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Prepared November 21, 2018 for December 12, 2018 Hearing

To: Commissioners and Interested Persons
From: Jeannine Manna, North Central Coast District Manager
Sophia Kirschenman, Coastal Planner
Subject: **De Minimis Amendment Determination for City of Half Moon Bay LCP
Amendment Number LCP-2-HMB-18-0081-2 (Stoloski/Gonzalez Planned
Development District)**

City of Half Moon Bay's Proposed Amendment

The City of Half Moon Bay is proposing to modify the Local Coastal Program (LCP) Land Use Plan (LUP) to establish the Stoloski/Gonzalez Planned Development District (PDD), incorporating specific development standards to carry out the City-approved Parcel Map and Planned Unit Development (PUD) Plan for this specific parcel.¹ The Stoloski/Gonzalez parcel comprises approximately 2.1 acres and is considered a remnant parcel located between two existing subdivisions. The parcel is directly south of the partially developed Naples subdivision and is currently part of, and forms the northern boundary to, the larger Surf Beach/Dunes Beach PDD. Under the certified LCP, no development can be approved within a PDD until a Specific Plan is established for the entire area. Recognizing that there is a City-approved Plan for the subject parcel, separate and distinct from the larger Surf Beach/Dunes Beach PDD that has not yet been planned, the proposed amendment would establish a new Stoloski/Gonzalez PDD to regulate development within the parcel boundaries. The Stoloski/Gonzales PDD incorporates the approved development conditions pursuant to the City approved PUD Plan, Parcel Map, and Settlement Agreement, and assures consistency with LCP provisions that dictate development approvals in PDD areas. In addition, development potential within the Surf Beach/Dunes Beach PDD has been reduced accordingly to reflect the removal of this parcel. See Exhibit A for the text of proposed amendments to LUP Chapter 9.

¹ In January of 2012, the City of Half Moon Bay approved a Coastal Development Permit, PUD Plan, Use Permit, and Tentative Parcel Map for the Stoloski/Gonzalez parcel. A subsequent Settlement Agreement was reached in December of 2014, which prescribed additional conditions restricting development in the westernmost portion of the parcel. In May of 2015, a Final Parcel Map for the Stoloski/Golzalez parcel was approved.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is “de minimis”. In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on December 22, 2018).

The purpose of this notice is to advise interested parties of the Executive Director’s determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed briefly below:

- 1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:** The City of Half Moon Bay Local Coastal Program, including the proposed amendment, is intended to be carried out in full conformity with the California Coastal Act. The proposed amendment will create the Stoloski/Gonzalez PDD, but does not change the base zoning, land use designation, or allowable uses for the parcel. This designation is applied to undeveloped areas of land within the City, so that the areas are planned in a way that protects resource values, ensures coastal access, eliminates poorly planned subdivisions, and clusters development to provide open space and recreation opportunities. The PUD development standards that will be implemented in this PDD through the approved PUD Plan, Parcel Map and Settlement Agreement include appropriate setbacks, permitted uses, lot size, lot coverage, parking, and open space requirements, so as to avoid siting structures in hazardous areas and protect onsite resources, especially sensitive coastal resources, such as environmentally sensitive habitat areas, riparian corridors, wetlands, and existing coastal access.

Specifically, the public’s ability to access the Half Moon Bay portion of the existing California Coastal Trail, located west of the parcel, and Roosevelt Beach and existing parking area, located northwest of the parcel, will not be impaired by future development in

the Stoloski/Gonzalez PDD, consistent with Chapter 3 of the Coastal Act. Furthermore, any future development projects proposed within the boundaries of the proposed PDD would be required to adhere to the proposed development standards for the PDD, and by extension, the Settlement Agreement, assuring consistency with Chapter 3 of the Coastal Act. Any new development proposals for the area would be analyzed and approved only if found to be consistent with the proposed standards.

Thus, the proposed amendment will not adversely affect coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act.

- 2. Provision of public notice:** The City provided public notice in advance of the Planning Commission hearings (held on August 14, 2018, August 28, 2018, and September 25, 2018) and the City Council hearing (held on October 16, 2018) where the proposed amendment was considered. Prior to each of these hearings, noticing was completed through NextDoor postings, eNews announcements, and mailings to the Planning Commission and City Council email lists. Additionally, for the Planning Commission hearing on September 25, 2018, notices were mailed on September 12, 2018, a newspaper advertisement notice was printed for at least one week, commencing on September 12, 2018, and additional notices were printed and posted in six locations around the Stoloski/Gonzalez parcel prior to the hearing. For the City Council hearing on October 16, 2018, notices were mailed on October 2, 2018, a newspaper advertisement notice was printed for at least one week, commencing on October 3, 2018, and additional notices were printed and posted in six locations around the Stoloski/Gonzalez parcel prior to the hearing. The application materials were also made available at City Hall in advance of the City's hearings. The amendment submittal was subsequently received by the Coastal Commission on November 1, 2018 (and filed as complete on November 21, 2018), and therefore, the 21-day noticing requirement has been satisfied.
- 3. No change in use of land or allowable use of property:** No change in use is proposed by this amendment.

California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. The City found the proposed amendment is exempted from environmental review under CEQA. (Cal. Code of Regs., tit. 14, § 15265(a)). This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its December 12, 2018 meeting in Newport Beach. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Sophia Kirschenman at the North Central Coast District Office in San Francisco. If you wish to comment on and/or

object to the proposed de minimis LCP amendment determination, please do so by December, 7 2018.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on November 21, 2018. It amends the LUP only and the 90-day action deadline is February 19, 2019. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until February 19, 2019 to take a final action on this LCP amendment.

Exhibits

Exhibit A: Proposed Amendments to Chapter 9 in the LUP

Exhibit B: City Council Resolution No. C-2018-117