

CALIFORNIA COASTAL COMMISSION

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Prepared July 26, 2019 for August 9, 2019 Hearing

To: Commissioners and Interested Persons

From: Jeannine Manna, District Manager
Julia Koppman Norton, Coastal Planner

**Subject: De Minimis Amendment Determination for City of Half Moon Bay LCP
Amendment Number LCP-2-HMB-19-0101-1 (Architectural Advisory
Committee)**

City of Half Moon Bay's Proposed Amendment

The City of Half Moon Bay is proposing to modify the Local Coastal Program (LCP) Implementation Plan (IP) to reestablish an Architectural Advisory Committee and to make other related changes in the IP. Specifically, the proposed amendment would allow the City Council to create advisory committees as needed in order to encourage consistency with the Coastal Act and certified LCP, including through evaluation of neighborhood compatibility, community character, and historic preservation; would establish the Architectural Advisory Committee as one such committee; would update related design and development review processes, including clarifying application and review submittal requirements; and would make a series of changes intended to clean up IP language to conform to these modifications.

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 Executive Director must determine that the amendment meets the following three criteria:

1. The proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the Chapter 3 policies of the Coastal Act;
2. The local government provided 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 and processed as a regular LCP amendment; 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's determination (in this case, on August 19, 2019).

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 policies of the Coastal Act:** The proposed amendment would enable the City Council to establish advisory committees, and would establish an Architectural Advisory Committee intended to provide design recommendations for development in the City's coastal zone, and by extension to help ensure the quality and compatibility of City development approvals consistent with the visual resource protection policies in the certified LCP. The proposed amendment would not modify LCP criteria applicable to allowing new development, and does not conflict with existing LCP architectural and design review policies, but rather is best understood as a new tool in the LCP's toolbox for helping to ensure appropriate and high quality coastal zone development consistent with coastal resource protection in the City. Therefore, the proposed amendment is not expected to adversely affect coastal resources, and rather should enhance their protection, and the updated LCP with the proposed Architectural Advisory Committee policies is consistent with the Coastal Act Chapter 3 policies.
- 2. Provision of public notice:** The City provided public notice in advance of both the Planning Commission hearing (held on May 14, 2019) and the City Council hearings (held on June 4, 2019, and June 18, 2019) where the proposed amendment was considered. For the Planning Commission hearing, a newspaper advertisement notice was printed on May 1, 2019. For the City Council hearings, a newspaper advertisement notice was printed on May 22, 2019. In addition, the proposed text was sent through the Planning Commission and City Council email lists and was made available at City Hall and on the City's website for public inspection, all in advance of the City's hearings. The amendment submittal was subsequently received by the Commission on July 3, 2019 (and filed as complete on July 23, 2019), 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 or allowable use of property is proposed by this amendment, rather it would provide for an Architectural Advisory Committee and related changes that would only serve to enhance design and development review processes within the coastal zone.

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 the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA. The City, as the CEQA lead agency, exempted the proposed amendment from environmental review under CEQA pursuant to Section 15061(b)(3). This LCP amendment 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. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

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 August 9, 2019 meeting at the Eureka Public Marina Wharfinger Building located at 1 Marina Way in Eureka. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Julia Koppman Norton 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 5 pm on August 2, 2019.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on July 23, 2019. It amends the IP only and the 60-working day action deadline is October 15, 2019. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until October 15, 2019 to take a final action on this LCP amendment.

Exhibit

[Exhibit 1: Proposed changes to LCP IP Titles 17 and 18](#)