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| Staff: | IC - SF |
| Staff Report: | 4/19/2024 |
| Hearing Date: | 5/9/2024 |

STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal Number: A-2-HMB-24-0008

Applicant: Coastside Land Trust

Appellents: Sierra Club (Loma Prieta Chapter), San Mateo Land Exchange

Local Government: City of Half Moon Bay

Local Decision: Coastal Development Permit Number PDP-16-032 approved on March 5, 2024 after the Half Moon Bay City Council denied an appeal of the Planning Commission's approval on October 10, 2023

Project Location: Trails generally located south of the existing North Wavecrest gravel path, north of the western terminus of Redondo Beach Road, and west of the terminus of Wavecrest Road in the City of Half Moon Bay, San Mateo County

Project Description: Improvements to roughly 2.8 miles of California Coastal Trail, including associated public amenities (e.g., two new beach access points, two formalized parking areas, trailhead bicycle racks, a water fountain, and restroom)

Staff Recommendation: No Substantial Issue

IMPORTANT HEARING PROCEDURAL NOTE

Please note that this is a substantial issue hearing only, and testimony will be taken only on the question of whether the appeal raises a substantial issue. Such testimony is generally limited to three minutes total per side (although the Commission's Chair has the discretion to modify these time limits), so please plan your testimony accordingly.

Only the Applicant, Appellant, 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 appeal raises a substantial issue, then the Commission takes jurisdiction over the underlying coastal development permit (CDP) application and will then review that application at a future Commission meeting, at which time all persons are invited to testify. If the Commission finds that the appeal does not raise a substantial issue, then the local government CDP decision stands, and is thus final and effective.

SUMMARY OF STAFF RECOMMENDATION

The City of Half Moon Bay approved a CDP authorizing improvements to 2.8 miles of public trails to connect to already improved California Coastal Trail segments north and south of the project site, as well as two new beach access stairways, two improved trailhead public parking lots (with 45 total parking spaces), and a new public restroom. The project would essentially consolidate the existing network of informal footpaths across the site as part of the California Coastal Trail, and would decommission and restore the existing informal dirt parking lot at the western terminus of Redondo Beach Road. The Appellants contend that the City-approved project raises City of Half Moon Bay Local Coastal Program (LCP) conformance issues related to public access. Specifically, they contend that the project does not maximize public access due to the relocation of parking areas, provides insufficient parking capacity, lacks public access signage, and may aggravate poor road conditions along Redondo Beach Road. Staff has evaluated the local record and the Appellants' contentions and believes that the Commission should find **no substantial issue** in this case.

The LCP requires that public access and recreational opportunities be maximized, while also requiring that these public recreational access areas be sited and designed to account for coastal bluff erosion and protection of coastal resources. The City-approved project formalizes and enhances existing public access and recreation amenities while also forwarding resource conservation objectives. The two improved trailhead parking areas would provide a similar amount of parking to current conditions, and the new formalized Coastal Trail system and beach access points promise improved safety and accessibility for visitors as compared to what is currently provided. All amenities have been appropriately sited away from the bluff face in an effort to reduce erosion, and the habitat restoration aspect of the project ensures that coastal resources are protected and enhanced. As a result, staff recommends that the Commission find that **no substantial issue** exists with respect to the LCP and the Coastal Act's public access provisions, and that the Commission decline to take jurisdiction over the CDP application for this project. The single motion and resolution to do so is found on **page 4** below.

TABLE OF CONTENTS

1. MOTION AND RESOLUTION..... 4
2. FINDINGS AND DECLARATIONS 4
 A. Project Description and Location..... 4
 B. City of Half Moon Bay CDP Approval 5
 C. Appeal Procedures 5
 D. Summary of Appeal Contentions 7
 E. Standard of Review 8
 F. Substantial Issue Determination 8
3. APPENDICES 15
 A. Substantive File Documents 15
 B. Staff Contacts with Agencies and Groups 15

EXHIBITS

- Exhibit 1 – Location Map
- Exhibit 2 – Site Photos
- Exhibit 3 – City-Approved Project Plans
- Exhibit 4 – City of Half Moon Bay Final Local CDP Action Notice
- Exhibit 5 – Appeals of City CDP Action
- Exhibit 6 – Aerial Imagery of the Existing Informal Parking Lot

1. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission would not take jurisdiction over the underlying CDP application for the proposed project and would not conduct further hearings on this matter, and that the local government CDP decision would stand and would thus be final and effective. To implement this recommendation, staff recommends a **yes** vote on the following motion which, if passed, will result in a finding of no substantial issue and adoption of the following resolution and findings, and the local action will become final and effective. Failure of this motion will result in a substantial issue finding and a future de novo hearing on the CDP application. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission determine that Appeal Number A-2-HMB-24-0008 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a **yes** vote.*

Resolution for No Substantial Issue: *The Commission hereby finds that Appeal Number A-2-HMB-24-0008 presents no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified City of Half Moon Bay Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

2. FINDINGS AND DECLARATIONS

A. Project Description and Location

The project would take place on portions of an 87-acre area located on coastal bluffs seaward of Highway 1, generally west of the western terminus of Wavecrest Road, north of the western terminus of Redondo Beach Road, and south of the existing North Wavecrest gravel path (a portion of the California Coastal Trail), in the City of Half Moon Bay. The site is immediately adjacent to undeveloped lands to the east and south, with the Ritz-Carlton hotel and residential Ocean Colony generally south and southeast of the subject site and immediately inland of Wavecrest and Redondo Beaches. The area in question is currently used for public recreation, as is readily apparent by the existing network of well-worn, informal footpaths across the site. Visitors currently make use of an informal, unpaved parking area at the western terminus of Redondo Beach Road near the bluffs where it is currently subject to high erosion. The 87-acre area also features several gullies and one deep ravine, referred to as the Wavecrest Arroyo, which spill from the blufftop to the beach below. The lands within and around the Wavecrest Arroyo are designated by the Local Coastal Program (LCP) as Open Space Conservation, while the rest of the site is designated as Planned Development. See **Exhibit 1** for a location map and **Exhibit 2** for photographs of existing conditions at the site.

The City-approved project would allow for the construction and maintenance of an improved segment of the California Coastal Trail and associated public recreation amenities. Specifically, a proposed 2.8-mile pervious gravel path would connect two existing segments of the California Coastal Trail north and south of the project site, and would accommodate pedestrians, equestrians, and cyclists. Two new stairway access points on the northern and southern side of the Wavecrest Arroyo would provide safe vertical access to the beach and two new trailhead parking areas located in the southeastern portion of the subject site along Redondo Beach Road, with a total of 45 parking spaces and one restroom, would be constructed. The existing informal parking area at the western terminus of Redondo Beach Road and various existing informal footpaths within the subject site would be decommissioned and restored to native habitat. See **Exhibit 3** for the City-approved project plans.

B. City of Half Moon Bay CDP Approval

On October 10, 2023, the City Planning Commission unanimously approved a CDP (CDP PDP-16-032) for the proposed project, including a condition to eliminate one of the then three proposed parking lots, thus authorizing the above-described development. That decision was appealed to the City Council, and on March 5, 2024 the City Council denied the appeal and upheld the Planning Commission's approval.¹ The City's notice of this final City CDP decision was received in the Coastal Commission's North Central Coast District Office on Friday, March 15, 2024 (see **Exhibit 4**), and the Coastal Commission's ten-working day appeal period for this action began on March 16, 2024 and concluded at on March 29, 2024. The Commission received two valid appeals (discussed below and shown in **Exhibit 5**) during the appeal period.

C. Appeal Procedures

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (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 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 City CDP decision is appealable because it is located between the sea and the first public road paralleling the sea, it is within 300 feet of the beach, and in a sensitive coastal resource area.

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

¹ The City Council voted 2-2 on a motion to deny the appeal. Because the motion did not pass, the appeal was thus denied, and the Planning Commission's CDP decision was thus upheld.

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 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 and address 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 for Commission action. The Applicant has not waived the 49-day hearing requirement in this case.

The Coastal Act and the Commission's implementing regulations are structured such that a substantial issue is presumed when the Commission acts on this question unless the Commission finds that an appeal does not raise a substantial issue, and the Commission considers a number of factors in making that determination.² At this stage, the Commission may only consider contentions raised by the appeal. At the substantial issue hearing, 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 full hearing is requested, a substantial issue is automatically found. If the Commission does take testimony at this first phase, it is generally (and at the discretion of the Commission Chair) limited to three minutes total per side, and only the Applicant, Appellant, persons who opposed the application before the local government, the local government, and their proxies/representatives are allowed to testify, while others may submit comments in writing.

If, following 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

² The term substantial issue is not defined in the Coastal Act. The Commission's regulations indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (California Code of Regulations, Title 14, Section 13115(b)). Section 13115(c) of the Commission regulations provides, along with past Commission practice, that the Commission may consider the following five factors when determining if a local action raises a substantial 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.

proposed project, and the appeal heads to the second phase of the hearing on the appeal.

In the second phase of the appeal, if applicable, the Commission must determine whether the proposed development is consistent with the applicable LCP (and in certain circumstances 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 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).

D. Summary of Appeal Contentions

The Appellants contend that the City-approved project raises LCP and Coastal Act conformance issues primarily related to public access, specifically arguing that the project as approved by the City fails to maximize public access.

The appeal by San Mateo Land Exchange (SMLE) asserts that the two approved parking lots do not offset the loss in parking that would occur with the elimination of the existing informal parking area and that the proposed project fails to maximize public access in that only two of the three proposed parking lots were approved as part of the project. According to SMLE, the City significantly underestimated the amount of parking that is currently provided by the informal dirt parking area, and the approved project would result in a net loss of parking spaces.³ Finally, the appeal by SMLE claims that the approved project does not include sufficient public access signage from Highway 1 or along Redondo Beach Road to inform motorists of beach access, trails, and parking available to the public.

The appeal by the Sierra Club Loma Prieta Chapter (Sierra Club) asserts that the new parking lots and bathroom would attract noise and "other impacts" if left open at night, which could degrade the area and disincentivize the public from accessing this location.

Finally, both Appellants claim that the existing informal parking lot in and of itself serves as a popular vista point which is easily accessible to those with mobility issues. As noted above, the approved project would decommission and fence off the dirt parking area in order to restore it to natural habitat, and the two proposed parking lots would be located approximately a quarter mile inland from the existing informal lot. From the new trailhead parking areas, visitors would need to traverse a greater distance to reach the new, formalized beach access points and scenic viewpoint, which the Appellants assert represents a loss of equitable access to public recreation activities as compared to

³ The Appellants approximate the existing informal dirt lot could accommodate up to 66 parking spaces, while shoulder parking on Redondo Beach Road and Thone Avenue near the informal lot accommodates another 20 parked vehicles, totaling 86 existing parking spaces. The City estimates the informal lot offers 45 parking spaces. Regardless, shoulder parking is currently not allowed on Redondo Beach Road and Thone Avenue per posted "No Parking" signs, and thus estimates of parking there can't be countenanced in the parking evaluation.

existing conditions.⁴ Both Appellants also contend that the existing condition of Redondo Beach Road, which the LCP identifies as a secondary coastal access route,⁵ poses a safety risk to visitors and provides inadequate access to the recreation amenities envisioned as part of the approved project. The Appellants describe Redondo Beach Road as a rural road lacking paved sidewalks or shoulders, portions of which are too narrow to accommodate two vehicles passing in opposite directions. They further assert that the existing condition of the road, and a lack of traffic calming measures at its intersection with Highway 1, poses a barrier to safe vehicular and pedestrian access to the recreation opportunities provided by the approved project.

See full appeal contentions in **Exhibit 5**.

E. Standard of Review

The standard of review for considering these appeal contentions is the certified City of Half Moon Bay LCP (which is made up of a certified Land Use Plan (LUP) and a certified Implementation Plan (IP)) and the public access policies of the Coastal Act (which include Coastal Act Sections 30210 through 30224).

F. Substantial Issue Determination

1. Public Access

Applicable Coastal Act and LCP Provisions

Maximizing public recreational access opportunities is a fundamental objective of the Act, which also protects against impacts to existing public access. Relevant provisions include:

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 except where: (1) it is inconsistent with public safety, military security needs, or*

⁴ Additionally, the Sierra Club appeal claims that a 24-hour gate would be installed near the existing informal parking lot, which would block vehicular public access on the paved City right-of-way on Thone Avenue paralleling the bluffs. However, this claim is not applicable as no such gate is proposed as part of this project as confirmed by the project plans and City staff.

⁵ The LCP defines secondary coastal access routes as those which do not provide formalized public parking facilities, but which provide connections between Highway 1 and the California Coastal Trail.

the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. ...

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.*

Further, Coastal Act Section 30240(b) protects parks and recreation areas, while Section 30252 speaks to more broadly protecting and enhancing public access, stating:

30240(b). *Development in areas adjacent to environmentally sensitive habitat areas and 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 habitat and recreation areas.*

30252. *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

The LCP echoes those Coastal Act provisions:

5-1 Maximum Coastal Access and Recreational Opportunities. *Provide maximum coastal access and recreational opportunities for all people consistent with public safety needs and the need to protect public rights, rights of property owners, and natural resource areas from overuse.*

5-3 Environmental Justice. *Minimize barriers to public coastal access to the maximum extent feasible, including ensuring that public access and recreational opportunities account for the social, physical, and economic needs of all people.*

5-4 Public Access and Sea Level Rise. *Require new development adjacent to public access and recreation areas vulnerable to coastal bluff erosion or sea level rise to be sited and designed to anticipate eventual loss and necessary replacement of such public access and recreation areas.*

5-6 Public Access Required in New Development. *Require new development proposed between the first public roadway and the shoreline and along the coast to provide public access. Exceptions to this requirement shall be granted only where public access would pose a safety risk or threat to fragile resources, or where adequate access exists nearby.*

5-7 Public Access Maximized in New Development. *New development shall ensure that public access opportunities are maximized by including measures to offset any temporary and potentially permanent impacts to public access caused by the project. To the extent possible, development shall provide public access improvements, including within the private development project (e.g. visitor-serving development) where appropriate.*

5-9 Public Coastal Access Changes. *Any reductions or limitations in access to the beach, shoreline, trails, and parks for coastal recreation, such as signs limiting public parking or restricting use of existing lateral and/or vertical accessways, shall require a coastal development permit. Such projects shall ensure that existing overall levels of public access are maintained or enhanced, such as through the provision of bike lanes and bicycle parking, pedestrian trails, and relocated vehicular parking spaces so as to fully mitigate any potential negative impacts and maximize access opportunities.*

Analysis

Both the Coastal Act and the LCP require projects to ensure that existing levels of public access are not only maintained, but also enhanced in order to maximize access opportunities. 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. Further, development adjacent to parks and recreation areas is required to be sited and designed to prevent degradation of those areas. 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. New development adjacent to public access and recreation areas vulnerable to coastal hazards is required to be sited and designed to account for future impacts from erosion or sea level rise.

The proposed project seeks to formalize and improve existing informal public recreation amenities, while also improving environmental protection and restoration goals. The City asserts such a project should not only protect existing access but should also maximize access opportunities. Here, the appeals contend that the development, as approved, adversely affects public access because there would be a net reduction in available parking, because the project fails to provide safe and equitable access opportunities to

visitors, and because it does not provide sufficient public access signage.

Currently, visitors access the informal foot paths along the bluffs and the beach below by parking in the informal dirt parking area at the western terminus of Redondo Beach Road, or along Redondo Beach Road and Thone Avenue near the parking area. The City estimates that the informal parking area accommodates 45 parking spaces, and notes that the parking along Redondo Beach Road and Thone Avenue is actually prohibited (and that area posted with “No Parking” signs) as parking is unsafe in those areas. The approved project would decommission the informal parking lot, which is at risk of bluff erosion, and restore it to natural blufftop habitat. To offset the loss of the informal parking area, two new parking lots totaling the same 45 parking spaces would be constructed along Redondo Beach Road in the southeastern-most portion of the project site. The project originally contemplated the construction of three new parking lots, but one parking lot was eliminated by the Planning Commission in response to public comments which raised concerns that the amount of parking originally envisioned was in excess of what was practically needed, and that the formalized public access amenities would increase visitorship in the area that could negatively impact the nearby Ocean Colony residential community. The Appellants assert that the two approved parking lots do not offset the loss in parking that would occur with the elimination of the existing informal parking area, and that the project fails to maximize public access in that only two of the three proposed parking lots were approved as part of the project.

On the first point, the City has estimated that the existing informal lot accommodates roughly 45 vehicles, while the Appellants contend that the dirt lot has the capacity for about 66 vehicles. The SMLE appeal estimated 66 spaces based on the standard parking space square footage in a paved lot. However, this analysis does not consider the practical realities of parking in an unpaved dirt lot, including constraints such as uneven surfaces, eroding cliffs, and unmarked parking stalls and vehicular access. Because of these constraints, it is difficult to provide an “official” estimate of parking capacity. However, based on a review of imagery of the informal lot between 2017 and 2023 (see **Exhibit 6**), it appears that the lot has traditionally accommodated up to 50 vehicles at highest use. However, it appears that the lot typically contains between 20 and 30 vehicles during other times of the year. Therefore, it appears that the City’s estimate that the existing informal lot accommodates roughly 45 vehicles is appropriate. The two new trailhead parking lots to be constructed as part of the approved project would also accommodate a total of 45 vehicles, thus providing a similar number of parking spaces as would be retired by decommissioning and restoring the existing informal lot. Furthermore, it appears that even when the informal lot is not “full”, visitors illegally park on the shoulder of Redondo Beach Road and Thone Avenue near the lot. It is reasonable to conclude, then, that the two new formal lots would also accommodate some of the parking which occurs in “No Parking” areas along the roads near the existing informal lot. For these reasons, these contentions do not raise substantial Coastal Act/LCP conformance issues.

Additionally, the contentions raised by SMLE (and concerns voiced by some commentors at both the Planning Commission and City Council meetings) present opposing narratives. Such commentors suggested that the 70 parking spaces initially proposed far exceeded what would reasonably be required based on existing use of the

informal dirt lot, and suggested that the potential increase in free parking opportunities would invite nuisances, similar to the appeal contentions from the Sierra Club. Conversely, SMLE asserts that, to maximize coastal access as directed by the LCP and Coastal Act, the project should not only include the three parking lots that were initially proposed, but it should also add additional parking at or near the existing informal lot, over the amount of parking that is currently provided. As noted above, the two approved parking lots would provide approximately the same parking capacity as the existing informal lot. In approving two of the three proposed parking lots, the City sought to find a functional compromise that addressed the concerns of local residents while still retaining roughly the existing level of public parking at the site. For these reasons, the various appeal contentions around the exact number of parking spots to be provided for the City approved project to be consistent with the LCP and Coastal Act do not raise a substantial issue.

The Appellants also raise concerns over the perceived loss of safe and equitable access opportunities. First, the Appellants assert that the existing informal lot acts as a vista point which is easily accessible to those with mobility issues. The two new lots are located approximately a quarter mile inland of the existing informal lot and would require visitors to walk a greater distance along the gravel trails to reach the beach access points and blufftop vista points, which the Appellants believe impedes use by those with mobility issues. While the location of the existing informal lot does offer scenic views of the ocean and coastline, the lot itself is unmaintained and located right at the edge of the bluff where it is subject to coastal hazards. There is currently no formal vertical beach access and visitors regularly scramble down the bluff face to access the beach, which poses a safety hazard and a barrier to visitors who are not physically able to descend the informal paths, and also leads to bluff degradation. Similarly, the existing informal trails are in poor condition, with many eroded areas and standing water, and are not appropriate for year-round access, nor are they suitable for use by those with mobility issues. The new formalized California Coastal Trail segment would include ADA accessibility across most of the project area, and the two stairways (both north and south of the Wavecrest Arroyo) provide a much safer and accessible option to reach the beach as compared to existing conditions. Overall, the access and recreation opportunities provided as part of the approved project would provide access to a broader range of visitors (e.g., families, wheelchair users, etc.) than would be accessible in current conditions, thereby enhancing public recreational access opportunities, minimizing barriers to such opportunities, and appropriately addressing current bluff-area environmental degradation. Therefore, the above appeal contentions do not raise a substantial issue.

Next, the Appellants also contend that the existing conditions of Redondo Beach Road pose safety and accessibility issues to visitors. While it is true that the LCP identifies Redondo Beach Road as a rural road, and while it is also true that the road is fairly limited in width, it is important to note that Redondo Beach Road is already providing access for visitors that are currently using the informal parking area, trails and beach accessways. The approved project seeks to formalize existing informal recreational features with the same amount of parking available, and is not expected to result in a significant increase in road use. Therefore, this contention does not raise a substantial issue of LCP or Coastal Act consistency either.

Lastly, SMLE contends that no signage would be provided along Highway 1 or Redondo Beach Road as part of the project to inform the public of the improved access being provided. However, the City CDP actually includes a required condition of approval for the applicant to submit a comprehensive "Sign Program", subject to review by the Coastal Commission's Executive Director prior to approval by City staff. New signage would include coastal access and interpretive signage at the trailheads and various locations throughout the path system, and the Executive Director would be in a position to ensure that the project is appropriately signed. While it is true that the project as proposed does not include signage along Highway 1 or Redondo Beach Road themselves (as is also currently the case), this is because the Applicant does not own the land in the right-of-way along either route, but the approval of the sign program also allows the opportunity to work with the City and Caltrans to possibly add appropriate signage there too. In short, the required signage program adequately addresses issues, and this contention does not raise a substantial issue.

Thus, for all the reasons discussed above, the City's approval does not raise a substantial Coastal Act or LCP consistency issue related to public access.

2. Substantial Issue Conclusion

When considering a project that has been appealed to it, the Commission must first determine whether the local government's decision on the project raises a substantial issue of LCP or Coastal Act public access policy conformity, such that the Commission should assert jurisdiction over the CDP application 'de novo' (i.e., completely reviewing the project for LCP and Coastal Act consistency) 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, or Coastal Act public access, conformance. Section 13115(c) of the Commission regulations provides that the Commission may consider the following five factors when determining if a local action raises a significant issue: the degree of factual and legal support for the City's decision; the extent and scope of the development as approved or denied by the City; the significance of the coastal resources affected by the decision; the precedential value of the City's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. 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. In this case, the five factors, considered together, support a conclusion that the City's approval of a CDP for the proposed project does not raise a substantial issue of LCP conformance.

In terms of the degree of factual and legal support for the City's decision, the City considered all the required findings and included an analysis which discussed air quality modeling, a construction health risk assessment, a biological resources assessment, a cultural resources survey and an engineering geologic study completed as part of the CEQA analysis process. The City also properly concluded that the traffic impacts would be negligible due to the project's similar use pattern as compared to existing conditions. The City also conducted a proper analysis to assess coastal resources present and worked with the Applicant to minimize impacts to coastal resources as much as possible. This resulted in a project that balances public recreational access amenities

with the restoration and protection of coastal resources. Further, the City has required conditions of approval to account for potential coastal resource impacts. The result is a project which both improves coastal access and restores coastal resources within the subject site. In sum, there is adequate factual and legal support for the City's findings that the approved project protects coastal resources, thus the first factor does not weigh in favor of a finding of substantial issue.

With respect to extent and scope of the City-approved development and the significance of affected coastal resources, the 87-acre project area is situated above scenic coastal bluffs and encompasses improvements to a disturbed network of informal trails and a bare area near the bluff edge used for parking. The informal trails and parking area have resulted in significant erosion from poor drainage, lack of vegetation, and inappropriate use by visitors. The project would formalize and consolidate trails as part of the California Coastal Trail system, assuring measures are put in place, including vegetation restoration, to assure the new formalized amenities are better protected and more resilient to erosive forces. While the scope of the 87-acre area is not small, it would improve public access, and other coastal resources such as habitats, in the area, while reducing erosion within the project site and along the bluff edge by restoring the existing informal dirt trails and parking area. Thus, consideration of the second factor suggests a finding of no substantial issue.

In terms of potential precedential and prejudicial impact, 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 (and/or potential future applicants) might see the City's action here as precedential. However, the City's decision sets no particular precedent for LCP interpretation, as the project creates formalized coastal access and recreation opportunities, including connecting a section of the California Coastal Trail, that promote LCP directives to maximize and enhance access and achieve identified public access goals. Further, as the project will not result in any significant adverse coastal resource impacts, a finding of no substantial issue will not create an adverse precedent for future interpretation of the LCP.

Finally, public recreational access and bluff/landform protection are Coastal Act cornerstones, so in that sense the project raises important statewide issues. At the same time, these issues appear to have been appropriately addressed in this case, as discussed above, and this factor supports a no substantial issue determination.

As such and for the reasons stated above, the Commission finds that Appeal Number A-2-HMB-24-0008 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and the Commission declines to take jurisdiction over the CDP application for this project.

3. APPENDICES

A. Substantive File Documents⁶

- City of Half Moon Bay CDP PDP-16-032 File

B. Staff Contacts with Agencies and Groups

- City of Half Moon Bay Community Development Department
- Coastside Land Trust
- Sierra Club Loma Prieta Chapter

⁶ These documents are available for review from the Commission's North Central Coast District office.