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**Th9a/Th9b**

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## COMBINED STAFF REPORT SUBSTANTIAL ISSUE & CDP DETERMINATIONS

**Appeal Numbers:** **A-2-SMC-24-0010 and A-2-HMB-24-0025**

**Applicant:** California Department of Transportation (Caltrans)

**Appellants:** Kathryn Slater-Carter, Jane Lewis, and Paul Nagengast

**Local Governments:** San Mateo County (A-2-SMC-24-0010) and City of Half Moon Bay (A-2-HMB-24-0025)

**Local Decisions:** San Mateo County Coastal Development Permit (CDP) No. PLN 2023-00390 approved with conditions by the San Mateo County Board of Supervisors on February 28, 2024; and City of Half Moon Bay CDP No. PDP-23-084 approved with conditions by the Half Moon Bay City Council May 21, 2024.

**Project Location:** Approximately 7.3-mile-long segment of Highway 1 right-of-way extending between Wavecrest Road in the City of Half Moon Bay to the north to Marine Boulevard in unincorporated Moss Beach in San Mateo County (where A-2-HMB-24-0025 applies to the portion in the City and A-2-SMC-24-0010 applies to the portion in the unincorporated County).

**Project Description:** Repaving and restriping of the roadway, including replacing existing informal parking with bike lanes, and other related improvements.

**Staff Recommendation:** Substantial Issue Exists; Approval with Conditions

### IMPORTANT HEARING PROCEDURAL NOTE

Please note that this is a combined staff report and hearing on two separate CDP applications that apply to different segments of the same project. Both applications were approved by the applicable local government, here San Mateo County and the City of Half Moon Bay, where both such local actions have been appealed to the Commission. At the hearing for these items the Commission will not take testimony on staff's

substantial issue recommendations unless at least three Commissioners request it. Commissioners may ask questions of the Applicant, persons who opposed the application before the local government, the Attorney General, the Executive Director, and their proxies/representatives prior to determining whether or not to take such testimony. If the Commission does decide to take such testimony, then it is generally limited to three minutes total per side (although the Commission's Chair has the discretion to modify those time limits). Only the Applicant, persons who opposed the application before the local government, the local government, and their proxies/representatives are allowed to testify during this substantial issue phase of the hearing. Other interested parties may submit comments in writing. If the Commission finds that the appeals raise a substantial issue, then the Commission takes jurisdiction over the underlying CDP applications, and it will then review those applications immediately following that determination (unless that portion of the hearing is postponed), at which time all persons are invited to testify. If the Commission finds that the appeals do not raise a substantial issue, then the local government CDP decisions stand, and are thus final and effective.

### SUMMARY OF STAFF RECOMMENDATION

San Mateo County and the City of Half Moon Bay both approved local CDPs for a Caltrans project for repaving of Highway 1 and related measures between Wavecrest Road in the City of Half Moon Bay to the north to Marine Boulevard in unincorporated Moss Beach in San Mateo County, a total project length of over 7 miles. The project is a single project that spans these two jurisdictions, and includes pavement rehabilitation, pedestrian and bike lane improvements, culvert work, guardrails, crash cushions, utility cabinets, curb ramp upgrades, and traffic operation system elements (at Highway 92, which intersects Highway 1 in Half Moon Bay).

At the heart of appeals is that Caltrans proposes to convert existing paved highway shoulders informally used for public parking into six-foot-wide bike lanes separated from Highway 1 travel lanes by a two-foot-wide striped buffer on both sides of the highway (which would also require minor roadway widening at three locations). Most critically, existing highway shoulder parking inland of Pillar Point Harbor and just downcoast at Surfer's Beach provide an important – and quite popular and well used – public access amenity for visitors to the area, including to help them gain access to the harbor and all of its amenities, as well as the beach and beginner surfing break at Surfer's Beach, and the County's Mirada Surf Trail accessway just downcoast of there. The project would remove roughly 75 informal highway parking spaces in this area.

Caltrans contends that the existing informal highway parking is dangerous, introducing parked cars and pedestrian activity along a major highway, including in terms of visitors crossing the highway and highway traffic (with a posted 50 mph speed limit) outside of crosswalks. Caltrans also notes that such parking is not formalized, but rather has been used without Caltrans explicit permission, and has not necessarily been designed in a manner that can ensure safety. Thus, per Caltrans, its loss is not a significant adverse impact, including because it would be replaced by bike lanes that would enhance multimodal circulation options, consistent with state and local transportation goals, and that would be expected to help reduce transportation emissions at some level.

Additionally, the Appellants for the Half Moon Bay approval express concerns about unaddressed intersection safety risks, primarily at the Kelly Avenue and Highway 1 intersection. This intersection includes two 'islands' in the middle of the highway dividing opposing traffic flows and also providing a waiting area for pedestrians (many of whom at this location are students associated with Cunha Intermediate School and Hatch Elementary School) attempting to cross from one side of the highway to the other.

Staff agrees that the locally approved project raises substantial LCP issues with regards to public access and recreation, including the Chapter 3 policies of the Coastal Act regarding public access. In this case, neither the County or the City's analysis evaluated the potential effects of the removal of parking along Highway 1 and ultimately did not develop evidence-supported special conditions to protect such public access. The City also did not thoroughly evaluate pedestrian island safety questions. As such, the two local CDP approvals raise substantial LCP conformance issues on these points, and staff recommends that the Commission take jurisdiction over the CDP applications for the proposed project.

For the de novo review of those CDP applications, Caltrans provided additional information for consideration, including a study of parking available to the public near Surfer's Beach and the extent to which removal of the informal shoulder parking would reduce available parking and thereby impede public access. Caltrans' study concludes that there is adequate existing parking available in nearby areas to meet parking demands, though some of that parking may involve a longer walk than parking on the shoulder of Highway 1. Staff does not believe that it is clear that the more inland parking areas are sufficient to address demand should the shoulder parking in question be removed, both in terms of the number of parking spaces that would remain available (again, reduced by some 75 informal public parking spaces that would be eliminated by the project in just the Surfer's Beach area) as well as the usefulness of the parking compared to existing locations. At the same time, staff is very cognizant of the need to improve multimodal circulation options, and here the need to facilitate safe bicycle access along the highway. However, staff does not believe that it needs to be a zero sum game where the choice is either parking or bicycle access, but not both. In fact, Caltrans owns a large area of essentially undeveloped right-of-way just inland of the existing paved highway throughout this stretch of coast, and there is even an informal parking lot just opposite Surfer's Beach across Highway 1 in this area (often referred to as the Obispo Road parking lot). There are also a number of nearby locations that could supplement parking. Thus, staff believes there are options that could be explored to offset the parking that would be lost in meaningful ways, including in ways that help to address safety problems associated with people crossing the highway informally.

Toward that end, staff has been working with Caltrans to develop additional parking options that could be implemented in the immediate area to help offset the loss of parking, which could include formalization of parking in the Obispo Road lot, creation of new parking lots/areas in the right-of-way, extension of pavement (and any necessary realignment) along Highway 1 to provide on-highway parking and bike lanes, and working with the Harbor District to acquire and open additional parking areas. In all cases, staff also believes that it is critical to provide formal, safe pedestrian connections across Highway 1 to these potential parking areas. Caltrans has agreed, and special

conditions require, that they will complete and/or fund a combination of these improvements within one year from CDP issuance, which should ensure that such improvements are complete by the end of construction (estimated at two years).

Additionally, to be clear, all of these improvements are probably best understood as temporary, as ultimately this stretch of highway will likely need to be relocated inland or substantially modified due to coastal hazard risks at Surfer's Beach, including ongoing erosion that is accelerating with sea level rise. In fact, Caltrans is already undertaking, as required by an existing CDP (1-98-057-A3), sea level rise adaptation planning for this stretch of highway, with an analysis and plan due June 2025, where Caltrans has already dedicated funds to a potential adaptation project here, with project development planning underway. Thus, all of the improvements associated with the project, including any offsetting parking improvements, mentioned above are really interim measures pending an adaptation project, where the latter could include realignments, causeways, or other significant alternatives. Under this proposed CDP, Caltrans has also agreed, and special conditions require, that they fold considerations for parking, multimodal use, and public access at Surfer's Beach into its ongoing efforts for adaptation planning in this stretch of highway.

Finally, in response to concerns about the intersection at Highway 1 and Kelly Avenue, Caltrans has submitted revised project plans, concluding that their proposed approach—which includes substantial additional pedestrian safety features such as new crosswalks, speed warning signs, pedestrian crossing signals, and other improvements—remains the most feasible and effective option at this time. Caltrans believes these measures will still significantly enhance pedestrian safety at this busy intersection and address some community concerns regarding safe crossing and traffic management. Staff agrees.

Therefore, staff recommends that the Commission first determine that a substantial issue exists with respect to the grounds on which the appeals have been filed, and then approve the proposed applications with conditions to address identified issues. The motions and resolutions to implement this recommendation are found below on page 6.

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## EXHIBITS

- Exhibit 1 – Project Location
- Exhibit 2 – Proposed Project Layouts
- Exhibit 3 – Additional Project Details
- Exhibit 4 – San Mateo County Final CDP Action
- Exhibit 5 – City of Half Moon Bay Final CDP Action Notice
- Exhibit 6 – Appeals of City and County CDP Actions
- Exhibit 7 – Applicable LCP Provisions
- Exhibit 8 – Pedestrian Islands at Kelly Avenue/Highway 1 Intersection
- Exhibit 9 – Historical Aerials of Surfer's Beach
- Exhibit 10 – Caltrans' Transportation and Bike Lane Study
- Exhibit 11 – Caltrans' Proposed Impact Avoidance and Minimization Measures

## 1. MOTIONS AND RESOLUTIONS

### A. Substantial Issue Determination

Staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeals were filed. A finding of substantial issue would bring the CDP applications for the proposed project under the jurisdiction of the Commission for de novo hearing and action. To implement this recommendation, staff recommends a no vote on the following two motions. Failure of these motions will result in a de novo hearing on the CDP applications and adoption of the following resolutions and findings. Passage of these motions will result in a finding of no substantial issue, and the local actions will become final and effective. The motions pass only by affirmative vote of a majority of the Commissioners present.

***SI Motion 1 (San Mateo County appeal):*** I move that the Commission determine that Appeal Number A-2-SMC-24-0010 raises no substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act, and I recommend a no vote.

***SI Motion 2 (Half Moon Bay appeal):*** I move that the Commission determine that Appeal Number A-2-HMB-24-0025 raises no substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act, and I recommend a no vote.

***SI Resolution 1 (San Mateo County appeal):*** The Commission hereby finds that Appeal Number A-2-SMC-24-0010 presents a substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act regarding consistency with the certified San Mateo County Local Coastal Program and the public access and recreation policies of the Coastal Act.

***SI Resolution 2 (Half Moon Bay appeal):*** The Commission hereby finds that Appeal Number A-2-HMB-24-0025 presents a substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and the public access and recreation policies of the Coastal Act.

### B. CDP Determination

Staff recommends that the Commission, after public hearing, approve a combined CDP (made up of the two CDP applications) with conditions for the proposed development. To implement this recommendation, staff recommends a yes vote on the following two motions. Passage of these motions will result in approval of the combined CDP as conditioned and adoption of the following resolutions and findings. The motions pass only by affirmative vote of a majority of the Commissioners present.

***CDP Motion 1 (San Mateo County CDP):*** I move that the Commission approve Coastal Development Permit Number A-2-SMC-24-0010 pursuant to the staff recommendation, and I recommend a yes vote.

***CDP Motion 2 (Half Moon Bay CDP):*** I move that the Commission approve Coastal

*Development Permit Number A-2-HMB-24-0025 pursuant to the staff recommendation, and I recommend a yes vote.*

**CDP Resolution 1 (San Mateo County CDP):** *The Commission hereby approves Coastal Development Permit Number A-2-SMC-24-0010 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the San Mateo County certified Local Coastal Program and with the public access policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

**CDP Resolution 2 (Half Moon Bay CDP):** *The Commission hereby approves Coastal Development Permit Number A-2-HMB-24-0025 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the City of Half Moon Bay certified Local Coastal Program and with the public access policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## 2. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

### 3. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

- 1. Combined CDP.** This combined CDP (i.e., CDP No. A-2-SMC-24-0010/A-2-HMB-24-0025) authorizes Caltrans' two local CDP applications (County CDP Application No. PLN 2023-00390 and City CDP Application No. PDP-23-084) as a combined Commission CDP for a single project that includes development spanning both unincorporated San Mateo County and the City of Half Moon Bay, all subject to the terms and conditions of this CDP approval.
- 2. Public Access and Parking Improvements.** WITHIN ONE YEAR OF CDP APPROVAL (i.e., by November 14, 2025), the Permittee shall submit a plan, for the review and written approval of the Executive Director, that will provide public access improvements supporting at least 75 free public parking spaces in the area near Highway 1 at Surfer's Beach. The plan may provide such improved public access improvements via any combination of the following, in order of preference: creation of new parking lots/areas in the Caltrans right-of-way or the extension of pavement (and any necessary realignment) along Highway 1 to provide on-highway parking; creation of new parking areas in conjunction with other public entities (e.g. the Harbor District); and improvements to the parking in the Obispo Road dirt parking lot and the extension of a trail to the existing Coronado Road crosswalk or installation of a new crosswalk. In all cases, convenient and safe sidewalk access along and/or crosswalk access across Highway 1 from such parking spaces to the California Coastal Trail and the beach shall be provided. The Executive Director approved plan shall be implemented and the improvements made available as soon as possible, but no later than two years from CDP approval (i.e., by November 14, 2026) and at least prior to the completion of construction.

In the event the Permittee cannot complete the improvements by the deadlines above, the Permittee shall return the informal shoulder parking on Highway 1. In this event, within 3 years from permit issuance (Nov. 14, 2027) the Permittee shall complete or fund an off-highway bike and pedestrian path that provides through cycling access through the Surfers Beach Corridor (or along Obispo Road) from Coronado Street to at least Capistrano Road.
- 3. Long-Term Adaptation.** Nothing in the CDP shall alter the Permittee's prior requirement to submit a long-term plan that addresses the acute erosion issues affecting Highway 1 in the Surfer's Beach area by June 12, 2025 pursuant to Special Condition 9 of CDP Amendment No. 1-98-057-A3. However, this CDP does require that the Permittee include in that plan provisions for accommodating multimodal access along Highway 1, including separated bike and pedestrian trails and enhanced bike lanes on the highway itself, as well public parking arrangements that can maintain adequate levels of public parking in the area sufficient to meet public demand, including with reference to the requirements of this CDP.
- 4. Final Plans.** NOT LESS THAN 30 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit for the review and written approval of the Executive Director an electronic set of Final Plans. The Final Plans shall be in



substantial conformance to the Permittee's CDP application materials, except as otherwise modified by this CDP's terms and conditions, including requiring that all development visible to the public be sited and designed to ensure visual compatibility with the natural coastal environment, including using design, colors, and other aesthetic treatments for guardrails, anchor blocks, crash cushions, culverts, culvert rock slope protection, fencing, and any other elements of the approved development to ensure that it is sited and designed to be subordinate to the natural setting; and applying visually permeable design, minimizing reflective surfaces, landscaping non-hardscape areas with vegetation, and using colors that blend in hue and brightness with the surroundings. All requirements above and all requirements of the Executive Director-approved Final Plans shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and the approved Final Plans.

5. **Construction Plans.** NOT LESS THAN 30 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall an electronic set of Construction Plans to the Executive Director for review and written approval. The Construction Plans shall, at a minimum, include the following:
  - a. **Construction Areas.** The Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall minimize impacts on coastal resources to the maximum extent feasible.
  - b. **Construction Methods.** The Plan shall specify the construction methods to be used, including all methods to be used to keep construction areas separated from public use areas and to ensure uninterrupted public use, and including verification that equipment operation and equipment and material storage will not significantly degrade public views during construction, all to the maximum extent feasible.
  - c. **Construction Traffic Controls.** The Plans shall include identification of all measures to be taken to limit lane closures to the maximum extent feasible and be in substantial conformance with such limitations proposed in the application. All one-way traffic lane closures shall provide for full and continuous access for pedestrians and cyclists through the work corridor, except during identified limited complete closures. The Plans shall also provide for emergency services to cross through construction work areas, including during any one-way traffic lane or full road closures. Updated versions of construction duration traffic controls shall be provided after any substantial changes. Other than temporary fencing or K-rail fencing/barriers, no new fencing or permanent K-rail fencing/barriers shall be allowed under this CDP.
  - d. **Construction Timing.** The Plan shall include a complete construction schedule, where no work shall occur during weekends and holidays in the peak summer months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances, the Executive Director

authorizes such work as having no significant impacts to public access.

- e. Construction BMPs.** The Plan shall identify the type and location of all construction best management practices that will be implemented during construction to protect coastal resources, including at a minimum all of the following:
- 1. Runoff Protection.** Silt fences, straw wattles, and equivalent apparatus shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging from the construction area, and/or entering into storm drains or otherwise offsite and/or towards adjacent habitat areas. Special attention shall be given to appropriate filtering and treating of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment and treatment equipment. Tarps or similar such devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills. Excess construction debris and materials, excess fill, vegetation spoils, and waste material shall be disposed of at an authorized disposal site(s) capable of receiving such materials.
  - 2. Erosion and Sediment Controls.** All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
  - 3. Equipment.** Equipment washing, refueling, and/or servicing shall take place at an appropriate off-site and inland location away from riparian habitat on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction equipment shall also be inspected and maintained at a similarly sited inland location to prevent leaks and spills of hazardous materials at the project site.
  - 4. Good Housekeeping.** The construction site shall maintain good construction housekeeping controls and procedures at all times (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the project site; etc.).
  - 5. Construction Material Storage.** All construction materials and equipment shall be stored outside of identified environmentally sensitive areas, except for necessary erosion and sediment controls and/or construction area boundary fencing area allowed where such controls and/or fencing are placed as close to the work area, and are minimized in their extent, both to the maximum extent feasible.
- f. Biological Monitoring/Protection.** The Permittee shall enlist one or more qualified biologists, subject to the Executive Director's approval, to monitor construction activities. The biologist(s) shall possess the authority to halt work to

prevent any breach in CDP compliance from occurring, or if any unforeseen sensitive species habitat issues arise and until they are satisfied that the issue has been resolved; and shall immediately notify the Executive Director if development activities outside the scope of this CDP occur and document any incidents requiring the stoppage of work. The biologist(s) shall also conduct sensitive species pre-construction surveys and shall monitor the project site during all construction activities per the following:

- 1. Sensitive Species.** For the purpose of this special condition, “sensitive species” shall be taken to mean any special-status wildlife or plant species. Special-status species are species listed as: Endangered, Threatened, or Rare under the federal or state Endangered Species Acts; Candidate Species, California Native Plant Society 1B and 2 Listed Species, California Fully Protected Species, and, all other species considered by the California Department of Fish and Wildlife to be those of greatest conservation concern (e.g. S1-S3 and G1-G3 Listed Species).
- 2. Nesting Birds.** If work is conducted during avian nesting season (February 1 to August 31) nesting bird surveys shall be conducted no more than 14 days prior to construction activities. The minimum survey area shall include areas within 300 feet of the construction segment footprint and, where there is the potential for nesting raptors, in areas within 500 feet of the construction area footprint, unless those areas are beyond the range of observation from the Caltrans right-of-way or other public spaces. If any nesting bird habitat is detected (i.e., detection of an active nest of migratory passerine species or raptor of any kind), a construction-free buffer zone shall be established around the nest at a minimum of 500 feet for nesting raptors and a minimum of 300 feet for other special-status bird species. A smaller buffer may be established when the biologist submits a statement for the review and approval of the Executive Director demonstrating the appropriate buffer is infeasible and documenting why no significant adverse impacts to the nesting birds will occur with the revised buffer, including impacts from construction sounds and line-of-sight. Noise levels at active nest sites must not exceed 65 dB unless a noise study has determined that ambient noise in the immediate area exceeds that level. If this is the case, noise levels at the nest site must not exceed the ambient noise level measured. Noise-reducing BMPs may include using alternative equipment, equipment noise buffering, sound blankets, etc. Buffers shall be maintained until the young have fledged and no second nesting attempts have been observed.
- 3. Plastic Netting Prohibition.** To minimize wildlife entanglement and plastic debris pollution, the use of rolled erosion and sediment control products with plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers used in fiber rolls, erosion control blankets, and mulch control netting) is prohibited. Any erosion-control associated netting shall be made of natural fibers and constructed in a loose-weave design that allows flexibility where the horizontal and vertical threads intersect.

- 4. AMMs.** All biological monitoring, avoidance and minimization measures (AMMs) detailed in Exhibit 11 shall be implemented.
- g. Restoration.** All construction debris shall be removed, and all project area public recreational access and use areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any native materials impacted shall be appropriately filtered as necessary to remove all construction debris.
- h. Construction Site Documents.** The Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- i. Construction Coordinator.** The Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that their contact information (i.e., address, phone numbers, email address, etc.) including, at a minimum, a telephone number (with message capabilities) and an email that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis during construction.
- j. Construction Specifications.** All construction specifications and materials, including construction contracts, shall include appropriate penalty provisions that require appropriate and commensurate remediation for any work done inconsistent with the terms and conditions of this CDP.
- k. Notification.** The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the Executive Director-approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake construction in conformance with this condition and the approved Final

Construction Plan.

- 6. Archaeological and/or Tribal Cultural Resource Protection.** The Permittee shall undertake the approved project in compliance with the following measures to protect archaeological and/or tribal cultural resources to the maximum extent feasible:
- a. **Notification.** AT LEAST ONE WEEK PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the Permittee shall (1) notify Tribal Representatives; (2) invite Tribal Representatives to be present and to monitor ground-disturbing activities; and (3) arrange for a qualified Archaeological Monitor and a Tribal Monitor to be present to observe ground-disturbing activities in those construction segments mapped and approved through Tribal consultation as requiring cultural monitoring.
  - b. **Monitoring.** A qualified, locally experienced archaeologist and a tribal monitor, approved by relevant tribes shall be on site to monitor all activities with the potential to impact archaeological and/or tribal cultural resources, including all ground disturbing activities. The monitors shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended tribal procedures for the inadvertent discovery of tribal cultural and/or archaeological resources and/or human remains.
  - C. Discovery Protocol.** If any tribal cultural deposits are discovered during the course of the project, all construction within 200 feet of such deposits shall cease and shall not re-commence until a qualified cultural resource specialist (which could be a persons identified in subpart (b), above), in consultation with the relevant tribes, analyzes the significance of the find and, if deemed significant, prepares a supplementary archaeological plan for the review and approval of the Executive Director that evaluates and provides suggested measures related to the discovery. The Executive Director shall review the plan and either: (1) approve it and determine that its recommended changes to the project or mitigation measures do not necessitate an amendment to this CDP, or (2) determine that the changes proposed therein necessitate a CDP amendment. The location of any and all identified archaeological and tribal cultural resources shall be kept confidential, and only those with a "need to know" shall be informed of their locations.
  - D. Human Remains.** Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and/or tribal monitor shall notify the Marin County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. If the County Coroner determines that the human remains are those of a Native American, the Coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The Permittee shall comply with the requirements of Section

5097.98 and work with the MLD person(s) to discuss and confer with the descendants all reasonable options regarding the descendants' preference for treatment. Within five (5) calendar days of notification to NAHC, the Permittee shall notify the Coastal Commission's Executive Director of the discovery of human remains. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site.

- 7. Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** By acceptance of this permit, the Permittee acknowledges and agrees (A) that the site may be subject to hazards from tsunamis, storms, flooding, erosion, earth movement, and other natural hazards, which may worsen with climate change and sea level rise; (B) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (C) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (D) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the Project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 8. Other Agency Approvals.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, or authorizations for the approved project have been granted by all other applicable agencies, including at a minimum the Regional Water Control Board, U.S. Army Corps of Engineers, and California Department of Fish and Wildlife, or evidence that no such authorizations are required from each of these entities. The Permittee shall inform the Executive Director of any changes to the project required by any other authorizations. Any such changes shall not be incorporated into the project until the Permittee obtains an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.
- 9. Minor Changes.** The Permittee shall undertake development in conformance with the terms and conditions of this CDP, including with respect to all Executive Director-approved plans and other materials, which shall also be enforceable components of this CDP. Any proposed project changes, including in terms of changes to identified requirements in each condition, shall either (a) require a CDP amendment, or (b) if the Executive Director determines that no amendment is legally required, then such changes may be allowed by the Executive Director if the Executive Director determines that such changes: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
- 10. Future Permitting.** Any and all future proposed development related to this project, this project area, and/or this CDP shall be subject to the Coastal Commission's continuing CDP jurisdiction. This CDP authorizes limited future repair, maintenance, and/or improvement development that is determined by the Executive Director to: 1) fall within the overall scope and intent of this CDP; and 2) not have any significant

adverse impacts to coastal resources. Any development that the Executive Director determines does not meet such criteria shall require a separate CDP or a CDP amendment, as directed by the Executive Director.

**11. Liability for Costs and Attorneys' Fee** The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/or (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of these CDPs, the interpretation and/or enforcement of CDP conditions, or any other matter related to these CDPs. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission. By acceptance of the CDP and its terms and conditions, the Permittee irrevocably agrees to this obligation, which shall be continuing in nature and remain in full force and effect regardless of whether this CDP approval is invalidated as the result of the litigation contemplated by this condition or otherwise changed in any way.

#### 4. FINDINGS & DECLARATIONS

##### A. Project Location

In two separate actions, San Mateo County and the City of Half Moon Bay approved local Coastal Development Permits (CDPs) requested by Caltrans for the State Route 1 (herein referred to as "Highway 1") Multi-Asset Roadway Rehabilitation Project (Caltrans' reference EA 04-0Q130). This project spans the jurisdictions of both the County's and the City's Local Coastal Programs (LCPs) and is located outside of the Coastal Commission's retained jurisdiction but within the Commission's appealable jurisdiction. The project is located along an approximately 7.3-mile-long segment of the Highway 1 right-of-way between postmile<sup>1</sup> (PM) 27.5 (at Wavecrest Road) in City of Half Moon Bay and PM 34.8 (at Marine Boulevard in Moss Beach) within the unincorporated area of San Mateo County (see **Map 1**). The City of Half Moon Bay project limits extend approximately from PM 27.5 to PM 31.1, while the

**Map 1** Project Location and LCP Jurisdictional Boundaries



<sup>1</sup> A postmile is a location marker used by the Caltrans to identify specific points on state and federal routes. Postmiles are based on the Caltrans Linear Referencing System. Caltrans offers the Postmile Query Tool online to enable the public to explore California's Linear Reference System at: <https://postmile.dot.ca.gov/PMQT/PostmileQueryTool.html>.

San Mateo County project limits span from PM 31.1 to PM 34.8. Additionally, the City of Half Moon Bay has jurisdiction west of Highway 1, extending up to Pillar Point. Maps and aeriels of the project site and project footprint are provided as **Exhibit 1**.

Highway 1 here is a two-lane road (i.e., one in each direction) with approximately 12-foot vehicular lanes and varying size paved shoulders, some as large as the travel lanes themselves. The segment of Highway 1 within the project limits is surrounded by adjacent residential, open space, agricultural, commercial, recreational, and Half Moon Bay Airport areas. Highway 1 runs essentially north-south in this area, closely following the Pacific coastline along the coastal plain west of the Santa Cruz Mountains, which form the backbone of the San Francisco Peninsula. Creeks originating in the Santa Cruz Mountains flow westward and southwestward across the coastal plain, eventually crossing Highway 1 and reaching the Pacific Ocean. The northern section of the project site is bordered by Half Moon Bay Airport to the west and agricultural fields to the east. As Highway 1 continues south, it passes through areas surrounded by Pillar Point Harbor, suburban residential neighborhoods, and commercial developments. Pockets and corridors of undeveloped, vegetated land are interspersed along Highway 1, nestled between various other land uses. Although the entire length of the project corridor is within view of the Pacific Ocean, it generally lies too far upslope to experience any tidal influence (albeit it is affected directly by coastal hazard impacts at Surfer's Beach).

Surfer's Beach, a popular spot in Half Moon Bay along the San Mateo County coast known for its beginner accessible waves and scenic beauty, is situated near the town of El Granada, and is a very popular destination for surfers, beachgoers, and outdoor enthusiasts. Surfer's Beach is a sandy shoreline with generally small but consistent waves, making it ideal for surfers, particularly beginner surfers. The California Coastal Trail also runs along this area, extending downcoast into the Mirada Surf Trail just past the main Surfer's Beach area, offering beautiful public views of the Pacific Ocean and access for pedestrians and cyclists. This beach is easily accessible from Highway 1, and there are parking areas nearby, as well as restrooms and other amenities. As discussed more fully below, the Surfer's Beach area has been greatly impacted by coastal erosion in the last decades, and several erosion control projects have been initiated in the area, including the construction of seawalls and revetments, but also a recent pilot project to provide aggressive beach nourishment. In any case, however, the beach here and downcoast has experienced significant changes, leading to increasing concerns about erosion and sea level rise in recent years.

Half Moon Bay is a charming coastal town located along California's scenic Highway 1, known for its small-town feel, coastal views, and outdoor activities. The town's main section includes a vibrant downtown area with local shops, restaurants, and historic buildings. Half Moon Bay is a hub for both locals and tourists, offering access to beaches, hiking trails, and the famous pumpkin patches during the fall season. With beaches like Surfers Beach and the protected Coastal Trail running alongside, the town offers direct access to nature and outdoor recreation.

The City of Half Moon Bay's boundary extends from the ocean to the centerline of Highway 1 at Surfer's Beach, while San Mateo County has jurisdiction over the land



east of the centerline and both sides of the highway further north and south (see **Map 1** above and **Exhibit 1**). Therefore, the project required local CDP approvals from both the City of Half Moon Bay and San Mateo County.

## **B. Project Description**

Caltrans proposes the Highway 1 Multi-Asset Roadway Rehabilitation Project in unincorporated San Mateo County and the City of Half Moon Bay to: 1) rehabilitate the existing pavement within a 7.3-mile-long Highway 1 segment, 2) improve existing traffic facilities, 3) install 'Complete Streets' elements (e.g., bicycle, pedestrian and transit facilities), 4) shoulder widening at 14 sites; 5) install traffic operations system elements (e.g., intersection cameras, closed circuit television cameras, and traffic monitoring stations), 6) replace existing drainage inlets, culverts, and dikes, 7) replace guardrails with Midwest guardrail systems, 8) replace crash cushions, 9) replace and/or relocate utility cabinets, 10) upgrade curb ramps, 11) upgrade signal poles, and 12) install conduits. The Complete Street elements include the installation of Class II bike lanes by converting some Highway 1 shoulders used for informal parking. The project is eligible for federal-aid funding and is financed through the State Highway Operation and Protection Program (SHOPP) for the 2023/2024 fiscal year.

The project aims to preserve the roadway's lifespan, reduce maintenance costs, and enhance ride quality. It would replace outdated drainage systems, improve safety, and upgrade pedestrian and bicycle access in a high-traffic area lacking dedicated bike lanes. A 2016 Caltrans evaluation indicated the pavement on Highway 1 is in poor condition and at risk of further degradation, which could lead to costly repairs. Additionally, critical traffic infrastructure, including guardrails and drainage systems, require upgrades due to age and obsolescence. This project has been developed in coordination with the County and the City of Half Moon Bay to prevent conflicts with local projects. Excerpts of the project plans are provided as **Exhibit 2**.

The project also includes shoulder widening up to five feet at 14 locations—two on the inland side of the northbound lane and 12 on the seaward side of the southbound lane—covering a total of one-mile (see Table 1 in **Exhibit 3** for more details). These areas are relatively flat and would not require extensive embankment work, excavation, or retaining structures for shoulder widening. Most of the widened areas are primarily dirt, so shoulder backing or regrading would not be necessary. The length of each widened shoulder section would range from approximately 60 to 1,100 feet, with the majority around 400 feet long.

The project also includes a range of pedestrian improvements along Highway 1, including upgrading 11 curb ramps and sidewalks to meet current Americans with Disabilities Act (ADA) standards at various locations within project area. In the Half Moon Bay, this includes at Casa Del Mar Drive, Kelly Avenue, Filbert Street, Grove Street, Beach Avenue, Ruisseau Francais Avenue, Wave Avenue, Poplar Street, Seymour Street, and San Mateo Road (Highway 92). In the County, the focus is on Capistrano Road and Coronado Street. Improvements include reducing corner radii, installing curb extensions, and restriping crosswalks at key intersections, including at Seymour Street, Grove Street, Poplar Street, Filbert Street, Belleville Boulevard, Grand Boulevard, Kehoe Avenue, Frenchman's Creek Road, Young Avenue, Frontage Road,

and Alto Avenue. Additionally, pedestrian facilities would be added along the western side of Highway 1 from Kelly Avenue to San Mateo Road. Specific enhancements include: installing a fourth crosswalk at the northern leg of the Kelly Avenue intersection and removing right-turn slip lanes to square up the intersection; adding crosswalks on all four legs of the Highway 1/Capistrano Road intersection; installing a third crosswalk at the southern leg of Highway 1/Coronado Street intersection to improve access to a nearby school, including where the sidewalk on the western side of Highway 1 would be connected to the southwestern corner, to connect with the new crosswalk; removing the slip lane at the Highway 1/Highway 92 intersection to enhance pedestrian and bicycle crossings, with options for installing a rectangular rapid flashing beacon and high-visibility crosswalks; installing new sidewalks and crosswalks to connect the eastern side of Highway 1 with the Naomi Partridge Trail, including new crosswalks at all four legs of the Highway 1/Highway 92 intersection.

In addition, the proposed project includes transit enhancements and accessibility improvements at San Mateo County Transit District (SamTrans) facilities along Highway 1 by paving transit stops where none currently exist and connecting them with sidewalks. Bus stops within the project area would be updated to meet current design standards by adding new landing areas. This includes stops in the unincorporated County at Mirada Road and Medeo Avenue, as well as stops in Half Moon Bay at Kehoe Avenue, Spindrift Way, Ruisseau Francais Avenue, and Roosevelt Boulevard. These upgrades are intended to enhance accessibility for all users and align with Caltrans' Complete Streets policies. SamTrans operates Routes 17 and 18 in the area: Route 17 runs between Linda Mar and Pescadero on weekdays and weekends, and Route 18 serves school days between Miramontes Point Road and Main Street in Half Moon Bay. Caltrans would coordinate with SamTrans during construction to minimize delays to bus services.

Construction is scheduled to begin in 2025 and is expected to span approximately 250 working days, spread across two construction seasons. Ground-disturbing activities will be completed and restored on-site within each work season for any given area. Construction may take place during both daytime and nighttime hours. The project is anticipated to be completed by 2026. The project would occur entirely within Caltrans existing right-of-way for Highway 1.

### **C. City and County CDP Approvals**

In two separate actions, San Mateo County and the City of Half Moon Bay approved local CDPs for the above-described project.

#### ***San Mateo County***

On February 28, 2024, the San Mateo County Board of Supervisors approved local CDP No. PLN 2023-00390. This local CDP authorized the portion of the project that is located within the unincorporated area of San Mateo County and within the County's LCP jurisdiction for approximately 0.9 mile of the highway right-of-way. The County granted its approval for the local CDP with 27 conditions including, but not limited to, conditions related to best management practices, storm water pollution prevention, drainage, traffic management, habitat and wildlife protection, environmentally sensitive areas protection, and any necessary communications. The notice of the County's final

CDP action was received in the Coastal Commission's North Central Coast District office on March 15 (**Exhibit 4**). The Coastal Commission's ten-working-day appeal period for this action began on March 15 and concluded at 5 p.m. on March 25. One valid appeal of the County's CDP decision was received during the appeal period (see below and see **Exhibit 6**).

### ***City of Half Moon Bay***

On April 9, 2024, the City of Half Moon Bay Planning Commission approved local CDP No. PDP-23-084. The City's CDP also only authorized the portion of the project that is located within the City of Half Moon Bay's LCP jurisdiction. The Planning Commission granted its approval for this local CDP with various conditions including, but not limited to, pedestrian and bicycle safety at certain intersections (conditions A.6 and A.10), best management practices, storm water pollution prevention, archeological resources, traffic management, habitat and wildlife protection, and any necessary communications. Subsequently, the Planning Commission's CDP approval was appealed to the City Council.

The first appeal, by Kathryn Slater-Carter and Len Ericksen, expressed concerns primarily about the potential loss of parking spaces and coastal access near the northern extent of the project, adjacent to Surfer's Beach and Sam's Chowder House. The second appeal was filed by the Applicant, Caltrans. In this appeal, Caltrans sought to either delete or modify six conditions of approval that had been imposed by the Planning Commission in its approval because Caltrans asserted that the decision to impose the conditions was not supported by the LCP and/or were unnecessary and duplicative.

On May 21, 2024, the Half Moon Bay City Council approved the CDP, deleting Condition A.10 (concerning the Poplar Street Intersection) and revising Condition A.6 (concerning the Kelly Avenue Intersection), and both of which pertain to pedestrian and bicycle safety. However, the City Council otherwise upheld the Planning Commission's April 9, 2024, decision. The notice of the City's final CDP action was received in the Coastal Commission's North Central Coast District office on May 29 (**Exhibit 5**). The Coastal Commission's ten-working-day appeal period for this action began on May 29 and concluded at 5 p.m. on June 8. Two appeals of the City's CDP decision were received during the appeal period (see below and see **Exhibit 6**). The appeals were brought by local residents (Lewis and Nagengast) that participated in the local hearing and requested revisions to the project.

### **D. 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, within 300 feet of the inland extent of the beach, and within 300 feet of the top of the seaward face of a coastal bluff.

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP and/or to Coastal Act public access provisions. For appeals of a CDP denial, where allowed (i.e., only allowed in extremely limited circumstances – see description of appealable actions, above), the grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions.

The Commission's consideration of appeals is a two-step process. The first step is determining whether the appeal raises a substantial issue with respect to the grounds on which the appeal was filed that the Commission, in the exercise of its discretion, finds to be significant enough to warrant the Commission taking jurisdiction over the CDP application. This step is often referred to as the "substantial issue" phase of an appeal. The Commission is required to begin its hearing on an appeal, addressing at least the substantial issue question, within 49 working days of the filing of the appeal unless the applicant has waived that requirement, in which case there is no deadline. In this case, the Applicant has waived that deadline, and the Commission is thus under no hearing deadlines in this matter.

The Coastal Act and the Commission's implementing regulations are structured such that there is a presumption of a substantial issue when the Commission acts on this question, and the Commission generally considers a number of factors in making that determination.<sup>2</sup> At this stage, the Commission may only consider issues brought up by the appeal. In reviewing the substantial issue question, staff will make a recommendation for the Commission to find either substantial issue or no substantial issue. If staff makes the former recommendation, the Commission will not take testimony at the hearing on the substantial issue recommendation unless at least three Commissioners request it, and, if no such testimony is requested, a substantial issue is automatically found. In both cases, when the Commission does take testimony, it is generally (and at the discretion of the Commission Chair) limited to three minutes total per side, and only the Applicant, aggrieved persons, the local government, and their

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<sup>2</sup> 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 substantial issue" (see California Code of Regulations, Title 14, Section 13115(b) (CCR)). CCR Section 13115(c) of the Commission's regulations provides, along with past Commission practice, that the Commission may consider the following five factors when determining if a local action raises a significant issue: (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 the Coastal Act's public access provisions; (2) the extent and scope of the development; (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; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

proxies/representatives are allowed to testify, while others may submit comments in writing.

If, following any testimony and a public hearing, the Commission determines that the appeal does not raise a substantial issue, then the first step is the only step, and the local government's CDP decision stands. However, if the Commission finds a substantial issue, the Commission takes jurisdiction over the underlying CDP application for the proposed project, and the appeal heads to the second phase of the hearing on the appeal.

In the second phase of the appeal, the Commission must determine whether the proposed development is consistent with the applicable LCP (and in certain circumstances, but ones that do not apply to this case, the Coastal Act's public access and recreation provisions). This step is often referred to as the "de novo" review phase of an appeal, and it entails reviewing the proposed project in total. There is no specific legal deadline for the Commission to act on the de novo phase of an appeal. Staff will make a CDP decision recommendation to the Commission, and the Commission will conduct a public hearing to decide whether to approve, approve with conditions, or deny the subject CDP. Any person may testify during the de novo phase of an appeal hearing (if applicable).

#### **E. Summary of Appeal Contentions**

In terms of the appeal of the County's CDP action, the Appellant (Kathryn Slater-Carter) contends that neither the project description nor the project impact analysis include or acknowledge the loss of approximately 100+ parking spaces adjacent to Highway 1 between Capistrano Road and Coronado Road in Granada that would result with the implementation of the locally approved project. In addition, the Appellant further contends that the project is inconsistent with Sections 30210, 30211, and 30212 of the Coastal Act and public coastal access and recreation policies of Chapter 10 and 11 of the LCP Land Use Plan (LUP) because it (1) will not maximize access and recreational opportunities, and (2) will disrupt public access because there are no plans for the replacement of this loss of public parking and, thus, of public access. The Appellant asserts that the public parking that would be eliminated under the County's CDP decision has been used for beach and shoreline access for over 40 years, and that intensity of use and increasing demand from growing beach visitor traffic make the need for mitigation of this potential parking loss a critically important part of the permit conditions and finished project. See **Exhibit 6** for the full appeal document.

In terms of the first appeal of the City's CDP decision, the first Appellant (Paul Nagengast) contends that the City's approval fails to provide safe pedestrian access to key destinations such as the beach, downtown, and schools because it does not include a new sidewalk along the southbound side of Highway 1 (from Kelly Avenue to the Strawflower Village shopping center entrance located adjacent to the Highway 1/San Mateo Road intersection) and because the City Council's decision to remove Conditions A.6 (concerning the Kelly Avenue Intersection) and A.10 (concerning the Poplar Street Intersection) violate Section 30210 of the Coastal Act and do not comply with LCP LUP Policies 5-24, 5-25 and 5-26. This Appellant also contends that City decision fails to ensure maximum coastal access while maintaining public safety, which is a requirement

under Coastal Act Policy 30210, inasmuch as removing the pedestrian islands would enhance pedestrian safety by eliminating a hazardous situation where pedestrians currently must stand in the middle of Highway 1 between traffic lanes, but the City did not do so. See **Exhibit 6** for the full appeal document.

In terms of the second appeal of the City's CDP decision, the second Appellant (Jane Lewis) contends that the City's approval fails to comply with Coastal Act Section 30210 and LCP LUP Policies 3-34, 5-25 and 5-26 due to concerns in safety and circulation, particularly regarding Class II bike lanes, certain crosswalks and pedestrian islands, and four highway lanes with free flow right-turns, which create hazardous pedestrian crossings. This Appellant also contends that the City's approval does not account for the anticipated substantial increase in pedestrian traffic, which is expected to worsen existing safety concerns. See **Exhibit 6** for the full appeal document.

#### **F. Substantial Issue Determination**

The standard of review for the San Mateo County appeal is the County LCP and the Coastal Act's public access provisions. The standard of review for the Half Moon Bay appeal is the City LCP and the Coastal Act's public access provisions. The appeals allege that the City and County approved CDPs do not conform with that standard of review, and the Commission here is charged with evaluating those allegations in light of the applicable LCP provisions and Coastal Act public access provisions.

#### ***Applicable Coastal Act and LCP Provisions***

All appeal contentions are centered on allegations of public access and recreation improprieties. In such a case, the Commission's appellate review lens includes the Coastal Act's public access policies as well as the access provisions of the applicable LCP in each case.<sup>3</sup> The Coastal Act grants a high priority to public recreational access uses and activities to and along the coast. The Act protects and encourages lower-cost visitor and recreational facilities where feasible and states a preference for developments providing public recreational opportunities. In addition, the Coastal Act requires that oceanfront land and upland areas suitable for recreational use be protected for recreational uses. In particular:

***Section 30210:*** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***Section 30211:*** *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***Section 30212(a):*** *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects*

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<sup>3</sup> See **Exhibit 7** for applicable LCP provisions.

*except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. ...*

**Section 30212.5:** *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

**Section 30213:** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...*

**Section 30220:** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

**Section 30221:** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

**Section 30223:** *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

**Section 30240(b):** *Development in areas adjacent to ... parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those ... areas.*

Section 30210 of the Coastal Act requires the Commission to maximize public recreational access opportunities. Section 30211 prohibits development from interfering with the public's right of access. In approving new development, Section 30212 requires new development to provide access from the nearest public roadway to the shoreline and along the coast, save certain limited exceptions, such as existing adequate nearby access. Section 30212.5 requires appropriate siting for public facilities, including explicitly public parking. Sections 30213, 30220, 30221, and 30223 prioritize visitor-serving and recreational uses on oceanfront land over other types of development, particularly uses that provide lower-cost opportunities. Section 30240 protects against impacts to adjacent park areas, such as the adjacent beach and upland recreation areas here. And finally, the Coastal Act Section 30210 direction to maximize public recreational access opportunities represents a different threshold than to simply provide or protect such access opportunities and is fundamentally different from other like provisions in this respect. Put another way, it is not enough to simply provide access to and along the coast, and not enough to simply protect access, rather such access must also be maximized. This terminology distinguishes the Coastal Act in certain respects and provides fundamental direction with respect to projects along the California coast that raise public access issues, as is the case here.

And the LCPs (**Exhibit 7**) include a similar set of goals, objectives, policies, and implementing standards designed to protect, maintain, and improve a multitude of public access and recreational opportunities along the City and County shoreline and its parks and trails. For example, these include, though are not limited to: SMC LUP Policy 2.50 includes a number of provisions requiring Caltrans to provide adjacent or separate pedestrian and cycling facilities when consistent with local recreational and bike plans; SMC LUP Policy 10.22 requires the protection of off-street parking facilities to maintain existing parking levels; HMB LUP Policy 5-1 requires projects provide maximum coastal access and recreational opportunities; HMB LUP policy 5-11 requires projects maintain existing beach parking; HMB LUP policy 5-22 requires the city to work with Caltrans to ensure Highway 1 improvements incorporate access for bicycles and pedestrians; HMB LUP policy 5-46 requires the protection of on street public parking supply.

### **Analysis**

As previously indicated, the project includes converting the existing highway shoulders into typically six-foot-wide Class II bike lanes (one-way lanes) with a two-foot-wide striped buffer on both sides of the highway. The Highway 1 roadway shoulders in the area, and particularly the stretch of the highway inland of the harbor and adjacent to Surfer's Beach, have long provided informal public parking that has served the area for many decades. Visitors frequently park on the roadway shoulders to access Surfer's Beach, harbor-area amenities, and the nearby coastal trails. Surfer's Beach, a popular spot for beginner surfers and family recreation, attracts many who also use the area to reach the coastal trail. In addition, a significant number of those parking along the shoulder are also visiting local businesses, particularly Sam's Chowder House just upcoast. See Figure 1 below for an image showing Highway 1 looking south at Surfer's Beach, with shoulder parking noted on the inland side of the highway, and the Obispo Street informal parking lot in the far left of the frame.



**Figure 1** Surfer's Beach Highway 1 shoulder parking and Obispo Street informal parking lot (at left)



Both the Coastal Act and the above referenced LCP policies require projects to ensure not only that existing public access, like the public parking here, be protected, but that it also be maximized. Specifically, the Coastal Act requires maximum access and recreational opportunities be provided for all the people, and that lower cost visitor and recreational facilities be protected and provided. Regarding LCP requirements, public access opportunities should be maximized by providing public access improvements and offsetting any potential impacts to public access. Similarly, barriers to public coastal access should be minimized to the extent feasible by ensuring access and recreational opportunities account for the needs of all people.

The County found the project consistent with County LUP Policies 2.10 and 2.50 because no roadway capacity increase is being proposed, the project does not block or damage any existing or formally planned public trail segment, and the project would improve and enhance existing transit, roadway, bicycle, and pedestrian facilities in the project area. However, the reduction in public parking (informal or formal), without any replacement or mitigation, is potentially inconsistent with Coastal Act and related LCP requirements to protect existing access and to maximize public access opportunities. The County did not make any findings about the loss of parking along Highway 1 in the Surfer's Beach area. In addition, the County erroneously found that the project is not subject to the public access and recreation policies of Chapter 3 of the Coastal Act, stating that the project is not located between the nearest public road and the sea. This finding is legally and factually incorrect as Highway 1 is the first public road,<sup>4</sup> and, therefore, is located between the nearest public road and the sea and is subject to the public access and recreation policies of Chapter 3 of the Coastal Act.

As to the City's action on these issues, the City took a unique tact, and referenced the appeal of the County's action, and conditioned its approval to account for whatever solution the Coastal Commission approved in considering that County appeal, stating that:

*Installation of the bike lanes shall be subject to compliance with any Coastal Commission requirements resulting from the appeal of the related San Mateo County CDP. This may require provision of replacement coastal access parking or other modifications.*

As a preliminary matter, there is some question as to the legality of a deferral such as that, but in any case it stands for the premise that the City deferred to the Coastal Commission's analysis of the County's action. Here, that analysis above shows that there are some significant questions about whether the County action adequately protected public access as required by the Coastal Act and the LCP. By extension, the same applies to the City's action. In short, these appeal contentions raise substantial issues for both appeals.

As to other appeal contentions, these are primarily focused on public access safety associated with the City's action, including as it relates to pedestrian islands in the

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<sup>4</sup> Where the inland boundary of the 'first public road' is the inland boundary of the Highway 1 right-of-way.

middle of Highway 1, crosswalks, sidewalks, and traffic management, contending that the City approved project was insufficient in that regard. Specifically, the existing Highway 1 corridor contains several design features, such as pedestrian islands, some of which are referred to as "pork chop islands" (for their configuration's resemblance to the configuration of a pork chop), and free-flow right-turn lanes, which can create hazardous conditions for pedestrians, especially those needing to cross uncontrolled traffic to activate crosswalk signals. As shown in **Figure 2** below, the two pork chop islands at the Kelly Avenue and Highway 1 intersection currently feature raised, triangular concrete islands with curb ramps to accommodate pedestrian accessibility and vehicle guidance, marked crosswalks at the intersection for pedestrian visibility, traffic signals, and nearby sidewalks and road markings that guide both vehicular and pedestrian movement (see **Exhibit 8**).



**Figure 2** Pork Chop Islands at Kelly Avenue/Highway 1 Intersection

In terms of the pedestrian island question, the Kelly Avenue and Highway 1 intersection is a key junction in Half Moon Bay, providing critical access to the town, beach, and nearby attractions like Surfers Beach. Controlled by traffic lights, it manages the flow of vehicles, pedestrians, and cyclists, with crosswalks and pedestrian islands ensuring safe passage. This busy intersection serves both locals and visitors traveling between the town center and coastal destinations.

The appeals suggest that removing the two eastern pork chop islands would significantly improve pedestrian safety by eliminating the ability of pedestrians to stand in the middle of Highway 1 between traffic lanes, and thereby would bring the project into compliance with the City LCP and the Coastal Act. Additionally, one appellant contends that having the traffic signal and pedestrian-crossing activation buttons a the porkchop island between the uncontrolled right lane and the northbound highway lane creates unsafe conditions for pedestrians. The City acknowledged that removing the pork chop islands could potentially address certain concerns but noted that it may not be the only solution. The City found that this option would necessitate extensive study,

redesign, and would significantly delay the project. Additionally, the City acknowledged that redesigning the intersection would require a separate review process and might need to be funded through a different source within Caltrans. The City ultimately required certain specific changes be made in that regard, including new pedestrian rapid flashing beacons from the main curbs (see City condition A.6 in **Exhibit 5**).

The City Council found that with Condition A.6 the project is consistent with LUP Policies 5-25 and 5-26, as it includes necessary improvements to pedestrian and bicycle infrastructure. Furthermore, the City found the project consistent with its Bicycle and Pedestrian Plan (BPP), updated in 2019, which identified pedestrian and cyclist safety at the Kelly Avenue/Highway 1 intersection as a City priority. The City noted that planned improvements at this intersection would include new bright yellow crosswalks and other features to improve visibility, making the project consistent with the BPP and HMB LUP Policy 5-24.

However, the project's design, which leaves pedestrians vulnerable in uncontrolled traffic lanes, potentially does not align with Coastal Act policies prioritizing public safety in public access provisions. Therefore, these contentions raise a substantial issue.

In terms of crosswalks, the City did not require crosswalks at Poplar Street nor at Surfer's Beach, where the appeals highlight the need for a safer Highway 1 pedestrian crossings. Overall, it appears that there is a public safety problem at a number of locations trying to cross Highway 1, including at these two locations, and it appears clear that some sort of pedestrian solution is necessary. These issues merit further review to ensure that the approved development adequately adheres to Coastal Act and LCP provisions for maximizing public access, including adequately enhancing and safeguarding public access for all. Therefore, these contentions too raise a substantial issue.

As to the broader contentions that the City's approval failed to provide safe and equitable access opportunities for visitors, not only to the beach but also to the downtown area, schools, and other areas, these issues are all interrelated with the above issues. As are contentions that the City's action does not adequately address cumulative impacts related to overall traffic circulation, particularly the interplay between vehicular, pedestrian, and bicycle flows, nor does it consider alternative design measures to mitigate these issues. Similarly, these issues merit further review to ensure that the approved projects adhere to the Coastal Act and applicable LCP provisions. Therefore, these contentions too raise a substantial issue.

### **Conclusion**

When considering a project on appeal, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over the CDP application for such development. At this stage, the Commission has the discretion to find that the project does or does not raise a substantial issue of LCP and Coastal Act (where applicable, such as in this case) conformance. The Commission has in the past and, pursuant to section 13115(c) of its regulations, considered the following five factors in its decision of whether the issues raised in a given case are "substantial": (1) the degree of factual and legal support for

the local governments' decisions; (2) the extent and scope of the development as approved or denied by the local governments; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local governments' decisions for future interpretations of its LCP; and, (5) whether the appeal raises only local issues as opposed to those of regional or statewide significance. The Commission may, but need not to, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

In this case, these five factors considered together support a conclusion that the two appeals raise substantial issues as to the Coastal Act, County LCP, and City LCP consistency with respect to public access and recreation.

First, the City and County both relied on County investigations and that do not support the County's or the City's decision that the approved development as conditioned would not result in significant adverse impacts to public access, especially as it relates to the loss of public parking associated with the proposed project. Additionally, the City did not sufficiently investigate whether enhanced public safety measures would help to maximize safe public access were available. In addition, the County erroneously found that the project is not subject to the public access and recreation policies of Chapter 3 of the Coastal Act, stating that the project is not located between the nearest public road and the sea. In short, this factor weighs heavily toward substantial issue.

Second, as to project extent and scope, the locally approved development applies to over 7 miles of Highway 1, which by any estimation is a significant project scope. In addition, the two local decisions would result in a substantial loss of informal public parking, and could lead to insufficient pedestrian infrastructure and public safety, all of which could interfere with maximizing public access in the overall project area. The extent and scope of the project weighs toward finding substantial issue.

The third factor (the significance of coastal resources affected) supports a finding of substantial issue. The project site, situated between the public road and the sea along Highway 1 impacts public recreational access to the coast, a crucial resource that California citizens and governments have long sought to maximize and protect. Both the LCPs and the Coastal Act emphasize the importance of public coastal access and recreation. The approved project raises significant concerns regarding its consistency with Coastal Act Section 30210 and relevant LCP policies. The loss of parking spaces, without analysis of the sufficiency of area parking and/or adequate replacement or mitigation, directly contradicts the Coastal Act's mandate to maximize public access. Public parking, whether formal or informal, is essential for access, particularly in coastal areas with limited alternatives. Failure to address this loss could lead to reduced beach and other public access, particularly for lower-income visitors who depend on such free public parking to access the coast at all. All of which strongly suggests a substantial issue.

Regarding the precedential value of the City and County decisions for future interpretations of their LCPs, it should first be noted that any one case, like this one, is decided on its specific facts and its specific merits, and is not entirely dispositive as to how subsequent CDP decisions will be made. At the same time, there is always the

potential that the City/County and/or other parties interested in the issues raised here might see the City and County action here as precedential in some way, despite each case being considered based on its own facts and context. In that context, decisions like this that appear to have not adequately addressed public recreational access protection and maximization strongly suggest substantial issue as well

Fifth, the impact on public coastal access and recreation raises clearly local issues, but they are also issues of regional and statewide significance. There is insufficient legal and factual support to ensure that the approved project, as currently conditioned, will not adversely affect public access at this location. Consistency with the Coastal Act's public access and recreation policies, as well as the certified LCPs, is crucial for all Californians. An unsubstantiated or erroneous application of these policies could have broader implications for similar LCPs and policies statewide. The loss of parking, if not properly addressed, could significantly impair public access. This factor supports a finding of substantial issue.

Taken together, and for the reasons stated in all of the findings above, the Commission finds that Appeal Numbers A-2-SMC-24-0010 and A-2-HMB-24-0025 raise a substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act, and the Commission takes jurisdiction over the CDP applications in this case.

## **G. Coastal Development Permit Determination**

The standard of review for the portion of the proposed project located in unincorporated San Mateo County is the County LCP and the Coastal Act's public access and recreation provisions. The standard of review for the portion of the proposed project located in Half Moon Bay is the City LCP and the Coastal Act's public access and recreation provisions. All Substantial Issue Determination findings above are incorporated herein by reference.

### **1. Public Access and Recreation**

#### ***Applicable Coastal Act and LCP Provisions***

As described above, both the Coastal Act and the two LCPs applicable here place a strong emphasis on protecting public recreational access, and in fact requiring the maximization of public recreational access opportunities (see cited provisions above, and in **Exhibit 7**). The question before the Commission is whether the Applicant's proposed project meets such tests.

#### ***Consistency Analysis***

At a fundamental level, the proposed project improves certain types of public access, for example, bicycle access, at the expense of other types of access, in this case, public parking access. And those multimodal access improvements are substantial, including 6-foot wide bike lanes with 2-foot wide buffers, and better connections to existing trails and coastal access points. These improvements are expected to minimize conflicts between bicycles and vehicles, lower the risk of pedestrian-vehicle collisions at crossing points, discourage unsafe pedestrian crossings at uncontrolled mid-block locations, and reduce both traffic congestion and the likelihood of rear-end collisions. Overall, the new bike lanes would provide a significant multimodal improvement, creating a continuous

bicycle facility for transportation and recreation throughout the project corridor. The project generally traverses a fairly urban area, enabling many local households to opt for non-vehicular travel modes for commuting, shopping, and recreation. Shifting to non-vehicular forms of transportation broadly would help reduce transportation vehicular miles traveled (VMTs) and greenhouse gas (GHG) emissions, which is critical to meet state and local goals related to climate change.

And San Mateo County specifically requested these bike lanes in their early review of the project and as part of its *Connect the Coasts* plan, which serves as the Midcoast Comprehensive Transportation Management Plan. This plan, developed under LCP Policy 2.53 (but itself not an LCP plan), aims to offset vehicle demand driven by increased residential development. Goal 3 of that plan is to “Increase opportunities for walking, biking, and riding transit on the Midcoast to provide an alternative to motor vehicles, reduce roadway traffic, promote environmental sustainability, and ensure people of all ages and abilities can travel.” The plan specifically calls for Class II bike lanes along Highway 1 through the entire Midcoast area. The bike lanes have garnered strong support from the County as they align with recommendations from several adopted local plans, including *Connect the Coasts*, the Unincorporated San Mateo County Active Transportation Plan (2021), and the City/County Association of Governments (C/CAG) San Mateo County Comprehensive Bicycle and Pedestrian Plan (2021). These plans also support the County’s climate goals, which aim to reduce emissions and add 90 miles of bike lanes by 2030, as outlined in the Community Climate Action Plan (2022).

Caltrans also requires bike lanes in alignment with recent complete streets policies, including DP-37, which mandates comfortable, convenient, and connected facilities for people walking, biking, and using transit. This policy was further strengthened by the 2024 Complete Streets Bill (SB-960), which requires Caltrans projects “to incorporate complete streets facilities, including pedestrian and bicycle facilities.” The proposed bike lanes would also align with Caltrans District 4 Bike Plan, developed in 2018 with stakeholder input, and addresses the identified need for improved cycling infrastructure.

Overall, the project meets important multimodal needs identified both locally and by Caltrans, and importantly, it represents a significant public access improvement on these points.

However, at the same time, in order to provide the space necessary for the bike lanes, existing informal parking areas on the shoulder of the highway would be eliminated. Caltrans contends that the existing informal highway parking is dangerous, introducing parked cars and pedestrian activity along a major highway, including in terms of visitors crossing the highway and highway traffic (with a posted 50 mph speed limit) outside of crosswalks. Caltrans also notes that such parking is not formalized, but rather has been used without Caltrans explicit permission, and has not necessarily been designed in a manner that can ensure safety. Thus, per Caltrans, its loss is not a significant adverse impact, including because it would be replaced by bike lanes that would enhance multimodal circulation options, consistent with state and local transportation goals, and that would be expected to help reduce transportation emissions at some level.

However, the Commission does not agree that such loss of parking is not a significant adverse impact. As has been detailed previously, such parking actually fulfills an acute visitor need for this stretch of coast, particularly right at Surfer's Beach, and these facilities are protected by the Coastal Act and the two LCPs. The loss of such public parking means that it is not protected, as required, and that such opportunities are not maximized, as also required. Further, the LCPs also require new development, like this, to provide adequate parking facilities, including in order to maintain and enhance public access to the coast (e.g., see County LUP Policies 10.22, 11.1, 11.4, 11.5, and 11.14, and see City LUP Policies 5-1, 5-3, 5-5, 5-7, 5-8, 5-9, 5-11, 5-21, 5-44, and 5-46 in **Exhibit 7**). Further, the Coastal Act prioritizes free and low-cost access, and parking in this area qualifies as that and is critically important for coastal visitors given the lack of large public parking areas serving this area. In that sense, the existing highway shoulder parking is a critical means of meeting visitor demand and helping allow inland visitors the same opportunity as locals to enjoy the beach and shoreline here.

After the project was appealed, Caltrans prepared a Transportation Safety and Bike Lane Study dated October 2024 (**Exhibit 10**) for the Surfer's Beach and El Granada area. The study covers a one-mile stretch of coastline between Coronado Street and Capistrano Road, extending a quarter mile inland, encompassing Surfer's Beach and parts of the El Granada community. The study provides an analysis of the current public parking supply and demand within walking distance (estimated by Caltrans as a quarter mile) of the shoulders, explores alternative parking options to offset the loss of informal shoulder parking along Highway 1, and identifies measures to enhance public use of existing public parking facilities.

Caltrans' study estimates there are around 180 informal shoulder parking spaces along the one-mile stretch of Highway 1 at Surfer's Beach, although many are located farther north from Surfer's Beach and primarily serve patrons of Sam's Chowder House and other nearby businesses. Near Surfer's Beach, it is estimated that about 75 public shoulder parking spaces are located essentially across from the beach, and these spaces would be eliminated. Caltrans points out that there is other parking in the vicinity, including on-street parking further inland in El Granada, and the Obispo Road unpaved and informal parking lot at Obispo Road across from the beach which provides nearly 100 spaces. Unfortunately, there is no crosswalk at this location, and users are forced to navigate along the highway several hundred yards back to the crosswalk at Coronado Street, which leads to many simply walking across the highway, as Caltrans has noted.<sup>5</sup>

Ultimately, this project reflects a challenging question regarding the balance between the need to expand multimodal access to support a shift toward non-vehicular transportation and the need to preserve public parking, which remains essential for

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<sup>5</sup> Caltrans considered adding a crosswalk near this informal parking lot during early project planning, but ultimately decided to continue to direct users to the Coronado Street crosswalk instead. With a lower-than-average collision rate and only one pedestrian incident over ten years, Caltrans found that adding a mid-block crosswalk would not necessarily improve compliance, as many pedestrians cross wherever they park along the highway. And Caltrans concluded that implementing a mid-block crossing would require significant infrastructure (e.g., signals, lighting) without nearby electrical facilities, likely necessitating trenching.

public access at this location. On one hand, expanding transportation options beyond cars is critical for reducing GHG emissions and fostering healthier communities with walking and bicycling alternatives. On the other hand, the Commission's mission to protect public access recognizes that most visitors still reach the coast by car. This is particularly true for inland communities, including many disadvantaged or environmental justice communities, where a car may be the only viable means of reaching the coast.

Toward that end, Commission staff has worked closely with Caltrans, the County, the City, and the Harbor District to develop additional parking options that could be implemented in the immediate area to help offset the loss of parking. In fact, the Harbor District is currently in the process of acquiring new area for parking just north of Sam's Chowder House, and Caltrans has offered to contribute financially to this effort. Additionally, there is coordination with the Granada Community Park and Recreation Center project that is under development across from Surfer's Beach, where further parking improvements could be supported. There has also been discussion around the potential that the El Granada Elementary School parking lot could be rented on weekends to provide additional spaces during peak periods. Caltrans is also agreeable to installing coastal access signage to better direct users to public parking options, such as guiding drivers to Coronado and Obispo Streets for access to the Obispo dirt lot and future Granada Community Park and Recreation Center parking or directing them to Harbor District lots. Finally, Commission staff have also requested multiple times that Caltrans explore options improve the Obispo Road Dirt lot or the connection of that lot to the existing crosswalk to provide a safe access, given that lot would appear to have enough spaces to satisfy most demand, is very near to Surfers Beach, and only lacks safe access across the highway, and more formality to maximize spaces. For various legal and planning reasons, Caltrans is unable to implement any such improvements at this time. However, there is an existing gravel strip inland of the shoulder, and Caltrans has agreed to leave this as gravel. This actually will provide a narrow walking path, now protected by the bike lanes, from the Obispo Lot to the existing crosswalk at Surfers Beach.

While there appear to be several options for replacing parking lost along the shoulders of Highway 1, Caltrans has not yet developed a specific proposal to date. Meanwhile, Caltrans is up against a project deadline at the end of the year. Without permits in hand by then, Caltrans risks losing project funding, which could jeopardize the entire project. If approved, construction for this project is scheduled to begin in early 2025 and will take approximately two years to complete. This timeline provides some lead time before shoulder parking is ultimately removed.

Thus, **Special Condition 2** requires Caltrans to complete a Public Access and Parking Improvements Plan within one-year of this CDP approval, where the intent is for the plan to provide at least 75 replacement free parking spaces near Highway 1 at Surfer's Beach, which can be accomplished via any combination of the following, in order of preference: creation of new parking lots/areas in the Caltrans right-of-way or the extension of pavement (and any necessary realignment) along Highway 1 to provide on-highway parking; creation of new parking areas in conjunction with other public entities (e.g. the Harbor District); and improvements to the parking in the Obispo Road dirt parking lot and the extension of a pedestrian trail to the existing Coronado Road



crosswalk or installation of a new crosswalk. In all cases, convenient and safe sidewalk access along and/or crosswalk access across Highway 1 from such parking spaces to the California Coastal Trail and the beach shall be provided. The Executive Director approved plan shall be implemented and the parking spaces made available as soon as possible, but no later than two years from CDP approval (i.e., by November 14, 2026), and at the very least prior to the completion of construction.

Ultimately, it should be noted that all of these improvements are probably best understood as temporary, as ultimately this stretch of highway will likely need to be relocated inland due to coastal hazard risks at Surfer's Beach, including ongoing erosion that is accelerating with sea level rise. In fact, Caltrans is already undertaking, as required by an existing CDP (1-98-057-A3), sea level rise adaptation planning for this stretch of highway, with an analysis and plan due June 2025, where Caltrans has already dedicated funds to a potential adaptation project here, with project development planning underway, and expected actions in the next 10 to 20 years. Thus, all of the improvements associated with the project, including any offsetting parking improvements, mentioned above are really interim measures pending an adaptation project, where the latter could include realignments, causeways, or other significant alternatives.<sup>6</sup> Thus, **Special Condition 3** makes clear that nothing in this CDP alters Caltrans' prior requirement to submit a long-term plan that addresses the acute erosion issues affecting Highway 1 in the Surfer's Beach area (by June 12, 2025 pursuant to Special Condition 9 of CDP Amendment No. 1-98-057-A3). And it requires that Caltrans include in that plan provisions for accommodating multimodal access along Highway 1, including separated bike and pedestrian trails and enhanced bike lanes on the highway itself, as well public parking arrangements that can maintain adequate levels of public parking in the area sufficient to meet public demand, including with reference to the requirements of this CDP.

As to other contested project components, such as additional sidewalk and crosswalk improvements (e.g., at Kelly Avenue, Poplar Avenue, etc.), Caltrans has submitted revised project plans concluding that their proposed approach (which includes substantial additional pedestrian safety features such as new crosswalks, speed warning signs, pedestrian crossing signals, and other improvements – see project description) remains the most feasible and effective option at this time. Caltrans believes these measures will still significantly enhance pedestrian safety at these locations, and address some community concerns regarding safe crossing and traffic management (see, for example, the proposal for Kelly Avenue in Figure 3 below). The Commission agrees.

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<sup>6</sup> On this point it should also be noted that the Granada Community Services District (GCSD) is currently pursuing park improvements in the unpaved property located between Obispo Road and the Highway 1 right-of-way (known as the "Burnham Strip"), where the intent is to transform that area into a multi-functional recreational space, featuring both active and passive zones. The so-called "Granada Community Park and Recreation Center Project" would feature various park amenities, including renovating the non-Caltrans-owned portion of the unpaved parking lot at Obispo Road.



Figure 3 Proposed Improvements at Kelly Avenue/Highway 1 Intersection

Finally, during construction the project would include rolling one-lane shoulder and one-way lane closures that would slow travel along Highway 1. However, lane closures are a necessary element of highway repairs and upgrades, and the project minimizes lane closures to the greatest extent feasible. Although short-term localized traffic congestion and delays may occur, the impact would be temporary. Staging during construction would be limited to areas within the Caltrans right-of-way including pullouts/shoulders and paved trails, or, if necessary, to previously disturbed areas or developed sites outside of the right-of-way. Staging locations would implement all appropriate measures to avoid and minimize impacts to environmental resources to the greatest extent feasible.

To minimize and avoid significant temporary impediments to public coastal access during construction, Caltrans is proposing a Traffic Management Plan (TMP), which would include elements, such as detour and haul routes, one-way traffic controls to minimize speeds and congestion, flag workers, and phasing, to reduce impacts to local residents and emergency and medical response services as much as feasible and maintain access to businesses in the local area. The TMP would also provide accommodation for police, fire emergency and medical services in the local area during construction. In addition, the project has been carefully coordinated with the County and the City to prevent potential conflicts with other local initiatives (e.g., HMB Highway 1 North Main Street project and the SMC Mid-Coast Multi-Modal Trail Improvements Project). **Special Condition 5** requires the submittal of final construction plans for the project for Executive Director review and approval, requiring traffic control measures be implemented to minimize any adverse impacts from temporary access impacts during construction.

As conditioned, the project can be found consistent with the public access and recreation provisions of the Coastal Act, the County LCP, and the City LCP.

## 2. Marine Resources and Water Quality

Both certified LCPs include policies regarding the protection of marine resources and

water quality (e.g., see County LUP Policies 7.4, 7.22, and 7.23, and see City LUP Policies 6-19, 6-20, 6-63, and 6-75, all in **Exhibit 7**). The proposed project has the potential to adversely impact the water quality of the nearby wetlands, Pacific Ocean, and other coastal waters. Multiple water bodies are located within and around the project limits. The project is located in the Santa Cruz Mountains ecological subsection, part of the Central California Coast Ecological Section, extending from Pacifica to Santa Cruz. Situated on the western edge of the San Francisco Peninsula, it falls within the San Francisco Coastal South Hydrological Unit (HUC 8) and the San Gregorio Creek-Frontal Pacific Ocean HUC 10. It spans three HUC 12 watersheds: Denniston Creek-Frontal Pacific Ocean, Arroyo Leon, and Purisima Creek-Frontal Ocean. Local creeks, including Pilarcitos Creek (a major drinking water source), San Vicente Creek, Denniston Creek, Arroyo de en Medio, and Frenchman's Creek, all flow west from the Santa Cruz Mountains to the Pacific Ocean.

As previously mentioned in above, culvert replacement is not planned for critical steelhead habitats at Denniston, Frenchman's, or Pilarcitos Creek. Such culvert work is limited to Arroyo de en Medio Creek and unnamed drainages, which do not support steelhead or serve as tributaries. Additionally, the project would potentially have some benefits to water quality because the new replacement culverts would better manage storm water events and would reduce erosion and run-off into coastal stream. The project would repair deteriorating culverts, which could have negative impacts to water quality. Thus, the replacement culverts would help maintain the functional capacity of streams and drainages.

Heavy construction equipment near coastal waters pose a risk of spills and leaks of fuels, lubricants, and coolants, as well as other contaminants like wet concrete and soil polluted with lead. To mitigate these risks, Caltrans would implement standard measures to reduce turbidity and manage contaminants, including regular leak checks, cleaning to prevent invasive species spread, fueling away from the creek, using perimeter erosion control BMPs like fiber rolls, installing geo-synthetic barriers to prevent discharges, and utilizing a catchment system for debris under the bridge. With construction mainly planned outside the rainy season and these measures in place, any resulting turbidity and sedimentation are expected to be minor and unlikely to affect sensitive fish or critical habitats. Caltrans also proposes a Stormwater Pollution Prevention Plan (SWPPP) be prepared prior to commencement of construction to implements best management practices (BMPs). The SWPPP would need to demonstrate compliance with the proposed water quality protection BMPs listed in **Exhibit 11. Special Condition 5** also requires the submittal of a final construction plan that identifies the type and location of all construction-phase BMPs that will be implemented during construction to protect coastal resources.

Temporary erosion and sediment control products are intended to degrade over time, but their plastic netting often persists for years their fragments can enter waterways, harming marine and terrestrial wildlife life through entanglement and ingestion. Therefore, the Commission imposes **Special Condition 5**, prohibiting the use of temporary erosion and sediment control products with plastic netting, including polypropylene, nylon, polyethylene, polyester, and other synthetic fibers.

However, untreated stormwater runoff from the highway could carry contaminants like tire and brake wear, exhaust emissions, and fluid leaks into nearby coastal waters, potentially harming aquatic life. The project would also add impervious surfaces by approximately 7,841 square feet (0.18 acre) due to shoulder widening, slightly increasing runoff and reducing water infiltration.

An increase in impervious surfaces would lead to an increase in runoff, where such runoff in such urban situations is known to carry a wide range of pollutants including nutrients, sediments, trash and debris, heavy metals, pathogens, petroleum hydrocarbons, and synthetic organics such as pesticides. Urban runoff can also alter the physical, chemical, and biological characteristics of water bodies to the detriment of aquatic and terrestrial organisms.<sup>7</sup> Thus, the rise in total impervious surface area within the action area still could negatively affect water quality and hydrology. Therefore, Caltrans proposes biofiltration strips to manage stormwater runoff from the highway and help to capture and manage any roadside pollutants.

As conditioned, the project can be found consistent with the marine resource and water quality provisions of the County LCP and the City LCP.

### 3. ESHA and Wetland Resources

The certified LCPs both provide protection for natural resources and habitats, including environmentally sensitive habitat areas (ESHAs), wetlands, and related habitats. Both LCPs limit the amount and types of development that may occur within ESHA primarily to uses that are dependent on the ESHA resource (e.g., see County LUP Policies 7.3, 7.4, 7.9, 7.12, and 7.33, and City LUP Policy 6-16). Both LCPs also recognize the importance and scarcity of wetlands, restrict wetland fill to specific uses,<sup>8</sup> and require minimizing adverse impacts during and after construction (see County LUP Policies 7.16 and 7.19; and see City LUP Policies 6-40 and 6-42). See applicable LCP provisions in **Exhibit 7**.

Caltrans completed multiple documents and surveys (including focused botanical surveys conducted in 2022) to evaluate the project's potential to affect habitats and natural resources, which are described in Caltrans' [Initial Study with Negative Declaration \(IS-ND\)](#) dated October 2022, Natural Environment Study dated May 2022, Aquatic Resource Delineation dated November 2021, and Biological Assessment dated September 2023. These reports indicate that the project would not impacts ESHA and wetlands. Even so, Caltrans has adopted and incorporated several avoidance and minimization measures (AMMs) into the project that are attached as **Exhibit 11**, where

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<sup>7</sup> Pollutants of concern found in urban runoff include, but are not limited to: sediments; nutrients (nitrogen, phosphorous, etc.); pathogens (bacteria, viruses, etc.); oxygen demanding substances (plant debris, animal wastes, etc.); petroleum hydrocarbons (oil, grease, solvents, etc.); heavy metals (lead, zinc, cadmium, copper, etc.); toxic pollutants; floatables (litter, yard wastes, etc.); synthetic organics (pesticides, herbicides, PCBs, etc.); and physical changed parameters (freshwater, salinity, temperature, dissolved oxygen).

<sup>8</sup> One of which being in both cases 'incidental public service purposes'. This aligns with the Coastal Act, under which highway projects that don't increase traffic capacity, such as this proposed project, qualify as an incidental public service.

**Special Condition 5** requires adherence to these AMMs. Special Condition 5 also requires multiple construction BMPs be implemented; that project activities be conducted primarily during the dry season (during creek low flows); environmental awareness training on sensitive species and plants; flagging of biologically sensitive areas; measures to reduce the spread of invasive species; exclusion fencing to protect habitat from construction impacts and accidental worker trespass; wildlife fencing or other measures to prevent entrapment; night lighting restrictions; proper disposal of trash and debris; and pre-construction surveys conducted by a qualified biologist for nesting birds and measures to ensure buffers and other protective measures during the nesting/breeding season (February 1 through September 30).

As conditioned, the project can be found consistent with the ESHA and wetland resource provisions of the County LCP and the City LCP.

#### **4. Coastal Hazards**

##### ***Applicable LCP Provisions***

The proposed project entails development of transportation infrastructure directly along the shoreline in an area subject to coastal hazards, including as affected by sea level rise. City LUP Policy 7-1 echoes the Coastal Act stating that: 'All new development shall be sited, sized, and designed to minimize risks to life and property and protect coastal resources from geologic, flood, and fire hazard over the life of the development ... Development standards shall anticipate that hazards may be compounded by climate change.' And City LUP Policy 7-5 requires that development "consider long-term climate change and sea-level rise for hazard mitigation and incorporate adaptive strategies in planning for future private development, public facilities and infrastructure, and coastal resources." The City LCP also includes specific required findings related to sea level rise. The County LCP also has specific provisions related to hazards, including LUP Policy 9.11 that requires new development to be sited "in areas where beach erosion hazards are minimal and where no additional shoreline protection is needed." Taken together the LCPs require, among other things, that all new development minimize risks to life and property from coastal hazards; and 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 landforms, and that new development should consider, or in the City case avoid and minimize, the impacts of sea level rise. See **Exhibit 7**.

##### ***Consistency Analysis***

The only segment of the proposed project that is at the shoreline is at Surfer's Beach, where this location is known to be subject to intense coastal hazards, including in terms of vulnerability to tsunami and seiche inundation, flooding, and coastal erosion, all of which are expected to worsen and be exacerbated by projected sea level rise (SLR) in the coming decades.

Caltrans consulted the January 2018 Caltrans Climate Change Vulnerability Assessments for the District 4 region (Caltrans 2018), which covers the nine-county San Francisco Bay Area, and the accompanying Climate Change Vulnerability Assessment map tool (Caltrans 2017), and identified the following climate change conditions for the

project area for the analysis years 2025, 2055, and 2085. In the IS/MND, Caltrans reviewed the entire Highway 1 corridor using high and extreme emissions scenarios for SLR by 2100 and determined that the project area is generally not at risk of sea-level rise inundation. Here the anticipated lifespan of the project (highway repaving, bike lane paving, culvert replacement) is roughly 20-25 years.

In reviewing the usual SLR issues, and considering the more recently drafted 2024 Ocean Protection Council (OPC) projections, which the Commission is in the process of adopting into updated SLR guidance, an applicable review is an estimated SLR at 1.0 feet under the intermediate-high scenario (most applicable to this project) and 1.3 feet under the high scenario by 2050. Using these projections and using Our Coast, Our Future's (OCOF's) Coastal Storm Modeling System (CoSMoS), the highway in the project area is generally safe from SLR related flooding and cliff retreat in the project's lifespan, other than at Surfer's Beach. Highway 1 here is currently already protected by an existing rock revetment and already experiences some flooding during extreme winter storms. Erosion here has threatened both the highway and the Coastal Trail and would threaten the project's proposed bike lanes on the west side. Using the OCOF viewers, the existing revetment generally appears to protect the highway from flooding through the project's lifespan, though extreme storm events have already demonstrated otherwise. OCOF also shows the location safe from cliff retreat through 1.6 feet of SLR if the revetment is retained, though much of the highway would be threatened under existing conditions without the artificial protection.

It should be noted that that RSP is only authorized for a temporary period and is not a permanently authorized feature. The rock revetment was primarily permitted under existing CDPs (Nos. 3-93-37, 1-98-057-A, 1-98-057-A2, 1-98-057-A3, and 1-98-057-A4). In 2015, CDP 1-98-057-A3 established requirements for Caltrans to engage in long-term adaptation planning and develop a solution to address the ongoing erosion risks at Surfer's Beach, with the plan due by June 2025. Although Caltrans experienced delays in its SLR planning at this location due to funding challenges, it has recently secured multiple grants and significant funding through the latest State Highway Operation & Protection Program (SHOPP) allocation for SLR. Caltrans now intends to complete the SLR planning by the required deadline. Through the State Highway Operation and Protection Program (SHOPP), Caltrans has committed approximately \$2.3 billion to *Climate Adaptation and Resilience* projects, as outlined in the *2024 Q3 10-Year SHOPP Project Book*. This investment focuses on a series of initiatives aimed directly at sea-level rise adaptation. Among these, Project 25080 targets postmiles 31.8 to 32.349 along Surfer's Beach, with its primary objective centered on Climate Adaptation and Resilience. Additionally, in September 2024, the San Mateo Harbor District was awarded a \$2.9 million grant from the Ocean Protection Council, funded through SB 1, to support the Surfer's Beach Pilot Restoration project, which transfers sandy dredge materials from in the harbor to Surfer's Beach. As Caltrans advances planning for this climate resilience project, early coordination and outreach with federal, state, and local partners will be crucial. These collaborative efforts can help maximize the project's benefits, including public access, ecological enhancements, and multimodal improvements, building on the Harbor's pilot project and related initiatives.

Overall, the proposed development (e.g., roadway rehabilitation, bike lanes, etc.) does

not create the potential for additional adverse environmental and economic effects of sea level rise, rather the roadway itself would be the guiding force behind decisions about adaptation to the adverse effects of SLR. The proposed development would extend the lifespan of existing roadway facilities by 20 years. However, this does not preclude future efforts and projects from studying and making improvements to address long-term threats such as sea-level rise, including as highway adaptations are likely to be along the same timeframe.

For Surfer's Beach, there are concerns about the need for Caltrans to advance long-term adaptation strategies for the highway in a manner that fully addresses future public access needs. Caltrans is currently required to submit a plan for this by June 2025.

**Special Condition 3** reinforces this requirement, ensuring that the plan adequately incorporates public access considerations for the Surfer's Beach area. It stipulates that, consistent with the prior CDP condition, Caltrans must submit a draft SLR adaptation plan for the Surfer's Beach highway corridor by June 2025. And per this CDP, and although it is arguably already a part of the exiting requirement, that plan needs to also outline a range of alternatives and solutions to enhance public access, including options for parking, multimodal use, and transit.

In any case, there remains some inherent risk to development on such sites (e.g., along the sea, seismically active areas, etc.). The Coastal Act recognizes that certain types of development, such as the proposed project, may involve some risk. While, overall, the proposed development would be subject to the similar coastal conditions as the existing highway, the Commission finds that due to the uncertainties associated with future surges and erosion, the Applicant needs to assume these risks as a condition of approval. Therefore, considering the risks discussed above, the Commission imposes **Special Condition 7**, which requires the Applicant to assume the risks of hazards to the property and waive any claim of liability on the part of the Commission. The condition also requires Caltrans to indemnify the Commission if third parties bring an action against the Commission because of the failure of the development to withstand the hazards.

As conditioned, the project can be found consistent with the ESHA and wetland resource provisions of the County LCP and the City LCP.

## 5. Public Views

### ***Applicable LCP Provisions***

The scenic and visual qualities of coastal areas are protected by the San Mateo County LCP and the City of Half Moon Bay LCP. See **Exhibit 7** for applicable provisions.

### ***Consistency Analysis***

For most of San Mateo County, Highway 1 is a highly scenic two-lane roadway. The project lies on the scenic peninsula south of San Francisco, within the Bay Area region of northern California. The landscape along Highway 1 is distinguished by expansive coastal plains, with the rolling coastal hills ever-present to the east—nearby, yet distant from the highway. For much of the project corridor, the Pacific Ocean remains hidden, though its proximity is subtly felt through the vast westward vistas. However, between postmiles (PM) 31.6 and 33.1, the ocean becomes a striking presence, briefly

dominating the landscape as the route winds past Pillar Point Harbor in the picturesque community of El Granada. At the eastern terminus of the project along Highway 92, the highway is flanked by vegetated hillsides on the westbound side and open coastal plains on the eastbound. As it approaches the urban center of Half Moon Bay, the rugged hills gently flatten into wide coastal plains, creating a sense of transition from the rural to the semi-urban. Within the project limits, Highway 1 is eligible for scenic highway designation and holds the Officially Designated State Scenic Highway status from just south of the project area to the Santa Cruz County line, showcasing the route's aesthetic and environmental significance.

Because the project scope is mostly limited to roadway rehabilitation/re-pavement, replacement guardrails, Complete Street improvements, drainage infrastructure with visually similar elements, upgrades to traffic operations system elements (intersection cameras, closed-circuit television cameras, and traffic monitoring stations), relocating and/or replacing utility cabinets, and other minor upgrades of existing infrastructure, the proposed development is not anticipated to significantly adversely impact public coastal views or degrade the existing visual character. The project would also generally not introduce significant new roadway elements that would significantly impact visual resources. Installation of conduits and traffic monitoring system (TMS) elements, including TMS loops, would occur beneath the roadway and would not be visible. CCTV and fixed intersection cameras would be minor additions to existing signal poles at specific highway intersections.

The new bike lanes would not introduce an entirely new visual element, as the project involves converting the existing paved highway shoulders that are already present. These shoulders, currently used for informal parking as well as vehicle safety and breakdown purposes, would be reconfigured to serve as dedicated bicycle lanes. This modification would utilize the existing space without requiring additional land or extensive new construction. The design would ensure that the bike lanes integrate seamlessly with the current road layout, maintaining the visual continuity of the coastal area and minimizing any impact on the existing landscape.

The project also includes the installation of new pedestrian rapid flashing beacons, positioned from the main curbs to the pedestrian refuge islands. These beacons will enhance safety for pedestrians crossing the unprotected right turn lane by providing advanced warning to drivers. This improvement would eliminate the need for pedestrians to first cross the unprotected right turn lane to access the pedestrian signal switch on the islands. Consequently, the installation of these safety features, along with proposed other proposed Complete Street elements, are anticipated to have minimal impact on public coastal views. The design would ensure that the beacons and other Complete Street elements (such as crosswalks, sidewalks, and curb ramps) will integrate smoothly with the existing streetscape, maintaining the visual continuity of the area.

The project also proposes to replace existing older guardrail (e.g., metal beam guardrail) with new guardrail (i.e., Midwest Guardrail System). The new guardrail would be visually very similar to the existing and the Commission has now approved this type of guardrail in many projects. Caltrans proposes to apply a matte finish to the exposed



metal surfaces of the new guardrails to minimize glare and reflection. This approach is designed to blend the guardrails more harmoniously with the surrounding environment. As a result, the new guardrails are not expected to adversely impact public coastal views, preserving the visual integrity of the coastal area while enhancing safety.

The new guardrail would also include transition railings and "anchor blocks." Anchor blocks and their connection to new guardrails would help stabilize the railing system to manage crash impacts. The project proposes the installation of four new concrete barriers (Type 60MS) to enhance traffic safety and comply with the Caltrans Highway Design Manual. One barrier would be installed at the southeast corner of Kelly Avenue, prior to the placement of a crash cushion. The other three barriers would extend from existing bridge rail locations: two at the median of Pilarcitos Creek Bridge and one along the northbound side of Denniston Creek Bridge, replacing the existing metal beam guardrails. These elements are typical of the type of infrastructure seen on the highway, and here, they are placed in a relatively urban or semi-urban area. Therefore, these elements do not have substantial visual resource contrary to the LCPs.

Caltrans also proposes to replace four culverts in-kind, repair a fifth culvert, and maintain an unlined ditch within the project area. The new culverts would match the existing lengths and remain visually hidden from the roadway to preserve coastal scenery. New or replacement pre-cast concrete flared end sections are proposed at each culvert site. The project includes only in-kind repairs and replacements, with no new infrastructure or expansion. Drainage patterns would remain unchanged, ensuring no alterations to surrounding hydrology.

Caltrans is proposing rock slope protection (RSP) at the flared end sections of four of the five culvert locations to manage stormwater and prevent erosion. These four culverts are located fairly far inland and higher in elevation, and thus the RSP would not interact with natural shoreline processes. The installation involves excavating loose rock and sediment, regrading the slope, and placing a gravel filter topped with approximately 20-pound rocks. This RSP aims to dissipate energy and control flow velocities downstream, which would wash soil placed in the rock voids and, therefore, soil and hydroseeding is not proposed in the rock voids. The RSP would largely remain within the roadway prism, hidden by the terrain, thus not obstructing coastal views. **Special Condition 4** requires final plans to ensure the culverts and RSP are minimal in size, visually unobtrusive, and designed to blend with the surroundings through measures such as (but not limited to) visually permeable design, minimizing reflective surfaces, and hue of colors to that blend in with the surroundings. Given these constraints, the work is not expected to result in any adverse impacts on visual resources. The preservation of existing drainage configurations and the absence of new or enlarged structures would ensure that the visual character of the project area remains unchanged.

Caltrans has incorporated mitigation measures into the project to reduce visual resource impacts from construction. These include selecting colors and materials that blend with the surroundings or match adjacent earth tones, screening drainage features with native vegetation, minimizing the visibility of construction equipment, reducing culvert footprints, revegetating disturbed areas, and protecting existing trees and vegetation to

maximum extent feasible. **Special Condition 4** mandates final plans to ensure updated features are minimized in size and do not significantly impact views from the highway.

As proposed and conditioned, the proposed improvements, including new bicycle lanes, striped crosswalks, and ADA-compliant curb ramps and sidewalks, would be designed to harmonize with existing infrastructure and maintain visual consistency with the coastal environment. The enhancements would use materials and colors that complement the current streetscape, ensuring minimal visual disruption and preserving coastal views. By improving safety and accessibility, the project would positively impact public use and appreciation of the coastal area. Environmental sensitivity would guide the implementation to ensure minimal visual impact, aligning with goals of preserving and enhancing the coastal area's visual and environmental quality.

Overall, as conditioned, the proposed project would maintain existing scenic views in the project area. The new and replacement railings would be visually permeable to preserve views and colored and designed to be subordinate to the natural setting. The development would enhance current facilities without increasing roadway capacity or changing long-term traffic patterns, ensuring that Highway 1 remains a two-lane road. Anchor block requirements would limit public view impacts as much as feasible. As conditioned, the project can be found consistent with the public view provisions of the County LCP and the City LCP.

## 6. Cultural Resources

The project footprint is in the vicinity of culturally sensitive areas. In addition to County LUP Policy 8.26 and City LUP Policies 8-1 to 8-12 cited in **Exhibit 7**, the Coastal Commission adheres to a Tribal Consultation Policy established in 2018, recognizing the California Coastal Zone as historically indigenous land with ongoing cultural significance to Native American tribes. This policy emphasizes the protection of Tribal Cultural Resources and promotes enhanced communication with tribes. It outlines a consultation process that aligns with the Commission's mission, recognizing that Tribal Cultural Resources include sites, landscapes, sacred places, and objects that may also be protected under the Coastal Act.

Caltrans conducted its Tribal Consultation process, including discussions with Tribal contacts provided by the Native American Heritage Commission (NAHC) on January 29, 2021. The Indian Canyon Mutsun Band of Costanoan indicated that the project area is adjacent to a culturally sensitive archaeological site and recommended that both a Native American and an archaeological monitor be present onsite during all surveys or earth-moving activities. They also suggested that Caltrans provide cultural sensitivity training before the project begins. (Further details about Caltrans' Tribal Consultation process can be found in the [IS-ND](#).) Consultation remains ongoing throughout the life of the project. In addition, avoidance and minimization measures that are partially responsive to concerns raised by the Tribes throughout the project are incorporated into the proposed project and are described below.

Two archaeological sites within the project's Area of Potential Effects (APE) were identified as significant by local Tribes, prompting requests for avoidance measures. These sites, eligible for the National Register of Historic Places, would be fully protected

through the establishment of environmentally sensitive areas (ESAs), where no construction activities would occur. No built resources were identified in the APE, and known burial sites are outside the project area. Given that the project's maximum ground disturbance is six feet and work would occur on previously disturbed ground, the likelihood of encountering unidentified cultural materials or human remains is low.

In line with the Commission's Tribal Consultation Policy, Commission staff reviewed Caltrans' tribal consultation efforts and contacted tribal representatives identified by the NAHC and those consulted by Caltrans. Commission staff informed them of the appeals, the upcoming hearing, and offered consultation and opportunities for comment. On September 4, 2024, Commission staff received a letter of response from the Amah Mutsun Tribal Band of San Bautista and A.M.T.B Inc. recommending that if there is a positive finding within one mile, all personnel involved in earth-moving activities undergo cultural sensitivity training, and that both a qualified archaeological and Native American monitor be present during any earth movement.

The Chapter 8 policies of the HMB certified LUP requires reasonable mitigation measures to address potential impacts on archaeological or paleontological resources during development. While the proposed project is unlikely to affect known cultural resources, there is a possibility of impacting unknown archaeological resources during construction. To mitigate these risks, Caltrans has established cultural resource protection measures, including procedures to halt work in the event of inadvertent discoveries, as outlined in the AMMs (CUL-01, CUL-02, and CUL-03, **Exhibit 11**). To reinforce these measures, the Commission includes **Special Condition 6**, which mandates that if any archaeological resources are discovered, Caltrans must submit a report to the Executive Director for review and approval, detailing proposed modifications to construction activities or new mitigation strategies. The Executive Director will then determine if these changes are permissible under the CDP or if an amendment to the CDP is required.

As conditioned, the project can be found consistent with the cultural resource provisions of the County LCP and the City LCP.

## **7. Air Quality and Greenhouse Gas Emissions**

This section of the findings primarily discusses the project's consistency with County LUP Policy 1.18(a) requiring that energy consumption be minimized, and City LUP Policies 2-49, 5-54, 5-55, and 5-56, which support the City's approach to sustainability and greenhouse gas reduction through policies that facilitate alternative modes of transportation and clean energy options (see **Exhibit 7**). However, it should be recognized that along with these LCP policies, various global climate change effects that result from increases in greenhouse gas (GHG) emissions directly impact numerous coastal resources. Among other things, these impacts can include: (1) coastal flooding and erosion from SLR; (2) inundation of public access and recreation areas from SLR or extreme rainfall events; (3) alterations to existing environmentally sensitive habitat areas; (4) impacts to marine species diversity, distribution, and productivity from ocean warming and acidification; (5) increased extreme fire events that can burn coastal habitat or reduce public access through road closures, beach closures, and unsafe smoke conditions; and (6) various other impacts to coastal resources. Thus,

actions to reduce GHG emissions and to protect coastal resources at risk from the adverse effects of climate change are consistent with a number of LCP goals and policies.

Overall, the proposed development would improve and maintain existing facilities and would not increase roadway capacity or alter long-term vehicular circulation that could affect energy use. In fact, the project would encourage alternative modes of transportation, such as cycling, by incorporating bike lanes, which could reduce overall vehicular traffic and associated energy consumption, contributing to a more sustainable and efficient transportation network. The proposed development would not enable new connections that would lead to new commercial or industrial development spurring increased VMTs/GHGs. No adverse air quality impacts are anticipated because of the proposed development. In addition, the proposal would not result in changes of use of lands, induce growth, or otherwise change land use patterns. Overall, the project would not generate long-term GHG emissions, and arguably would lead to VMT and GHG reductions, as people are encouraged to get out of their vehicles onto bicycles, pedestrian trails, and other multimodal options as a result of the project, although Caltrans did not do any estimates as to the exact amount of potential reductions.

The proposed development would however result in construction related GHG emissions. As summarized in the [IS-ND](#), Caltrans calculated its construction related GHG emissions using the Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model, version 9.0.0 (Caltrans 2021b). This model focuses on vehicle-emitted GHG, and carbon dioxide (CO<sub>2</sub>) emissions is the single most important GHG pollutant because of its abundance when compared with other vehicle-emitted GHG, including methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) – as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). During construction, the project is anticipated to emit approximately 516 tons of CO<sub>2</sub>, and approximately 476.38 metric tons of CO<sub>2</sub>e. (In comparison, in 2020 California's CO<sub>2</sub> emissions were 369.2 million metric tons.)

GHG emissions are cumulative, and even small amounts contribute to the overall load. Caltrans has incorporated mitigation measures into the project to reduce emissions, including minimizing vehicle idling, avoiding traffic backups, maintaining equipment, using solar-powered signal boards when feasible, and recycling nonhazardous waste and excess materials where practicable. And, as indicated, a primary objective of the project is to provide better multi modal opportunities, which by extension are designed to reduce VMTs and GHGs. In fact, overall, the project includes multiple bike and pedestrian public access improvements that should help to reduce GHG emissions and VMTs along Highway 1. As conditioned, the project can be found consistent with the air quality and greenhouse gas emission provisions of the County LCP and the City LCP.

## 9. Other

### ***Other Agency Approvals***

The project requires additional permits from several other agencies, including, at the least the Regional Water Control Board, U.S. Army Corps of Engineers, and California Department of Fish and Wildlife. To ensure that Caltrans obtains all necessary agency approvals, and that these approvals are consistent with the project authorized herein, the Commission imposes **Special Condition 8**, which requires the Applicant to submit

to the Executive Director evidence of all other agency approvals of the project prior to the commencement of construction activities. The condition requires that any project changes resulting from any other agency approval not be incorporated into the project until the permittee obtains any necessary amendment to this CDP.

### ***Minor Changes***

Although a great deal of thought and planning has gone into the proposed project, including as it is affected by CDP terms and conditions, oftentimes minor unforeseen issues present themselves in complicated projects of this nature, particularly as construction gets underway, and it is important that the CDP is nimble enough to account for potential minor changes. Thus, minor adjustments to special condition requirements that do not require a CDP amendment or a new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources (**Special Condition 9**).

### ***Future Development***

The project site presents complicated coastal resource issues and is the site of past Commission approvals as well as this CDP, and the Commission finds that it is critical that any future development associated with the approved development be considered in that context. Thus, **Special Condition 10** provides that all future proposed development related to this project, this project area, and/or this CDP shall be subject to the Coastal Commission's continuing CDP jurisdiction. At the same time, the Commission also recognizes that there may be limited/minor repair, maintenance and improvement development that can be covered under this CDP, provided the Executive Director determines it to: 1) fall within the overall scope and intent of this CDP; 2) be consistent with the San Mateo County and City of Half Moon Bay LCPs; and 3) not have any significant adverse impacts to coastal resources. Any development that the Executive Director determines does not meet such criteria shall require its own CDP authorization.

### ***Indemnification***

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications (see also 14 CCR Section 13055(g)). Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application. Consistent with Section 30620(c), the Commission imposes **Special Condition 11** (Liability for Costs and Attorneys' Fees) requiring reimbursement of any specified costs and attorneys' fees the Commission incurs in connection with the defense of any action brought by a party other than the applicant/Permittee challenging the approval or issuance of this permit.

## **10. California Environmental Quality Act (CEQA)**

Section 13096 of Title 14 of the California Code of Regulations requires that a specific finding be made in conjunction with CDP applications showing the application to be consistent with any applicable requirements of CEQA. 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 that the activity may have on the environment.

Caltrans, as the CEQA Lead Agency, prepared an Initial Study/Negative Declaration (IS/ND) which was circulated to the public for 30 days between July 8, 2022, and August 8, 2022. Caltrans subsequently filed a Notice of Determination with the State Clearinghouse on October 21, 2022.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA. The preceding findings in this report have discussed the relevant coastal resource issues with the proposal, and the CDP terms and conditions identify appropriate mitigations to avoid and/or lessen any potential for adverse impacts to said resources. Further, all public comments received to date have been addressed in the preceding findings, which are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

## 5. APPENDICES

### A. Substantive File Documents

- San Mateo County Record for Local CDP Application No. PLN 2023-00390
- City of Half Moon Bay Record for Local CDP Application No. PDP-23-084
- San Mateo County certified Local Coastal Program
- City of Half Moon Bay certified Local Coastal Program
- Multi-Asset Pavement Rehabilitation Project Water Quality Study prepared by Caltrans, dated October 2021.
- Aquatic Resources Delineation Report and Preliminary Jurisdictional Wetland Delineation prepared by Caltrans, dated November 2021.
- Visual Impact Assessment, SM 1 Multi-Asset Roadway Rehabilitation Project prepared by Caltrans, dated March 2022.
- Natural Environment Study prepared by Caltrans, dated May 2022.
- State Route 1 Multi-Asset Roadway Rehabilitation, USFWS Biological Assessment prepared by Caltrans, dated September 2023.
- Appendix A: Existing Environmentally Sensitive Habitat Areas Figures prepared by Caltrans, dated 2023.

A-2-SMC-24-0010 and A-2-HMB-24-0025 (Caltrans' Highway 1 Repaving)

- California Coastal Commission Appeals Memorandum prepared by Caltrans, dated September 2024.
- Supplemental Information Caltrans State Route 1 Multi-Asset Roadway Rehabilitation Project (0Q130), Surfers Beach Topics prepared by Caltrans, dated October 2024.

**B. Staff Contact with Agencies and Groups**

- San Mateo County
- City of Half Moon Bay
- Consultation letters sent to Tribes identified on the NAHC