Unit Development Plan, Use Permit and Tentative Parcel Map on 2.1 acres located in the Planned Unit Development (PUD) Zoning District (APN 048-133-010); and

**WHEREAS**, the Coastal Development Permit has been reviewed in accordance with Chapter 18.20 of the Municipal Code, which defines development, in part, as a change in the density and intensity of use of land, including, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with 66410 of the Government Code); and



**WHEREAS**, the City Council has determined that the Mitigated Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable Guidelines; and

**WHEREAS**, the City Council has determined that, on the basis of the whole record, including the Initial Study and comments hereto, there is no evidence that the project, subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment; and

**WHEREAS**, the Mitigated Negative Declaration reflects the independent judgment of the City of Half Moon Bay; and

**WHEREAS**, the City Council has determined that the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation Monitoring and Reporting Program in conformance with California Public Resources Code Section 21081.6; and

**WHEREAS**, documents and other material constituting the record of the proceedings upon which the City's decision and its findings are based are located at the City of Half Moon Bay Planning Department, located at 501 Main Street, in Half Moon Bay.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Half Moon Bay hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approves PDP-009-10, an application for a Coastal Development Permit, Planned Unit Development Plan, Use Permit and Tentative Parcel Map to create four residential parcels with associated improvements and utilities, on 2.1 acres located in the Planned Unit Development (PUD) Zoning District (APN 048-133-010), based on the Findings and Evidence (Exhibit A), and subject to the Conditions of Approval (Exhibit B) attached to this Resolution.

\*\*\*\*\*

I, the undersigned, hereby certify that the forgoing Resolution was duly passed and adopted on the 17<sup>th</sup> day of January, 2012 by the City Council of Half Moon Bay by the following vote:

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

**NOES, Councilmembers:**

**ABSENT, Councilmembers:**

**ABSTAIN, Councilmembers:**

ATTEST:

APPROVED:

Robert O. O'Neil

Siobhan Smith, City Clerk

0001

Alan Alfano, Mayor (Stroski Subdivision)  
Exhibit 7: Gradstein and Gorman Appeal

**EXHIBIT A  
FINDINGS AND EVIDENCE  
PDP-009-10**

**Coastal Development Permit, Planned Unit Development Plan,  
Use Permit and Tentative Parcel Map to Create Four Residential Parcels on 2.1  
Acres Located in the 2700 block of North Cabrillo Highway (APN 048-133-010)  
Within the Planned Unit Development Zoning District**

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

**Evidence:** The proposed project will not restrict or otherwise adversely affect public coastal access or public coastal recreational opportunities because the project will not alter points of access or access ways, or opportunities for recreational opportunities. The project will not interfere with the public's access to the coastal trail, beach or sea. The project has been reviewed for conformance with all policies of the LCP Land Use Plan and has been determined to be consistent.

- 2. Local Coastal Program – Finding:** The development as proposed or as modified by conditions, conforms to the Local Coastal Program.

**Evidence:** The City's Local Coastal Program (LCP) Land Use Plan designates the project area as Planned Development (PD). The project area is located in a Planned Unit Development zoning district, which is consistent with the LCP. The LCP designation allows for a maximum of two dwelling units per acre. The project proposes the creation of four residential parcels on 2.1 acres, which is consistent with the LCP and Zoning Code.

**Policy 3-3:**

*(a) Prohibit any land use and/or development which would have significant adverse impacts on sensitive habitat areas.*

*(b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.*

**Compliance:** The project is not located adjacent to or within a suitable habitat for special status species such as the California Red Legged Frog or the San Francisco Garter Snake. All construction activities are designed and conditioned to avoid any potential impacts the project could have on potential nearby habitats or species.

**Policy 4-9:** *All development shall be designed and constructed to prevent increases in runoff that would erode natural drainage courses. Flows from graded areas shall be kept to an absolute minimum, not exceeding the normal rate of erosion and runoff from that of the undeveloped land. Storm water outfalls, gutters, and conduit discharge shall be dissipated.*

**Compliance:** The net increase in impervious area resulting from the project is approximately 0.31 acres (WRA, 2011). The proposed project includes the construction of a storm drain parallel to and south of Pullman Ditch as well as a storm drain outlet that would flow into the western end of the ditch. The new storm drain would be connected to two existing 24-inch Caltrans culverts which currently discharge runoff into Pullman Ditch near Highway 1. The new storm drain has been sized to accommodate post project flows as well as runoff from the drainage basin east of Cabrillo Highway.

**Policy 6-3:** *In that portion of any development of 1 acre or more, as indicated on the Land Use Plan Map, which is also within an area designated on the Map of Potential Archaeological Resources, an archaeological survey shall be undertaken as a part of the preparation of a specific plan for development. The survey shall include findings on actual and potential resources on the site, impacts of the development proposed, and recommended mitigation measures. All feasible mitigation measures shall be incorporated in the specific plan or development plan prior to the issuance of a permit for development.*

**Compliance:** The project area is not designated as containing potential archaeological resources, but is surrounded by such areas. However, the Half Moon Bay region has not undergone an exhaustive archaeological survey, and it is possible there are other sites occur within the City. Therefore, the proposed project could result in potentially significant impacts to unknown cultural resources. Mitigation measures are recommended that would lessen potentially significant impacts to a less-than-significant level. Staff is recommending a condition to require that the construction of the project cease if any artifacts are found during construction, and that a study be performed on such artifacts.

**Policy 9-2:** *No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities, including such improvements as are provided with the development.*

**Finding:** Upon completion of the development, water, sewer, schools, and road facilities, including such improvements as are provided with the development will be available to serve the project.

**Policy 9-4:** *All new development, other than development on parcels designated Urban Reserve or Open Space Reserve on the Land Use Plan Map permitted while such designations are effective, shall have available water and sewer services and shall be accessed from a public street or shall have access over private streets to a public street. Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources will be available to serve the proposed development upon its completion and that such development is located within and consistent with the policies applicable to such an area designated for development. The applicant shall assume full responsibility for costs incurred in the service extensions or improvements that are required as a result of the proposed project, or such share as shall be provided if such project would participate in an improvement or assessment district. Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the Land Use Plan.*

**Adequate Services – Finding:** adequate services and resources will be available to serve the proposed development upon its completion and that such development is located within and consistent with the policies applicable to such an area designated for development.

**Compliance:** The project site currently has 10 sewer connections purchased through Granada Sanitary District and Coastsides County Water District has sufficient water connections available to accommodate future development on four residential lots. Access shall be provided by the extension of existing city rights-of-way, the improvement of which will be required of the applicant.

**Policy 9-5:** *The base permitted residential density for any parcel located within an area designated Planned Development (PD) District shall be no more than 2 units per acre, except as provided with respect to such District under Subsections 9.3.3 through 9.3.16.*

*This "base density" policy may be revised upward as a result of compliance with other conditions which limit the area which may be developed. However, the total amount of development permitted by the LUP shall not exceed the amount programmed in the Phasing Section of this Plan (see Table 9.3 and related text).*

**Compliance:** The project proposes four residential parcels on 2.1 acres, which is less than two units per acre. Subsection 9.3.3 addresses the Surf Beach/Dunes Beach area where the theoretical development potential in the tract north of Young Avenue is 91 residential units, based on a zoning designation that allows 6,000 square foot lots. The Parcel Map proposes four parcels that average 20,000 square feet per parcel.

**Policy 9-8:** *The entire site located in the Planned Unit Development district shall be planned as a unit. Preparation of specific plans (Government Code section 65450)*

*may be required for one or more separate ownerships, individually or collectively, when parcels comprising a site designated PD are in separate ownerships.*

**Compliance:** The subject parcel is not a part of an existing subdivision, but exists as a separate 2.1 acre parcel under single ownership located between the Surf Beach Tract and City of Naples subdivisions and is planned as a unit.

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

**Evidence:** The proposed project does not propose any new residential units; therefore, it is not subject to the City's growth management system.

- 3. Zoning Provisions – Finding:** 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:** Chapter 18.15 of the Zoning Ordinance requires a minimum site area for a Planned Unit Development Plan of one acre. The project site is 2.1 acres in area. The Planned Unit Development Plan includes a detailed description of the proposed development standards, including but not limited to proposed minimum site requirements, setbacks, parking requirements, building heights, and any other criteria related to the physical development of the site as required by Section 18.15.035. This Planned Unit Development Plan is established to accommodate detached, single-family residential development and land uses based on the standards of the R-1 zoning district with certain modifications.

**4. Planned Unit Development Plan – Findings:**

- A. The Planned Unit Development Plan is consistent with the adopted General Plan, this chapter, and all other applicable policies and ordinances of the City;
- B. The Planned Unit Development Plan is compatible with surrounding land uses;
- C. The adoption and implementation of the Planned Unit Development Plan will result in superior design and development of the site;
- D. The Planned Unit Development Plan meets the requirements of any annual dwelling unit allocation system adopted by the city;
- E. Adoption and implementation of the Planned Unit Development Plan will not exceed the capacity of existing or planned infrastructure systems, including but not limited to sewer, water, natural gas, electricity, police and fire protection;
- F. If adequate utilities, infrastructure, and public services are not available to serve all of the proposed development possible under the Planned Unit Development Plan, the plan contains phasing controls or requirements for utility improvements that ensure that demands from proposed development does not exceed utility capacity;

G. The applicant, or Planning Commission and City Council, have incorporated all appropriate measures and conditions in the Planned Unit Development Plan necessary to mitigate any potential adverse impacts identified during the public review process.

5. **Use Permit – Finding:** The establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

**Evidence:** Single family residential uses are compatible with the surrounding residential uses and the development of residential properties development is in conformance with the provisions of the adopted plan.

6. **Tentative Parcel Map – Finding:** The tentative parcel map is in conformity with the general plan and its elements, the local coastal plan, the zoning ordinance, the provisions of the Subdivision Map Act, and this title as to design, drainage, utilities, road improvements and offers of dedication or deed.

**Evidence:** The tentative parcel map is designed in accordance with the provisions of Chapter 18.15 that regulate a Planned Unit Development Plan in the PUD zoning district.

7. **CEQA – Finding:** On the basis of the whole record, including both initial study and any public comments received, the project is consistent with CEQA guidelines and will not have a significant effect on the environment.

**Evidence:** The mitigation measures contained in the Mitigated Negative Declaration (MND) serve to mitigate any and all potentially significant environmental impacts that have been established either by threshold of significance in the MND, incorporated through comments received on the MND by responsible agencies, or by direction of the Planning Commission. All mitigation measures have been incorporated into the conditions of approval that accompany the attached resolution.

**EXHIBIT B  
CONDITIONS OF APPROVAL  
PDP-009-10**

**Coastal Development Permit, Planned Unit Development Plan, Use Permit and  
Tentative Parcel Map to Create Four Residential Parcels on 2.1 Acres Located in  
the 2700 Block of North Cabrillo Highway (APN 048-133-010) Within the Planned  
Unit Development (PUD) Zoning District**

**Authorization:** Approval of this permit authorizes a Coastal Development Permit, Planned Unit Development Plan, Use Permit and Tentative Parcel Map to create four residential parcels on 2.1 acres located in the 2700 Block of North Cabrillo Highway (APN 048-133-010) within the Planned Unit Development (PUD) Zoning District as shown on plans City date stamped September 27, 2011, except as modified by the conditions of approval set forth herein. Improvement work shall not be commenced until after the Final Map is approved and recorded and not until after all improvement plans and profiles for such work have been submitted to and approved by the City Engineer.

**A. The following Conditions shall be met prior to recording a Final Map:**

1. **CONFORMANCE WITH APPROVED PLANS.** Development shall be in substantial conformance with the approved plans, City date stamped **September 27, 2011**, 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 Planning Commission or City Council review and approval, the Applicant shall submit the revised plans for consideration at a public hearing. \_\_\_\_\_ (Planning)
2. **CONSTRUCTION PLANS.** All plans, specifications, engineering calculations, diagrams, reports, and other data for construction of required improvements shall be submitted with the appropriate permit application to the Building Department for review and approval. Computations and back-up data will be considered a part of the required plans. Structural calculations and engineering calculations shall be prepared, wet stamped, and signed by an engineer or architect licensed by the State of California. A geotechnical report shall be prepared, wet stamped, and signed by an engineer licensed by the State of California. \_\_\_\_\_ (Building)
3. **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.
4. **CONSTRUCTION STAGING AREAS.** Bid documents shall include standards for construction staging areas, including equipment and materials storage. These standards shall require the contractor to obtain all necessary permits and approvals that are required by various state, regional, and local agencies. Environmental Performance Standards shall also be included which address dust and other types of air pollution: erosion, sedimentation and other water quality issues; protection of biotic

resources and habitat areas; and other environmental resources as appropriate. The contract documents shall include these performance standards and shall specify remediation requirements and penalties for any violations. All staging areas shall be outside of any buffer for protected coastal resources. \_\_\_\_\_ (Public Works)

5. U.S. ARMY CORPS OF ENGINEERS. The Applicant shall obtain any necessary approvals that may be required from the U.S. Army Corps of Engineers. It is the Applicant's responsibility to make sure the project is in compliance with all of the Corps' requirements. \_\_\_\_\_ (Planning)
6. U.S. FISH AND WILDLIFE SERVICE. The Applicant shall obtain any necessary approvals that may be required from the U.S. Fish and Wildlife Service. It is the Applicant's responsibility to make sure the project is in compliance with all of the Service's requirements. \_\_\_\_\_ (Planning)
7. CA FISH AND GAME. The Applicant shall obtain any necessary approvals that may be required from the California Department of Fish and Game. It is the Applicant's responsibility to make sure the project is in compliance with all of Fish and Game's requirements. \_\_\_\_\_ (Planning)
8. CA PARKS AND RECREATION. The applicant shall work with the Supervisor of the San Mateo County Coast sector of the California Department of Parks and Recreation in the preparation of the Storm Drainage Improvement Plan to ensure adequate capacity is provided on the section of the drainage system that is located on state park land. \_\_\_\_\_ (Planning)

**B. The following Conditions shall be met prior to any development activity or site disturbance:**

1. BIOLOGICAL ASSESSMENT (BIO-1). Seasonally-appropriate protocol-level plant surveys in the study area are recommended to account for the 19 species. These surveys should cover the blooming periods of all species listed in Section 4.2.1 of the Biological Resource Assessment (WRA, 2011). If any special status plant species are identified in the study area or project area, development activities shall avoid these areas and appropriate buffer areas established around such species. A qualified biologist shall determine the size and location of any buffer. Fencing or other barriers shall be installed to prevent disturbance of the special status species ESHA and buffer area until project construction is complete. If a suitable protective ESHA buffer cannot be preserved, mitigation shall include restoration and improvement of habitat within the remaining buffer area or other suitable areas on the project site. Restoration shall include removal of invasive species that threaten the continuance of the special status species and its habitat. \_\_\_\_\_ (Planning)



2. IMPACTS TO RAPTORS AND TREE-NESTING RAPTOR NESTS (BIO-2A). A

qualified biologist shall conduct a pre-construction survey for tree-nesting raptors (e.g., hawks, falcons, owls, etc.) in all trees occurring within 250-feet of project building envelopes within 30 days of the onset of ground disturbance, if such disturbance will occur during the breeding season (1 February through 31 August). If nesting raptors are detected on the site during the survey, a construction buffer of 250 feet shall be established around each active nest for the duration of the breeding season or until it has been confirmed that all young have fledged and are independent. A biological monitor would monitor the site to ensure nesting raptors are not adversely affected by construction activities and to determine when young are independent. Pre-construction surveys during the non-breeding season are not necessary for tree-nesting raptors, as they are expected to abandon their roosts if disturbed by construction. \_\_\_\_\_ (Planning)

3. IMPACTS TO OTHER NESTING BIRDS (BIO-2b). To avoid impacting nesting birds (including CDFG Species of Special Concern), **one** of the following shall be implemented:

Conduct grading and construction activities, including the removal of Monterey pine trees from September 1<sup>st</sup> through January 31<sup>st</sup>, when birds are not likely to be nesting on the site;

OR -

Conduct pre-construction surveys for nesting birds if construction is to take place during the nesting season (February 1 through August 31). A qualified wildlife biologist shall conduct a pre-construction nest survey no more than 5 days prior to initiation of grading to provide confirmation of the presence or absence of active nests on or immediately adjacent to the study area. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. A minimum exclusion buffer of 50 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report prepared by the qualified biologist shall verify that (1) no active nests are present, or (2) that the young have fledged, shall be submitted to the City prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. \_\_\_\_\_ (Planning)

4. IMPACTS TO BATS (BIO-3). If construction occurs during the roosting season then pre-construction surveys for bats shall take place. Additionally, unused buildings may provide winter roost habitat and shall be surveyed for roosts if removed between November and March. If special status bat species are detected during surveys, appropriate, species and roost specific mitigation measures shall be developed.

Such measures may include postponing removal of trees, snags or structures until the end of the maternity roosting season or construction of species appropriate roosting habitat within, or adjacent to the study area. Consultation with CDFG may be warranted to determine appropriate mitigation measures if roosts are disturbed or destroyed. \_\_\_\_\_ (Planning)

5. IMPACTS TO SAN FRANCISCO DUSKY-FOOTED WOODRAT (BIO-4).

Conduct pre-construction surveys. If stick houses are found and if avoidance is not feasible, the houses shall be dismantled by hand under the supervision of a biologist. If young are encountered during the dismantling process, the material shall be placed back on the house, a buffer of 25 feet using orange construction fencing shall be erected, and the house shall remain unmolested for two to three weeks in order to give the young enough time to mature and leave the house. After two to three weeks, the nest dismantling process may begin again. Nest material shall be moved to suitable adjacent areas that will not be impacted. \_\_\_\_\_ (Planning)

6. IMPACTS TO MONARCH BUTTERFLY (BIO-5). If construction activities or vegetation removal is scheduled during the winter from October through February, then a monarch winter roost survey shall be conducted. Detection of a roost may require consultation with CDFG. \_\_\_\_\_ (Planning)

7. HYDROLOGY (HYD-1). The applicant shall prepare a SWPPP subject to the review and approval by the City Engineer (See Condition C.4). \_\_\_\_\_ (City Engineer)

8. DRAINAGE PLANS (HYD-2). Upon submittal of improvement plans, the applicant shall submit a Drainage Plan to include all existing and proposed drainage improvements on and off the project site. The Drainage Plan shall demonstrate that all stormwater is retained on-site with no off-site release (100 percent containment). Drainage improvements shall be carried out to the satisfaction of the Director of Public Works or City Engineer. The Drainage Plan shall include a drainage system maintenance program. The applicant shall prepare and submit an Operations and Maintenance for the drainage facilities to the City for review and approval. The Drainage Plan shall be prepared by a licensed professional engineer. Any portion of the drainage system that is located on state park land shall be approved by the state Department of Parks and Recreation prior to any construction, on- and off-site. The final Drainage Plan will be presented to the Planning Commission for review prior to construction. \_\_\_\_\_ (City Engineer)

9. EROSION CONTROL. An Erosion Control Plan shall be provided by the Applicant for review by the City to ensure that erosion is reduced to the maximum extent practicable. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also

limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters and retain sediment on-site during and after construction. The Erosion Control Plan shall incorporate the Best Management Practices (BMPs) subject to the approval of the City Engineer. \_\_\_\_\_ (City Engineer)

10. U.S. ARMY CORPS OF ENGINEERS (BIO-6). Prior to the issuance of a grading permit, a permit shall be obtained from the Army Corps of Engineers for the discharge of any dredged or fill material into Waters of the United States, as required by Section 404 of the Clean Water Act of 1972. \_\_\_\_\_ (City Engineer)

**C. The following Conditions shall be met during the construction of on-site and off-site improvements:**

1. AIR QUALITY (AQ-1). The Applicant shall assure that the following practices are followed during all phases of site preparation and construction activities at the site:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. \_\_\_\_\_ (Public Works)

2. CULTURAL RESOURCES (CULT-1). If potentially significant cultural resources are encountered during project excavation or construction, all activity in the vicinity of the suspected resources shall be immediately suspended and the City and a qualified archaeologist shall be contacted to evaluate the situation. Project personnel shall not alter any of the uncovered materials or their context. The project developer, in consultation with a qualified archaeologist, shall complete a resource inventory, declaration, and mitigation plan and submit it to the City's Planning Department for review and approval prior to the continuation of any on-site grading or construction activity. Any previously undiscovered resources found during construction shall be recorded on appropriate significant cultural resources consist of, but are not limited to, stone, bone, wood, and shell artifacts; fossils; and features including hearths, structural remains, and historic dumpsites. \_\_\_\_\_ (Planning)
3. HAZARDOUS MATERIALS (HAZ-1). The project applicant shall remove the affected soil to an anticipated depth of 6 inches across this area (6,500 ft<sup>2</sup>; ±120 cubic yards). A minimum of four confirmation samples shall be collected from the base of the excavation and analyzed for TPH as motor oil following excavation. The excavated material could be either analyzed and off hauled to an appropriate disposal facility or encapsulated beneath a pavement section within the planned development. \_\_\_\_\_ (Public Works)
4. HYDROLOGY (HYD-1). The applicant shall prepare a SWPPP subject to the review and approval by the City Engineer. The SWPPP shall be implemented during construction and the following San Mateo County Storm Water Pollution Best Management Practices (BMPs) shall be included in the SWPPP to ensure that water quality of surface runoff is maintained and no siltation of downstream waterways would occur:
  - All project grading would take place in the dry season between April 1 and October 31 to minimize immediate erosion/siltation effects.
  - Construction materials and waste shall be handled and disposed of properly in compliance with applicable law to prevent their contact with stormwater.
  - Discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses shall be controlled and prevented.
  - Sediment controls such as straw mulch, silt fences, sediment basins or traps and/or other measures shall be employed during construction.
  - Tracking dirt or other materials off-site shall be avoided and off-site paved areas and sidewalks shall be cleaned regularly using dry sweeping methods.
  - The contractor shall train and provide instruction to all employees and subcontractors regarding construction BMPs. \_\_\_\_\_ (Public Works)

5. **NOISE (NOISE-1).** In addition to compliance with existing local, State and federal regulations, the following measures shall be required for new construction associated with the project:
- Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday; 8:00 a.m. to 6:00 p.m. Saturdays; and 10:00 a.m. to 6:00 p.m. Sundays and holidays. (City of Half Moon Bay Ord. 8-89 §1(part), 1989). However, the director of public works/city engineer may, upon written application, modify the hours of construction whenever, in his/her reasonable judgment, there is good cause for such modification due to emergency or impracticality. (Ord. 8-89 §1(part), 1989).
  - All construction vehicle and equipment shall be fitted with working mufflers.
  - All stationary noise generating equipment, such as compressors, should be located as far as possible from existing houses.
  - Machinery, including motors, shall be turned off when not in use.
  - Mobile equipment shall not run idle near existing residences.
  - A "disturbance coordinator" shall be designated who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be a member of City staff or employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site. \_\_\_\_\_ (Public Works)
6. **DISRUPTION OF UTILITIES.** During construction, underground utility alert services (USA) shall be used to identify the location of all underground services and to avoid the unplanned disruption of pipes or services lines during excavation and other activities. \_\_\_\_\_ (Public Works)
7. **RECYCLING OF WASTE MATERIALS.** Concrete, asphalt, soil, and wood waste materials shall be reused in the project or shall be recycled. \_\_\_\_\_ (Public Works)
8. **TEMPORARY SIGNAGE.** Whenever feasible, temporary signage shall be installed to notify the public of closures or detours and the expected duration of closures or detours. \_\_\_\_\_ (Public Works)
9. **STORMWATER POLLUTION PREVENTION.** Discharge of storm water runoff from the project shall comply with the San Mateo County NPDES Storm Water Management Plan. \_\_\_\_\_ (Public Works)

10. RESTORATION OF DAMAGED HABITAT. In the unlikely occurrence that any habitat area will be damaged during the course of the project, the Planning Director shall make a judgment if restoration is partially or wholly feasible pursuant to Policy 3-5(b) of the Local Coastal Program. \_\_\_\_\_ (Planning)
11. HOURS OF CONSTRUCTION. The hours of construction shall be limited to a work schedule that is approved by the Public Works Director. \_\_\_\_\_ (Public Works)
12. CONSTRUCTION TRAILERS. 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 inhabitation 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 from the site within 10 days of issuance of a Certificate of Occupancy or final inspection, whichever occurs first.  
\_\_\_\_\_ (Public Works)
13. 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 Department of Health.
14. ADDITIONAL ENVIRONMENTAL PROTECTION MEASURES.
- a. Project activities shall be conducted when Pullman ditch is dry, but no earlier than July 1 and no later than October 15.
  - b. A pre-construction survey for the California Red Legged Frog (CRLF) and the San Francisco Garter Snake (SFGS) shall be conducted within 24 hours prior the beginning of construction activities.
  - c. The Applicant shall obtain a Biological Opinion (BO) for the project, if required.
  - d. A qualified and U.S. Fish and Wildlife Service (USFWS) approved biologist will conduct a worker training for all personnel involved in construction activities. This training will include CRLF and SFGS identification, basic natural history and instructions on what to do if a CRLF is observed during construction activities.
  - e. Environmental Sensitive Area (ESA) trenched-in silt fencing shall be placed along the perimeter of the project area to minimize the potential for the CRLF or SFGS to enter work areas. The biological monitor shall visually inspect the perimeter fencing at the start of each work day to ensure that no CRLF or SFGS are present prior to the onset of construction activities.

- f. Only adapted native or non-invasive exotic plant species are used for replanting.  
\_\_\_\_\_ (Planning)
15. TREE REMOVAL AND REPLACEMENT. Any Heritage Tree (as defined in Chapter 7.40 of the Municipal Code) that is removed as a result of this project shall be replaced on a one-for-one basis with a tree of a species and in a location approved by the public works director, and with minimum size of a twenty-four-inch-box specimen, or an alternative size as directed by the Public Works Director. \_\_\_\_\_ (Public Works Director)
16. UTILITIES. All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys, or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when service connections are made thereto. \_\_\_\_\_ (City Engineer)
17. PARCEL MAP. All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys, or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when service connections are made thereto.
18. MAXIMUM BUILDING AREA. The maximum amount of lot coverage shall not exceed 30% or provide no more than a total of 6,000 square feet of building area, whichever is greater.
19. NO ACCESS EASEMENT. A one-foot no access easement shall be granted to the City along the east property line on Parcel "A" to prevent vehicular access to and from Highway 1.
20. FINAL MAP. The subdivision improvement work shall not be commenced until after the final map is approved and recorded and not until after all improvement plans and profiles for such work have been submitted to and approved by the city engineer.
21. SUBSEQUENT SUBDIVISIONS. The four parcels created by this Tentative Parcel Map and recorded on the Final Map shall not be split or otherwise modified by lot line adjustment, lot merger or subdivision. A note to this effect shall be placed on the Final Map prior to recording.
22. SITE IMPROVEMENTS. Requirements for the construction of off-site and on-site improvements shall be noted on the Final Map prior to recording.



23. **EFFECTIVE DATE.** The Coastal Development Permit shall take effect 10 working days after receipt of the Notice of Final Action by the Coastal Commission, unless an appeal is filed.
24. **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.
25. **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, representatives, employees and agents, from and against any 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 21000 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, representatives, employees and agents. The Applicant's duty to defend the City shall not apply in those instances when the Applicant has asserted one or more Claims against another party or other parties, although the Applicant shall still have a duty to indemnify, protect and hold harmless the City.

**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(S):

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)



# Exhibit G

# **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

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Date: January 24, 2012

File: PDP-009-10

Applicant:

Kerry Burke  
Burke Land Use  
34 Amesport Landing  
Half Moon Bay, CA 94019

Owner:

Mark Stoloski  
727 Main Street  
Half Moon Bay, CA 94019

Planner: Steve Flint, 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 as determined by the local agency.

The City Council approved the Coastal Development Permit, Planned Unit Development Permit Plan, Use Permit and Tentative Parcel Map on January 17, 2012, based on the Findings and Evidence and subject to the Conditions of Approval contained in the attached City Council Resolution for Approval, C-04-12.

**Project Description:** Coastal Development Permit, Planned Unit Development Plan, Use Permit, and Tentative Parcel Map to divided approximately 2.1 acres into four lots, including extension of utilities and public streets, and construction of a new on-site storm drain system to replace an existing open channel (Pullman Ditch), located on adjoining properties along the northern boundary of the Project Area.

**Project Location:** Located in the 2700 block on the west side of North Cabrillo Highway (Highway 1), south of Washington Boulevard, 600 feet landward of the Pacific Ocean and 2.0 miles north of the intersection of Highways 1 and 92.

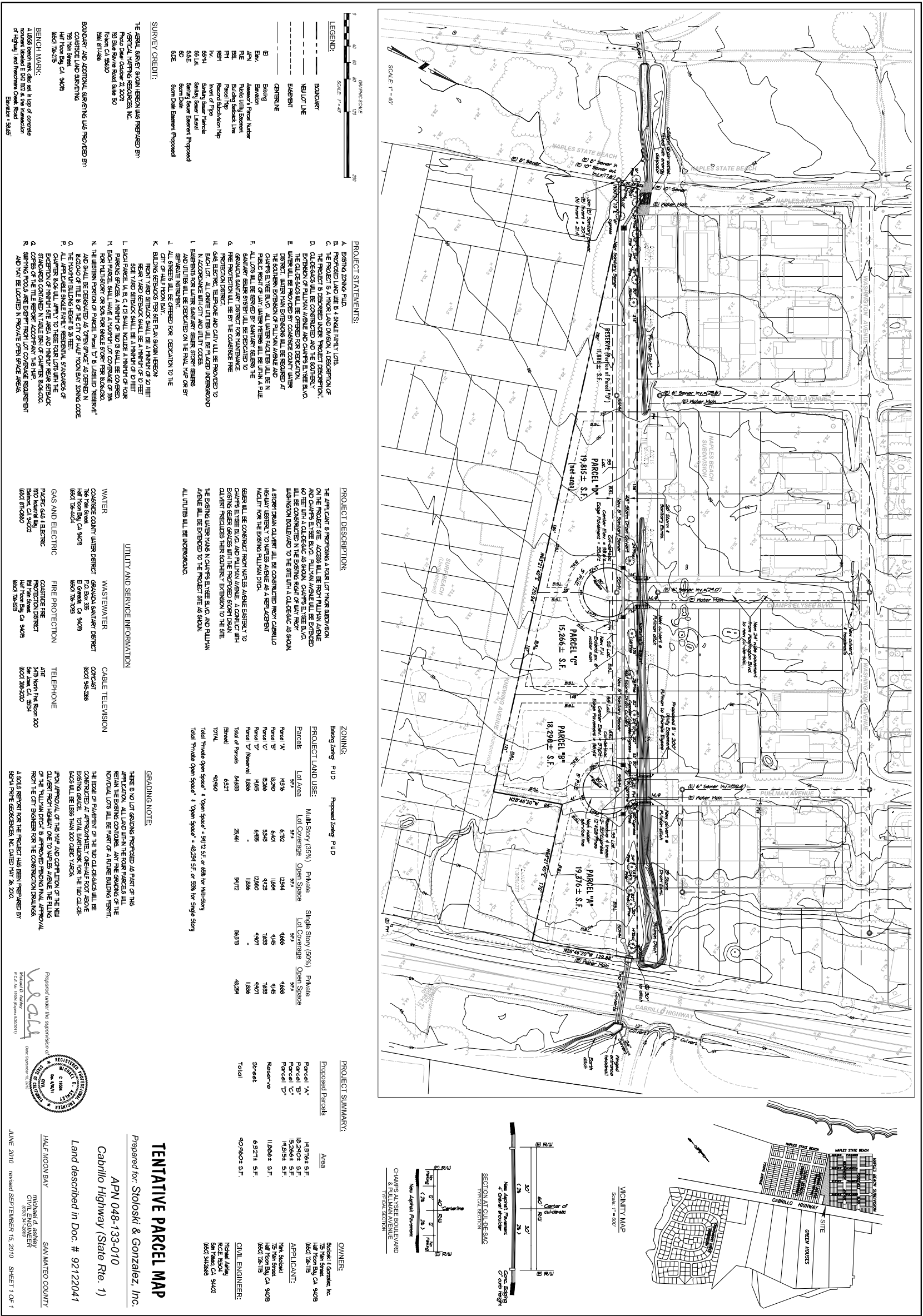
APN: 048-133-010

Local Review of this Coastal Development Permit Application is now complete. The City's approval of this Coastal Development Permit application may be appealed to the California Coastal Commission in accordance with California Public Resources Code Section 30603. A 10 working-day appeal period for appeal of this action to the Coastal Commission will commence the next working day following the Commission's receipt of this notice of final local action. Please contact the Coastal Commission's North Central Coast District Office at (415) 904-5200 for further information about the Commission's appeal process.

Exhibit H

## Figure 2 - Tentative Parcel Map

Note: Original drawing size was 42" x 30" with a scale of 1" = 40'. The drawing above is shown at 1" = 130'.



# Exhibit I

Google

We're changing our privacy policy and terms. This stuff matters.

To see all the details that are visible on the screen, use the "Print" link next to the map.



# Exhibit J

## BIOTIC ASSESSMENT

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2812 CHAMPS ELYSEE BOULEVARD. (APN 048-112-210),  
HALF MOON BAY, CALIFORNIA

SEPTEMBER, 2007

Prepared for:

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## EXECUTIVE SUMMARY

Coast Range Biological, LLC conducted a biotic assessment on the parcel located at 2812 Champs Elysee Boulevard (APN 048-112-210) in the City of Half Moon Bay, California. The proposed project involves the construction of a ~2,350 ft<sup>2</sup> single family residence and ~150 foot long road extension. This biotic assessment addresses the potential for occurrence of sensitive or special-status biotic resources on the project site and surrounding Study Area, including special-status plant and wildlife species and Environmentally Sensitive Habitat Areas (ESHAs) (e.g., riparian vegetation, wetlands, and other sensitive habitats as defined by the Half Moon Bay Local Coastal Program and California Coastal Act).

No special-status plant species were observed on the project site during the August 2007 field visits, and none are expected to occur because of the highly disturbed nature of the project site, a lack of suitable habitat, and a lack of documented occurrences in the vicinity. Therefore, significant adverse impacts to special-status plants are not expected to occur from the proposed project, and no mitigation measures are recommended.

Two special-status wildlife species, California red-legged frog and San Francisco garter snake, are expected to have a low potential for occurrence on the project site but some potential to inhabit nearby Pullman Ditch, and could therefore potentially be adversely impacted by the proposed project. One additional special-status wildlife species, saltmarsh common yellowthroat, is not expected to nest on the project site, but could potentially nest along Pullman Ditch, and therefore be indirectly impacted by the proposed project. In addition, other nesting bird species protected under the Migratory Bird Treaty Act and Fish and Game Codes have potential to nest on the project site and surrounding Study Area. All potential impacts to special-status wildlife and nesting bird species can be reduced to less than significant levels with the incorporation of mitigation measures discussed in this report.

No likely wetlands or Riparian habitat were observed on the project site itself, but the CCC should be contacted for concurrence with the conclusions of this report. Pullman Ditch occurs ~85 feet south of the project site and supports some marginal Riparian habitat and is considered a potential riparian ESHA. The riparian habitat itself will not be directly impacted by the proposed project. No other sensitive habitats were observed on the project site or surrounding Study Area.

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## APPENDICES

- Appendix A. Special-status species documented to occur in the Study Area region.  
Appendix B. Project site photographs.

## 1.0 INTRODUCTION

Coast Range Biological, LLC conducted a biotic assessment on the parcel located at 2812 Champs Elysee Boulevard (APN 048-112-210) in the City of Half Moon Bay, California (Figure 1). The proposed project involves the construction of a ~2,350 ft<sup>2</sup> single family residence and ~150 foot long road extension. The area evaluated for this biotic assessment includes: (1) a "project site" encompassing the project's disturbance envelope, where biological resource impact determinations are made; and (2) a "Study Area", which includes both the project site and adjacent areas extending out to 200-feet around the project site, where habitats are mapped and evaluated for the potential presence of special-status biological resources (Figure 2).

This biotic assessment addresses the potential for occurrence of sensitive or special-status biotic resources on the Study Area, including special-status plant and wildlife species and Environmentally Sensitive Habitat Areas (ESHAs) (e.g., riparian vegetation, wetlands, and other sensitive habitats as defined by the Half Moon Bay Local Coastal Program (LCP) and California Coastal Act (CCA). Potential significant impacts that may occur to these resources as a result of the proposed project are identified and mitigation measures are suggested to reduce impacts to less than significant levels.

## 2.0 METHODS

### 2.1 Literature Review

Prior to conducting field studies, a background literature search was conducted to determine which special-status species have the potential to inhabit the Study Area region based on documented occurrences and range distribution (Appendix A). Special-status species are defined here to include: (1) all plants and animals that are listed under the Federal or State Endangered Species Acts as rare, threatened or endangered; (2) all federal and state candidates for listing; (3) California Department of Fish and Game (CDFG) Species of Special Concern; (4) U.S. Fish and Wildlife Service (USFWS) Species of Concern; (5) all plants included in Lists 1 through 4 of the California Native Plant Society (CNPS) Online Inventory (CNPS 2007); (6) plants that qualify under the definition of "rare" in the California Environmental Quality Act (CEQA), section 15380; and (7) plants and animals considered "rare and endangered" in the Half Moon Bay LCP.

The primary sources for this search included the California Natural Diversity Data Base (CNDDB) (CDFG 2007), the CNPS Online Inventory (CNPS 2007), and the USFWS (2007) records for the Half Moon Bay, Montara Mountain, San Mateo, Woodside, La Honda, and San Gregorio 7.5' USGS quadrangles (the Study Area is in the Half Moon Bay quad). In addition, other lists and publications were consulted, including the CDFG Special Animals list (dated February 2006), *California's Wildlife* Volumes 1, 2 and 3 (Zeiner et al. 1988; 1990a; 1990b), and the Half Moon Bay LCP.

### 2.2 Field Studies

Plant Ecologist Tom Mahony and Wildlife Biologist Mark Allaback conducted reconnaissance-level field studies on August 17 and 24, 2007. The project site was traversed on foot to document habitat conditions to determine the potential for occurrence of special-status plant and wildlife species and other sensitive biotic resources.

Figure 1. Study Area location map.

Figure 2. Habitats on the Study Area.

The remainder of the Study Area, outside of the project site, was surveyed on foot where accessible, and with binoculars and aerial photographs where inaccessible due to private property constraints. The potential for occurrence of special-status plant and wildlife species was assessed based on the presence of necessary habitat characteristics, confirmed records from the region, and the biologist's knowledge of the target species. No focused field surveys were performed.

Riparian habitat with public access was mapped in the field with a Trimble GPS unit (sub-meter accuracy) and overlain on a 2004 orthophoto (obtained from TerraServer) using ArcGIS software<sup>1</sup>. In addition, several property stakes were present in the field, and direct measurements from these stakes to Pullman Ditch were made using a 100 meter tape. Riparian areas, as well as other habitats, on private land were drawn directly onto the orthophoto.

### 2.2.1 Special-status Species

Potential for occurrence of special-status species was classified as follows:

- (1) **None.** Habitat on and adjacent to the Study Area is either not present or clearly unsuitable for the species requirements (e.g., foraging, nesting, cover, soil type). The species is considered absent or has an extremely low probability of being found on the Study Area.
- (2) **Low Potential.** Some habitat components meeting the species requirements are present, however, the majority of habitat on and adjacent to the Study Area is degraded or unsuitable. The species has a low probability of being found on the Study Area.
- (3) **Moderate Potential.** Habitat components meeting the species requirements are present, however, some of the habitat on or adjacent to the Study Area is unsuitable. The species has a moderate probability of being found on the Study Area.
- (4) **High Potential.** Habitat components meeting the species requirements are present and most of the habitat on or adjacent to the Study Area is highly suitable. The species has a high probability of being found on the Study Area.
- (5) **Present.** The species was observed on the Study Area during the field visit or was documented to occur on the Study Area during the background literature search.

For species with a potential for occurrence of "None" or "Low", no further recommendations are made since the species is unlikely to occur on the project site, and therefore significant impacts resulting from the proposed project are not expected. For species that are "Present" on the project site, or for species with a "Moderate" or "High" potential for occurrence, mitigation measures are recommended to reduce any potential significant impacts to less than significant levels (CEQA Guidelines, Appendix G).

### 2.2.2 Other Sensitive Biotic Resources

"Environmentally Sensitive Habitat Areas" (ESHAs) are defined in the LCP as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." In addition to special-status species, discussed above, the following are also

<sup>1</sup> Due to variability in basemaps, GPS data, and mapping scale, the map in Figure 2 represents a good estimation of spatial relationships but should be used for general planning purposes only. Exact distances, if required, should be obtained by a licensed surveyor.

generally considered ESHAs under the LCP (Section 30107.5).

#### *Wetland and Riparian Areas*

Wetlands are defined in the LCP (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.” A jurisdictional wetland delineation was not conducted during this biotic assessment, but a reconnaissance-level wetland survey was conducted to search for any areas that could potentially meet the LCP definition of wetlands (e.g., the “one parameter” wetland definition used by the City of Half Moon Bay and the California Coastal Commission (CCC)).

Riparian areas are defined in the LCP as the “limit of riparian vegetation (i.e. a line determined by the association of plant and animal species normally found near streams, lakes, and other bodies of fresh water: red alder, jaumea, pickleweed, big leaf maple, narrowleaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such an area must contain at least a 50% cover of some combination of the plants listed<sup>2</sup>.” Riparian areas were identified and mapped during the site visit.

#### *Other Sensitive Habitats*

Other sensitive habitats that could qualify as potential ESHAs include those considered sensitive in the region by CDFG, such as northern maritime chaparral, northern coastal salt marsh, serpentine bunchgrass, and valley needlegrass grassland, as well as those listed in the LCP, including sand dunes, wild strawberry habitat, and sea cliffs. The presence or absence of sensitive habitats was noted during the field visit.

### **3.0 STUDY AREA DESCRIPTION**

The Study Area is located at 2812 Champs Elysee Boulevard in Half Moon Bay, and includes the project site for the proposed residential construction project and a 200-foot buffer around this area (Figures 1 and 2). The project site itself is undeveloped, generally level, highly disturbed, and occurs at approximately 30 feet elevation (USGS 1991). Residential development occurs to the north, west, and southwest, with agricultural operations to the east and southeast.

#### **3.1 Habitats**

Four habitats are present on the Study Area: Ruderal Non-native Grassland, Riparian, Developed/Landscaped, and Agricultural (Figure 2). Ruderal Non-native Grassland covers virtually the entire project site (where direct project impacts will occur), and is dominated by non-native grasses and forbs adapted to disturbance, including Italian ryegrass (*Lolium multiflorum*<sup>3</sup>), bristly ox-tongue (*Picris echioides*), wild oats (*Avena* sp.), wild radish (*Raphanus sativus*), field bindweed (*Convolvulus arvensis*), velvet grass (*Holcus lanatus*), and English plantain (*Plantago lanceolata*), with occasional native species such as California aster (*Aster chilensis*). Included with this community on the project site is a small stand of trees (included in the Ruderal Non-native Grassland habitat type due to its small size) in the road right of way near Washington Boulevard, consisting of

<sup>2</sup> This definition was used as a guideline but not a strict determinant of riparian vegetation on the Study Area, since many more species characterize riparian areas than those listed above, and riparian areas are based on biotic function in addition to species composition.

<sup>3</sup> Botanical nomenclature follows Hickman (1993).

one arroyo willow (*Salix lasiolepis*) (Figure 2) and a small stand of non-native trees and shrubs, including cotoneaster (*Cotoneaster* sp.) and myoporum (*Myoporum* sp.).

Riparian habitat occurs within the banks of Pullman Ditch and consists of primarily non-native shrub, herb, and occasional tree species that perform some marginal riparian functions and values. Species observed within and adjacent to the ditch include California blackberry (*Rubus ursinus*), poison hemlock (*Conium maculatum*), fireweed (*Epilobium* sp.), garden nasturtium (*Tropaeolum majus*), and cape ivy (*Senecio mikanioides*). A small stand of arroyo willow occurs along the ditch in the southwestern portion of the Study Area. Trees not native to the Study Area, including Monterey pine (*Pinus radiata*) and Monterey cypress (*Cupressus macrocarpa*) have been planted along the banks of a portion of the ditch.

Developed/Landscaped habitat includes areas primarily to the north and west of the project site, and consist of areas dominated by residential development and associated infrastructure and landscaping. Agricultural habitat occurs in the southern portion of the Study Area, south of Pullman Ditch.

### 3.2 Hydrology and Soils

The project site itself appears well-drained, and no drainage channels or other direct or indirect evidence of ponding or concentrated water movement were observed. South of the project site but within the Study Area is Pullman Ditch, a narrow (~5 feet wide in the vicinity of the project site) man-made ditch that drains generally southwest for ~1,000 feet to Half Moon Bay State Beach. It is not mapped as a stream on the USGS (1991) Half Moon Bay topographic quadrangle. The ditch was dry at the time of the field visits and is considered intermittent. Soils in the vicinity of the Study Area are mapped as the well-drained Farallone Series (USDA 1961), and soils observed on the Study Area generally fit the series descriptions.

## 4.0 RESULTS

### 4.1 Special-status Plants

Forty-five special-status plant species are documented to occur in the Study Area region based on the background literature search discussed in Section 2.1. A list of these species, their status, and their typical habitats, is presented in Appendix A. A search of the August 4, 2007 CNDDDB GIS database found no documented occurrences<sup>4</sup> of special-status plant species on or within one mile of the Study Area. Four special-status plant species have documented CNDDDB occurrences within three miles of the Study Area: coastal marsh milk-vetch (*Astragalus pycnostachyus* var. *pycnostachyus*) (2.3 miles northwest of the Study Area), Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*) (1.3 miles east), Choris's popcorn-flower (*Plagiobothrys chorisianus* var. *chorisianus*) (2.4 miles south), and San Francisco campion (*Silene verecunda* ssp. *verecunda*) (2.5 miles north).

No special-status plant species were observed on the Study Area, but the field visit occurred after the blooming period of most plant species had ended, and focused surveys were not conducted. The 45 special-status plants identified for the region during the background literature search are considered unlikely to inhabit the project site (a potential for occurrence of "None" or "Low" as defined in Section 2.2) because the project site: (1) is heavily disturbed, surrounded by residential development, and dominated by a dense cover of ruderal, non-native species typical of disturbed areas; (2) lacks

<sup>4</sup> The lack of documented occurrences does not necessarily mean that a species does not occur in an area, only that no occurrences have been reported.



macro or micro habitat components (e.g., suitable plant communities, wetlands, sandy or serpentine substrates, rocky outcrops) required by most special-status species known from the region; (3) has a long history of disturbance that has likely eliminated any remnant native soil seed bank; and (4) lacks documented occurrences of special-status plants nearby, which could (along with a native soil seedbank) provide a potential source of special-status plant propagules for the project site. Therefore, the 45 special-status plant species identified for the region during the background literature search are considered absent<sup>5</sup> or to have a low potential to inhabit the project site. These results concur with those of a previous biotic assessment prepared for Pullman Ditch and adjacent habitats (H.T. Harvey & Associates 2005).

#### 4.2 Special-status Wildlife

A search of the August 4, 2007 CNDDB GIS database found no documented occurrences of special-status wildlife species on the Study Area. Fifteen special-status wildlife species were analyzed for their potential occurrence on the project site and surrounding Study Area because they: (1) occur in habitats present in the general vicinity of the Study Area, and (2) have ranges which include Half Moon Bay (Appendix A). None of the fifteen special-status wildlife species analyzed are expected to have a moderate or high potential to occur on the project site itself. However, two species, California red-legged frog (*Rana aurora draytonii*) and San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) have some potential to occur on the Study Area along Pullman Ditch, and due to the mobility of each species, could occur incidentally on the project site. One special-status bird species, saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), is not expected to nest on the project site, but could nest in nearby Pullman Ditch on the Study Area. In addition, trees and shrubs on the project site in the road right of way, and trees and shrubs on the surrounding Study Area, support potential nesting habitat for other bird species protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Codes. Potential significant impacts that may occur to special-status wildlife, and corresponding mitigation measures, are addressed in Section 5.2.

The remaining special-status wildlife species analyzed are considered absent or to have a low potential for occurrence on the project site and surrounding Study Area, and it is therefore unlikely they would be adversely impacted by the proposed project (Appendix A). These species are not discussed further. In addition, some special-status wildlife species documented from the region were not analyzed as part of this biotic assessment because suitable habitat is obviously absent from the Study Area. These include all marine organisms (e.g., marine mammals, reptiles, birds, and invertebrates), as well as species found in tidal marsh or other habitats clearly lacking from the Study Area, including: western snowy plover (*Charadrius alexandrinus nivosus*), California black rail (*Rallus jamaicensis coturniculus*), double-crested cormorant (*Phalacrocorax auritus*), California brown pelican (*Pelecanus occidentalis*), California least tern (*Sterna antillarum browni*), California clapper rail (*Rallus longirostris obsoletus*), salt-marsh harvest mouse (*Reithrodontomys raviventris*), tidewater goby (*Eucyclogobius newberryi*), foothill yellow-legged frog (*Rana boylei*), and globose dune beetle (*Coelus globosus*). In addition, the following species are documented in the region but their range does not include Half Moon Bay: Bay checkerspot butterfly (*Euphydryas editha bayensis*), Mission blue butterfly (*Plebejus icarioides missionensis*), San Bruno elfin butterfly (*Callophrys mossii bayensis*), Myrtle's silverspot (*Speyeria zerene myrtilae*), Alameda song sparrow (*Melospiza melodia pusillula*), and Santa Cruz kangaroo rat (*Dipodomys venustus venustus*).

<sup>5</sup> Since biological phenomena are complex and often poorly understood, this should be considered an "extremely low" potential for occurrence and not an absolute claim of absence. Even if species are not anticipated to occur, if any special-status plant or wildlife species were encountered during project construction, the project would be required to comply with the CCA, CEQA, and the state and federal Endangered Species Acts.

**California Red-legged Frog (*Rana aurora draytonii*), Federal Status: Threatened; State Status: Species of Special Concern**

The California red-legged frog is a large (85-138 mm), nocturnal species that historically occupied much of central and southern California. The species requires still or slow-moving water during the breeding season, where it deposits large egg masses, usually attached to submergent or emergent vegetation. Breeding typically occurs between December and April, depending on annual environmental conditions and locality. Eggs require 6 to 12 days before hatching and metamorphosis occurs 3.5 to 7 months after hatching (Stebbins 2003). Following metamorphosis between July and September, juveniles generally do not travel far from aquatic habitats. Movements of individuals generally begin with the first rains of the weather-year or in response to receding water. Radio-telemetry data indicates that individuals engage in straight-line movements irrespective of riparian corridors and can move up to two miles (Bulger et al. 2003). California red-legged frogs utilize a variety of water sources during the non-breeding season, and females are more likely than males to depart from perennial ponds shortly after depositing eggs (Fellers and Kleeman 2007). They may take refuge in small mammal burrows, leaf litter or other moist areas during periods of inactivity or whenever it is necessary to avoid desiccation (Rathbun et al. 1993; Jennings and Hayes 1994). Occurrence of this frog has shown to be negatively correlated with presence of introduced bullfrogs (Moyle 1973; Hayes and Jennings 1986, 1988). Recent genetic studies indicate that the nominal subspecies *draytonii* and *aurora* represent separate lineages and are therefore distinct species that require taxonomic revision (Shaffer et al. 2004).

California red-legged frogs are not documented to occur on the Study Area, but the CNDDDB documents seven occurrences within three miles of the project site. The closest documented occurrence is 0.9 miles east in Frenchman's Creek, with additional occurrences 1.1 miles south, 1.5 miles southeast, 2.1 miles east, and 1.9, 2.6, and 2.9 miles northwest. The project site does not currently support upland or breeding habitat for red-legged frogs. However, nearby Pullman Ditch does not provide breeding habitat, but may provide marginal foraging and sheltering habitat for the species. The likelihood that California red-legged frogs would inhabit the project site is considered low since it lacks appropriate upland habitat. In addition, the project site is not likely dispersal habitat from Pullman Ditch to potential breeding habitat in the region to the north, northeast, or west, due to the presence of dense residential development. However, due to the proximity of marginal suitable habitat in Pullman Ditch in relation to the project site and mobility of the species, California red-legged frogs could occur incidentally on the project site if they seek temporary cover during project construction, especially during the rainy season. Mitigation measures are recommended (in Section 5.0) to reduce or eliminate any significant impacts to the species.

**San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*), Federal Status: Endangered; State Status: Endangered, Fully Protected**

The San Francisco garter snake is found only on the San Francisco peninsula in San Mateo County and the northern portion of Santa Cruz County (Berry 1978; Brode 1990). It is an extremely colorful snake with a bright orange-red head, blue belly, greenish-yellow dorsal stripe and red and black stripes along either side. It grows to a length of three to four feet (Stebbins 2003). It occupies freshwater marshes, ponds, sloughs, and associated riparian corridors, especially where dense shoreline vegetation is present. It also uses a variety of upland habitats including grassland, woodland and coastal scrub in proximity to these aquatic habitats. During the fall and winter, it stays relatively inactive underground in rodent burrows, up to at least 150 meters from aquatic habitat (McGinnis, et al. 1987). During the spring and summer, it occupies dense vegetation near ponds or marshes and adjacent scrub and open upland habitat for temperature regulation and cover. Females produce between 12 and 24 live young in July or August. Adults feed primarily on larger frogs including red-

legged frogs, but may also take fish, salamanders, newts and earthworms. Pacific treefrogs appear to be an important part of the diet of young snakes (Larsen 1994). It is rarely seen but can sometimes be observed near the water's edge, basking on warm days, or when it retreats to water. Much of the range of the San Francisco garter snake lies within a heavily urbanized area, and alteration and isolation of habitats has been identified as the primary threat to the subspecies (Brode 1990). Agricultural development, overgrazing and illegal collecting have also been implicated in its decline.

San Francisco garter snake is not documented on the Study Area but has been documented along Pilarcitos Creek, ~one mile south of the project site. Though the habitat quality is marginal, Pullman Ditch provides some suitable dispersal and or/ foraging habitat for San Francisco garter snake. As with California red-legged frog, the project site is not likely dispersal habitat for San Francisco garter snake from Pullman Ditch to potential breeding habitat in the region to the north, northeast, or west, due to the presence of dense residential development. Therefore, the likelihood that San Francisco garter snake would occur on the project site is considered low, but due to the proximity of suitable habitat in Pullman Ditch in relation to the project site and mobility of the species, San Francisco garter snake could occur incidentally on the project site during construction. Mitigation measures are recommended (in Section 5.0) to reduce or eliminate any significant impacts to the species.

**Saltmarsh Common Yellowthroat (*Geothlypis trichas sinuosa*), Federal Status: None; State Status: Species of Special Concern.**

Saltmarsh common yellowthroat occurs in fresh and saltwater marshes in the San Francisco Bay Area. It typically requires thick, continuous cover down to the water surface for foraging. Tall grasses, tule patches, and/or willows are often used for nesting. Saltmarsh common yellowthroat is documented to occur in the vicinity of the Study Area, along Frenchman's Creek ~0.2 miles to the southeast, at the mouth of Pilarcitos Creek 0.9 miles to the south, and near Pillar Point Harbor, 2.5 miles to the northwest.

No suitable nesting habitat for saltmarsh common yellowthroat occurs on the project site, but the species could potentially nest on the Study Area along Pullman Ditch, particularly in the stand of arroyo willow in the southwestern portion of the Study Area. Mitigation measures are recommended (in Section 5.0) to reduce or eliminate any significant impacts to the species.

**Other Nesting Native Bird Species**

Marginal suitable avian nesting habitat is present in trees on the project site in the road right of way, and trees and shrubs on the surrounding Study Area support potential nesting habitat for other bird species protected under the MBTA. The MBTA regulates or prohibits taking, killing, and possession of migratory bird species and their nests as listed in Title 50 Code of Federal Regulation (CFR) Section 10.13. Bird species and their nests are also protected under Sections 3515 and 3503 of the California Fish and Game Code. According to project plans, several trees will be removed during project construction, potentially directly impacting nesting bird species, should they be nesting in trees slated for removal. In addition, noise and other disturbance during construction could adversely impact nesting bird species in the surrounding Study Area, potentially resulting in nest abandonment. Mitigation measures are recommended (in Section 5.0) to reduce or eliminate any significant impacts to nesting bird species.

### 4.3 Other Sensitive Biotic Resources

#### 4.3.1 Wetland and Riparian Areas

##### Wetlands

Based on the reconnaissance surveys, the project site appears generally well-drained, and no direct or indirect indicators of wetland hydrology or hydric soils were observed. Vegetation on most of the project site is dominated by a mix of marginally hydrophytic (e.g., FAC according to Reed (1988)) species and upland species. The FAC species, such as Italian ryegrass and bristly ox-tongue, are likely responding to disturbance and coastal fog and stratus rather than hydrologic conditions, since no wetland hydrology or hydric soil indicators were observed.

An arroyo willow tree grows in the road right of way near Washington Boulevard (Figure 2). Arroyo willow is often associated with riparian vegetation along creeks and other waterways in coastal San Mateo County, and is classified as FACW in Reed (1988). No drainages, seeps, or other indicators of surface or near surface water were observed in the vicinity, no hydric soil indicators were observed in reconnaissance-level soil pits, and the topography under the tree is slightly convex (e.g., shedding rather than accumulating water). Therefore, the tree is likely acting as a phreatophyte (e.g., responding to deeper groundwater). The long taproots of phreatophytes allow them to reach groundwater, and they can exist in areas of only intermittent surface water inputs, and as such they can be misleading for the purposes of wetland delineations (USACE 2006). Due to a lack of drainage channels in the vicinity, the willow does not qualify as riparian vegetation. In addition, the lack of wetland hydrology and hydric soil indicators indicates that the willow does not likely meet the definition of "wetland" under the CCA/LCP (e.g., "lands within the Coastal Zone which may be covered periodically or permanently with shallow water."). However, the CCC should be contacted for concurrence, and they may require a formal wetland delineation or other measures to make a more definitive wetland determination.

##### Riparian Habitat

No riparian vegetation occurs on the project site. Pullman Ditch is located ~85 feet south of the project site. A small stand of arroyo willow occurs along the ditch in the southwestern portion of the Study Area, but most of the ditch does not contain any of the species listed in the LCP definition of "riparian species." However, even non-native vegetation within the ditch may offer some riparian functions and values, including plant and wildlife habitat and erosion control. The vegetation in and adjacent to the ditch consists primarily of non-native, ruderal species, such as poison hemlock and wild radish, but with occasional native species, such as California blackberry. Therefore, though most vegetation within the ditch is not undisturbed or typical riparian vegetation, it is considered broad "riparian habitat" based on fulfilling some marginal riparian functions and values, and was delineated<sup>6</sup> out to the top of bank of the ditch or the drip-line of species rooted below the top of bank, whichever was greater. The Riparian habitat is considered a potential ESHA under the CCA/LCP (Figure 2). The results in this report are in general agreement with those in H.T. Harvey & Associates (2005).

#### 4.3.2 Other Sensitive Habitats

No other sensitive habitats (other than Riparian habitat, treated separately above), identified in the CNDDB or LCP, were observed on the project site or surrounding Study Area. The entire Study Area

<sup>6</sup> Vegetation boundaries shown in Figure 2 are intended for general planning purposes only.

is heavily impacted by past and current human disturbance, and therefore no sensitive habitats are present.

## 5.0 POTENTIAL BIOLOGICAL IMPACTS AND PROPOSED MITIGATION MEASURES

The proposed project involves the construction of a ~2,350 ft<sup>2</sup> single family residence and ~150 foot long road extension. The area of the proposed project evaluated for potential biological impacts was restricted to the project site, as shown on the project plans prepared by Sung Engineering, dated 3/27/07.

### 5.1 Special-status Plants

Due to factors discussed in Section 4.1, special-status plant species are not expected to occur on the project site. Therefore, no significant adverse impacts are anticipated to occur to special-status plant species as the result of the proposed project, and no mitigation measures are recommended.

### 5.2 Special-status Wildlife

Three special-status wildlife species could potentially be adversely impacted by the proposed project: California red-legged frog, San Francisco garter snake, and saltmarsh common yellowthroat. In addition, suitable habitat for other nesting bird species, protected under the MBTA and Fish and Game Codes, occurs on trees and shrubs on the project site and surrounding Study Area. All potential impacts to special-status wildlife species and nesting birds can be reduced to less than significant levels with the incorporation of mitigation measures, discussed below.

**Potential Significant Impact 1:** Currently, the project site does not support upland or breeding habitat for California red-legged frog or San Francisco garter snake. However, marginal foraging and sheltering habitat for California red-legged frog and San Francisco garter snake occurs ~85 feet to the south along Pullman Ditch. While Pullman Ditch will not be directly impacted by the proposed project, the proximity of suitable habitat to the project site may result in California red-legged frog and San Francisco garter snake incidentally occurring on the project site during construction. In particular, any open trenches associated with the project may trap California red-legged frog and San Francisco garter snake, should they occur in the area, potentially resulting in direct mortality during construction. Impacts to California red-legged frog and San Francisco garter snake are considered potentially significant.

**Mitigation Measure 1a:** Within two weeks prior to the start of construction, a worker education program shall be presented at the project site by a biologist familiar with the species. Associated written material will be distributed. It shall be the onsite foreman's responsibility to ensure that all construction personnel and subcontractors receive a copy of the education program. The education program shall include a description of the California red-legged frog and San Francisco garter snake and their habitat, the general provisions of the Endangered Species Act, the necessity of adhering to the Act to avoid penalty, measures implemented to avoid affecting California red-legged frog and San Francisco garter snake specific to the project and the work boundaries of the project.

**Mitigation Measure 1b:** For projects in general proximity to CRLF and SFGS habitat, CDFG and USFWS generally require exclusion fencing around the entire work area (Dave Johnston, pers. comm. August 27, 2007). CDFG and USFWS should be contacted for concurrence on whether exclusion fencing is required for the project. If they require exclusion fencing, two weeks prior to construction, exclusion fencing shall be installed around the entire work area. Fencing shall be at least 36 inches

# Exhibit L

Speakers at the December 13, 2012, Planning Commission Meeting  
PDP-009-10

Kerry Burke  
34 Amesport Landing  
Half Moon Bay, CA 94019

Mark Stoloski  
727 Main Street  
Half Moon Bay, CA 94019

Mark Gradstein  
2805 Naples Avenue  
Half Moon Bay, CA 94019

Jane Gorman  
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Thomas J. Carey  
2920 Woodside Road  
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Don Torre  
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Belmont, CA 94002

James Kellenberger  
2855 Naples  
Half Moon Bay, CA 94019

Sandy Paoli  
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Redwood City, CA 94061

Michael Ashley  
509 Georgetown Avenue  
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Geoff Riley  
WRA  
2169-G East Francisco Blvd  
San Rafael, California 94901

Corresponence:

Suzan Suer  
301 Washington Blvd  
Half Moon Bay, CA 94019



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I am employed in the County of San Mateo, State of California. I am over the age of 18 and not a party to the within action. My business address is 80 Stone Pine Road, Suite 101, Half Moon Bay, CA 94019.

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

Half Moon Bay Planning Commission  
501 Main Street  
Half Moon Bay, CA 94019

Army Corps of Engineers  
1455 Market Street  
San Francisco, CA 94103-1398

California Department of Fish and Game  
7329 Silverado Trail  
Napa, CA 94558

U.S. Fish and Wildlife Service  
Coast-Bay Delta Branch  
2800 Cottage Way  
Sacramento, CA 95825

26

1 California Department of Parks & Recreation

2 1416 9th Street  
3 Sacramento, CA 95814

4 Mark Stoloski  
5 727 Main Street  
6 Half Moon Bay, CA 94019

7 Stoloski & Gonzales, Inc.  
8 727 Main Street  
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10 Kerry Burke  
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26 509 Georgetown Avenue  
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Proof of Service

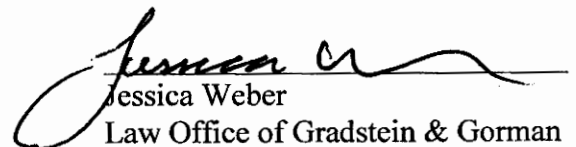
1 Susan Suer  
2 301 Washington Blvd.  
3 Half Moon Bay, CA 94019

4 X (BY U.S. MAIL) I caused such envelope with postage thereon fully prepaid for delivery  
5 by first class mail to be place in the U.S. Mail box in Half Moon Bay, California on this date.

6 \_\_\_\_\_ (BY OVERNIGHT MAIL) I caused such envelope with fees thereon fully prepaid for  
7 overnight delivery to be placed in the pickup box in Half Moon Bay, California on this date for  
8 pickup by the designated overnight carrier.

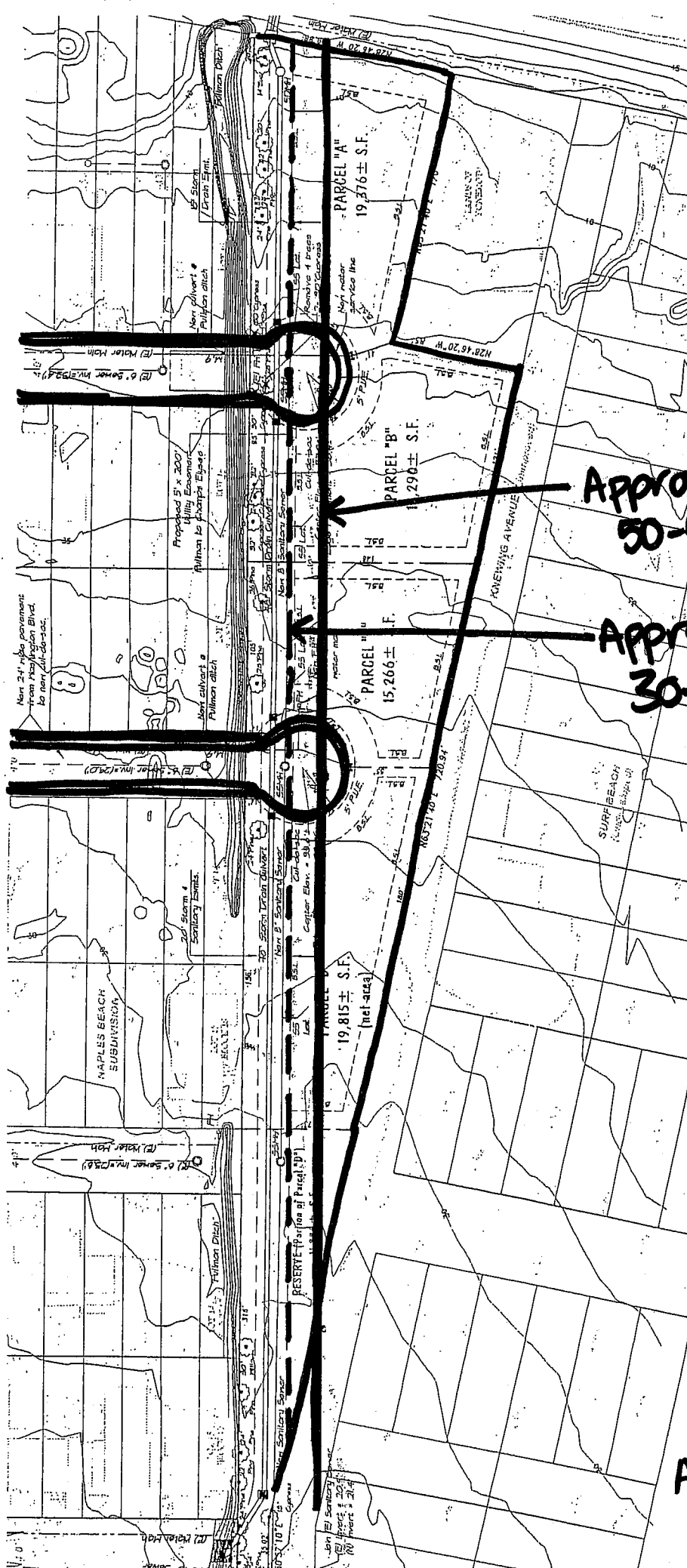
9 \_\_\_\_\_ (BY FACSIMILE TO JONATHAN RICHTER) I caused such document to be sent by  
10 facsimile to the aforementioned numbers on this date.

11  
12 This document was executed under penalty of perjury under the laws of the State of  
13 California on February 6, 2012 in Half Moon Bay, California.

14  
15   
16 Jessica Weber  
17 Law Office of Gradstein & Gorman  
18  
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23  
24  
25

26 Proof of Service

Approximate location of 50-foot buffer ———  
Approximate location of 30-foot buffer - - - - -



Approximate  
50-foot buffer

Approximate  
30-foot buffer

A-2-HMB-12-005  
Exhibit 8